

**Beaverhead-Deerlodge Working Group (BDWG)  
Meeting Record**

Butte Archives, 17 W Quartz St. Butte, MT  
Wednesday, October 3, 2018, 1:00-5:00 p.m.

**ATTENDANCE**

**Members:** Commissioner Dan Allhands, Madison County; Tony Colter, timber representative; Nick Gevock, Conservation/NGO representative; Nick Jose, timber representative; Karen Laitala, quiet recreation/weeds representative; Chris Marchion, citizen-at-large representative; Willy Peck, timber representative; Rick Sandru, grazing representative; Mark Thompson, motorized recreation representative; and Commissioner Wortman, Jefferson County

**Technical Advisors:** Jeanne Dawson, Alex Dunn, Betsy Herrmann, and Jeff Tomac, Beaverhead Deerlodge National Forest

**Visitors:** Glen Hockett, Gallatin Wildlife Association; Bryan Lorego, Montana Logging Association; Nancy Ostlie, Great Old Broads for Wilderness; Cindy Perdue-Dolan, U.S. Senator Steve Daines' Office; and Commissioner Dan Sager, Powell County

**Facilitators:** Ben Irely and Anna Wearn, National Forest Foundation

**MEETING OUTCOMES**

**Decisions**

- Commissioner Leonard Wartman will form a Butte Ranger District subcommittee to address urgent on-the-ground projects within the district such as removing downed trees on fence lines, roads, and trails. Nick Jose and Commissioner Allhands volunteered to join the subcommittee. Leonard will recruit other members (e.g. John Kountz) and organize an initial call.
- The group discussed pending legislation regarding Wilderness Study Areas. The consensus was that this is not the opportune moment to weigh in given that the group likely cannot accomplish much before Congress adjourns. Taking the issue on may lead to a long debate that could erode the group's cohesiveness for the sake of producing a comment letter that may not have any influence on the legislation. Therefore, BDWG will return to the issue if the areas are released.

**Action Items**

- Ben Irely - will circulate the PowerPoint Presentation on county payments that Chelsea McIver created for the MACo Forest Summit.
- Ben Irely - will contact the Regional Objection Coordinator, Cody Hutchinson, to pose the question that went unanswered during the Forest Service objection process discussion.
- Ben Irely - will ask Jordan Larson (Region 1 Forest Economist) for a report on how many jobs in recreation and timber BDNF supports. This was requested in response to the "BD Timber Accomplishment & Acres Treated" graphs.
- Jeanne Dawson - BDNF is accepting applications for individuals to serve on the Resource Advisory Committees. Jeanne Dawson will distribute a notice to the group regarding the position, along with the announcement calling for RAC project proposals.
- Ben Irely - Glen Hackett expressed interest in joining the group as a member. Ben will share the protocols for adding new members with him.
- Nick Gevock - will contact Frank van Manen at USFWS, who recently authored a paper on grizzly population objectives, to see if he would be willing to come educate the group about the issue.

**Bin Items**

- Future meeting topics - Pintler Wilderness chainsaw letter, need FS to explain why it was denied; Mark Finney on fire history; presentation by USFS on implementation of the Selway Project; Community Wildfire Protection Plans on BDNF; state of timber industry economics by Sun Mnt. Lumber; an update on the livestock industry and the BDNF
- Members should be on the lookout for opportunities to comment on and support projects when they're open for objections (upcoming: Pintler Face, Greenhorn, Red Rocks)
- At an upcoming meeting, the group will revisit the question of whether or not they would like to have a presentation on grazing allotments, sheep population in the Gravellys, and disease transmission between wild and domesticated sheep.

## MEETING RECORD

### 1. Announcements, updates, and upcoming events

- Upcoming events:
  - Region 1 is holding a partner feedback back session on the Forest Productions Modernization effort next Thurs, Oct. 11th. Contact Ben if you would like the call-in info.
  - Bryan Lorengo is taking high school students on a field trip Oct 23-24<sup>th</sup> to visit an active timber sale and mill. He will discuss local jobs and the importance of active forest management.
  - American Forest Resource Council is having a joint meeting with the Custer - Gallatin Working Group in the Butte Forest Service office on Nov. 8th. Contact Ben for more info.
  - Montana Forest Collaborative Network is holding their third annual [workshop](#) on Nov. 14-15th in Kalispell.
  - Montana Resources is holding a public scoping meeting from 5-8 p.m. tomorrow on an Environmental Impact Statement (EIS) conducted in partnership with the Montana Department of Environmental Quality on Yankee Doodle Tailings Pond expansion
- Announcements:
  - The Powell County Weed Board secured a \$12,000 agreement with the Pintler Ranger District Office to remove invasives in a logging area. They received another \$5,000 from the Rocky Mountain Elk Foundation to do aerial sprays on Forest Service land and to reimburse adjacent landowners who completed ground cleanup weed work.
- Other updates:
  - Brian Ohs is transitioning into another job and needs to resign from the group, effective immediately.
  - Field trip report:
    - The last meeting was a field trip to look the Boulder Lowlands project area. The project was a salvage of dead lodgepole pine, much of which has been implemented. The project area also has the first Good Neighbor Authority project in the state. The project has been partially completed. The sale was a Categorical Exclusion.
    - Discussion: Another issue with downed timber is that it has knocked down many fences. The permittees are responsible for removing those trees. The BDNF needs to clear roads, trails, and fencelines as soon as possible.
    - Discussion: It would be helpful to have a synopsis of what worked well and what did not work well on this project.
  - The Helena – Lewis and Clark National Forest prevailed on the litigation regarding the Telegraph Creek project after the sale was delayed by a year.

- Commissioner Leonard Wortman discussed the role of recreation in the Red Rocks project (e.g. proposing to close the roads). He expressed the desire to have local people involved in those decisions.
- Peter Nelson, former member of the BDWG, shared with Ben how the Forest Service's objection process works. The regulations differ between project level and planning level objections. At the project level, responsible official will notify those who participated in scoping or provided specific written comments regarding the proposed project or activity during the comment period. All who participated or commented are eligible to participate in the objection process. On the planning level, interested persons file a request to participate in an objection process.
  - Discussion: Must a party object to be allowed to participate in the objection meeting?
    - Those who submitted an objection during scoping receive preference in voicing their concerns if time is running out at the objection resolution meeting. Objectors have different standing than other objection meeting attendees.
    - Some uncertainties exist about the objections process because it is new. It has recently replaced the appeals process that took place after the decision was finalized. The hope is that this will avoid litigation by incorporating concerns into the decision-making process before the decision is finalized. The line officer issues a draft decision and the regional office oversees the objections process.
    - What if the Forest Service appeases the objectors by making a change that then creates a concern from someone else who did not originally object?
    - Ben Irely will contact the Regional Objection Coordinator, Cody Hutchinson, to pose these questions.
- Upcoming environmental analysis on the BDNF in which BDWG would like to at least attend the objection meeting (if not participate): Red Rocks vegetation project (this fall/winter), Pintler Face (winter), Green Horn vegetation project (Spring 2019), and Little Hogback fire salvage (started September 21, runs for 45 days).
- During the July meeting BDWG members proposed asking rangers to attend future BDWG meetings to discuss priority projects. Rangers are unable to pull such presentations together, given the Forest's longer term project prioritization process.
  - Notes from Steering Committee call on the idea:
    - Beaverhead-Deerlodge National Forest (BDNF) is conducting a meta-analysis of their project planning process and assessing how they could best collaborate with stakeholders.
    - The opportune time for BDNF to engage with BDWG would be after the rangers have completed a spatial analysis of the landscape and identified sites in their districts where selection criteria (slope, accessibility, roads/roadless areas, etc.) overlap. The rangers will then discuss the outcomes of this spatial analysis with their staff. The districts will then be ready to share their priorities with collaboratives.
    - Projects can be initiated by the ranger district, collaborative groups, the timber shop, etc.
- Proposed idea regarding BDNF projects: BDWG members could form subcommittees by ranger district to address pressing issues. Non-BDWG members within the district could participate. The BDWG as a whole could use their combined influence to advocate for the project. This would allow BDWG to be proactive in development at the project level and incorporate diverse input.

- Discussion: Do we have enough resources and interest to set up these subcommittees? Yes, in Jefferson County, but perhaps not in other districts.
  - Proposed alternative idea: If a county identifies a project, they could form a sub-group. They could then bring the ideas to the BDWG meeting and the group could assist them to implement it.
  - Commissioner Leonard Wortman proposes a Jefferson County subcommittee. He volunteers to lead it, recruit non-BDWG stakeholders, and schedule a call. Their priority issue will be removing dead timber from roads, trails, and fences. Commissioner Allhands and Nick Jose volunteered to join the Jefferson County Subcommittee. They will also invite John Kountz.
    - Discussion: It is important to consider how proposed projects align with Forest Service targets. Targets include volume sold, acres of fuel treated, miles of road decommissioned, and acres of watershed restored. Achieving targets is important for receiving funds for the following year. However, recreation and grazing are also impacted by hazardous downed trees, yet they are not ranked as targets.
- Presentation on county payments: Chelsea McGiver presented information on county payments at the MACo Forest Summit. Ben will circulate that presentation.
- Forest Service's Forest Products Modernization effort
  - Forest Service is assessing how they can reform their whole timber program (selling timber, getting trees to the mill, etc). The Washington office asked National Forest Foundation to assist in partner engagement.
  - The first national partner feedback session took place on September 11<sup>th</sup>. Partner feedback suggested that contracts are much too long and complicated. In response, the Forest Service is taking the following actions:
    - Assessing how to simplify contracts.
    - Conducting training to make the appraisal process and mid-sale administration more efficient.
    - Exploring weight scaling to sell timber by the ton, as an alternative to measuring in board feet.
    - Providing opportunities for the Forest Service to ride with operators to see how private industry works in the field.
    - Exploring the idea of using technology to establish virtual operation boundaries instead of physically marking boundaries.
  - The Region 1 partner feedback session is next Thursday. You can participate online or in person. Reach out to Ben Irey if you are interested.
  - Discussion: What prompted the initiative? Internally, the Forest Service found that they were not able to implement projects in a timely manner across multiple regions. The agency sought to identify and overcome shared challenges.

## 2. Congressional Updates (Cindy Perdue-Dolan)

- Congress is still working on Farm Bill negotiations.
- Senator Daines introduced S.2160, the Protect Collaboration for Healthier Forests Act. The bill would establish a pilot program under which the Chief of the Forest Service could use alternative dispute resolution in lieu of judicial review for certain projects. This reform is in response to the fact that 28 timber sales in Montana are under litigation, and 21 are enjoined and preventing sales on 17,000 acres. The legislation has support from the Western Wood Products Association, the Rocky Mountain Elk Foundation, the Boone & Crocket Club, the Idaho Forest Group, the American Forest Research Council, and the Montana logging association, among others.

- The Land & Water Conservation Fund expired on September 30<sup>th</sup>. Senator Daines continues to work on getting bipartisan support to authorize permanent funding.
- Other relevant legislation that is under consideration: The Clean Water for Rural Communities Act (S.685), the Restore Our Parks Act (S.3172), and the Yellowstone Gateway Protection Act (S.941), which withdraws 30,000 acres from the Custer Gallatin National Forest from mineral development.

### 3. Beavehead-Deerlodge National Forest (BDNF) Updates (Alex Dunn)

- NEPA projects:
  - The Little Hogback fire salvage project has now entered the objection process. The process began Sept 21<sup>st</sup> and lasts for 45 days. There will also be an opportunity to comment on the draft Environmental Assessment.
  - Pintler Face & Red Rock will be issued for objection shortly (perhaps in November).
  - What is the status of the no sale bids? The Regional Office is determining why bids were not received and will be getting input from industry.
  - BDNF published a [NOI to prepare an EIS](#) on Strawberry to Cascade Allotment Management Plans. The project would revise sheep grazing allotments in the Gravelly Mountain Range. Scoping comments are due October 15<sup>th</sup>. The group decided not to comment during this period, but would revisit the issue once the draft environmental impact statement is released.
    - Glen Hackett, with the Gallatin Wildlife Association (public comment): I have been working on this issue. It is problematic for bighorn sheep and domestic sheep to graze in the same area because of disease transmission. The National Forests next to these allotments appear to be unsuitable for bighorn sheep when domestic sheep are on the allotments. The current population is not viable. An effective breeding population is 10% of what you count so there should be a count of 50-200 and only 41 were counted. Montana Fish, Wildlife & Parks (MFWP) has proposed a hunt in this area.
  - Fleecer Logging Litigation: During the September 11<sup>th</sup> oral hearing before Judge Christensen, the Department of Justice argued that the injunction should be lifted because the Forest Service followed the court's 2013 order. The court was fully briefed in June but the judge requested an oral hearing this fall. Environmental groups (Alliance for the Wild Rockies and Native Ecosystems Council) had argued that the project would threaten wildlife. Forest Service updated the species list and supplemented the EIS for the forest plan in regards to the temporary roads.
  - BDNF signed the roadside hazard tree decision.

### 4. Wilderness Study Areas (WSAs)

- BDNF recently [posted](#) documents from historic studies of the West Pioneer and Sapphire WSAs (the two on the BDNF).
  - Discussion Question 1: How does BDNF currently manage each area?
    - The Montana Wilderness Study Act (MWSA) stipulates that the agencies must maintain the wilderness character of the study area as it existed when the legislation was passed in 1977.
    - When the WSAs were defined, some portion were in the timber base. The legislation allowed for the Forest Service to manage the timber, not change the roadless characteristics (temporary roads are permitted). There is no longer suitable timber base in WSAs on the BDNF.
    - West Pioneer is a discrete management area. Summer motorized travel is only allowed in some portions, consistent with conditions in 1977. Winter motorized travel is allowed throughout the area.

- Part of the Sapphire WSA is on the Bitterroot National Forest, which took a different stance by closing their portion of the Sapphire WSA to winter motorized recreation. This essentially manages Sapphire as if it has been designated as wilderness. Bitterroot National Forest tried to quantify snowmobile use occurring in 1977 (to maintain the same level), but they were unsuccessful. Additionally, the agency lost a lawsuit regarding its permitted grooming in another WSA. This case was settled and probably had an effect on the Bitterroot National Forest's decision.
    - It is important to note that not all of the management challenges have to do with the wilderness characteristics. Concern for wolverine habitat was also a factor.
  - Discussion Question 2: Is it a challenge for BDNF to manage WSAs, given their "limbo" status?
    - The fact that a portion of the Sapphires is managed differently is a challenge for the public.
    - The limbo status can lead to litigation. In the late 90s, Montana Wilderness Association alleged that certain development improvements (e.g. working on ATV trails) did not comply the statutory obligation to maintain the wilderness character of the WSAs.
  - Discussion Question 3: How would the status of these lands change if they were released from their WSA status?
    - It depends on the exact language of the legislation. If the bill solely repealed the MWSA, then BDNF would revert to what is in the forest plan and other standards that apply, like the Roadless Area Conservation Rule. For the large part of the area that is roadless, BDNF would not have to change the forest plan. If there had a trail system capable for motorized activity, it would have been used in 1977 and the area would have been precluded from WSA.
    - Moreover, BDNF doesn't have sufficient resources to manage the current road system, let alone additional motorized travel.
    - Overall, the only real change would be reexamining the timber base.
    - On the other hand, if the bill was very prescriptive, and replaced other standards, then there could be bigger changes in management.
  - Discussion Question 4: Does BDWG want to take any action?
    - BDWG has previously submitted a letter encouraging more public involvement in the pending legislation.
    - Potential actions the group could consider: a) participate in outreach to get more people to comment, b) recommend what areas could be released, or c) take no action as a group.
    - This issue may be too controversial and divisive for the group to engage in and may jeopardize the cohesiveness that has built over time. Taking the issue on may lead to long debates for the sake of producing a comment letter that may not have any influence on the legislation.
    - Decision: This is not the opportune moment to weigh in, as we likely cannot accomplish much before Congress adjourns. BDWG will return to the issue if the areas are released.