

Minnesota Forest Resources Council
Meeting Minutes
Forest History Center – Grand Rapids
September 21, 2005

Council Members Present: Bob Stine (Acting Chair), Wayne Brandt, Brad Moore (alternate for Mike Carroll), Jan Green, Shaun Hamilton, Dave Parent, Kathleen Preece, Bruce Cox, Kathy Manteuffel, Shawn Perich, Jim Sanders, Clarence Johnson (alternate for Dick Walsh), Bob Oswald, Bob Lintelman, Tom Duffus (alternate for Paige Winebarger)

Absent: Al Sullivan, John Stauber

Guests: Clair Nelson – Lake County Commissioner, Matt Radzak – St. Louis County, Josh Davis – Minnesota Sierra Club, Terry Weber – MN Forest Resources Partnership, Daryl Pridgen – Forest Service, John Green – citizen, Al Mitton – citizen, Ted Young – citizen, Nancy McReady – Conservationists with Common Sense, Dave Heikkila – citizen, Lee Mattfield – citizen, Sarah Strommen – Friends of the Boundary Waters Wilderness, Dick Powell - citizen

Staff: Dave Zumeta, Mike Phillips, Jenna Fletcher, Clarence Turner, Cynthia Osmundson

Chair's Remarks

Bob Stine reported that Al Sullivan sent the Governor the MFRC-approved resolution proposing creation of a task force to evaluate the competitiveness of several secondary sectors within the forest products industry. Brad Moore reported that Dave Epperly will serve as the Division of Forestry Director, beginning November 1st. In this new capacity, Dave will serve on the MFRC as the representative for the DNR. Finally, Bob reported that the College of Natural Resources is merging with the College of Agricultural, Food and Environmental Sciences at the University of Minnesota. Task forces composed of both internal and external stakeholders are being formed to advise on the details of the merger by December 10th.

Public Input/Communications to the Minnesota Forest Resources Council

None

Approval of July 27, 2005 Meeting Minutes*

Wayne Brandt moved to approve the July 27th meeting minutes. Jan Green seconded. The motion to approve the minutes was unanimous.

Approval of Sept 21, 2005 Meeting Agenda*

Wayne Brandt moved to approve the September 21st meeting agenda, and Dave Parent seconded. The motion carried.

Executive Director Report

Dave Zumeta reported that Cynthia Osmundson joined MFRC on September 14th as the new Landscape Planning Manager. Cynthia will be working out of the Cloquet Forestry Center. Dave Miller has been retained on a part-time, temporary appointment through November to help ensure a smooth transition, and Lindberg Ekola has been retained on a part-time, temporary appointment to mentor Cynthia through late October.

Minnesota Environmental Initiative is holding a forum Tuesday October 4th that will focus on large-scale forest conservation. MFRC members will receive notice of the forum.

Dave thanked Dick Walsh, Wayne Brandt and Clarence Johnson for their contributions to a successful logging tour on the second day of the July meeting.

Jan Green announced the October 11th public meeting for DNR's forest certification evaluation.

Dave Zumeta said that a LCMR tour will be held September 29th and 30th to educate legislators about forestry topics. Dave will be providing an overview of MFRC programs during the tour.

MFRC Committee Reports

Personnel and Finance

Dave Zumeta (in lieu of Chair Sullivan) reported that the Personnel and Finance Committee will meet on September 23rd. The committee will be asked to approve MFRC's budget allocation and workplan, and will discuss hiring a quarter-time Information Specialist to assist in administrative tasks in the main office.

Site Level

Dave Parent (Chair) handed out an update and minutes from the September 14th meeting of the Site Level Committee. The 2005 on-site monitoring of 89 sites is now complete, and 4,000 copies of the revised *Voluntary Site-Level Forest Management Guidelines* have been printed and are now being distributed. The project to develop biomass guidelines is moving forward with the selection of Dick Rossman to lead the effort. A timeline for the project has been developed.

Landscape Planning/Coordination

Bob Stine (Chair) reported that the Landscape Planning/Coordination committee has not met since the last MFRC meeting.

Forest Resources Information Management

Jan Green (Chair) reported that the Information Management Committee will be meeting on September 26th.

Written Communications to the MFRC

Dave Zumeta referred to three letters received from:

- 1) West Central Landscape subcommittee– letter dated September 16 expresses concerns about delays in landscape plan coordination work due to budget uncertainty and the delay in hiring a replacement for Dave Miller.
- 2) Dan Vertina – letter dated September 15th expresses his position vis-à-vis roadless areas. The letter writer does not want any further restrictions of use in State forests.
- 3) Sheri Vertina - letter dated September 15th expresses her desire for continuing usage of forests by snowmobilers and ATVs, and for continuing access to logging which helps retain employment in the northland.

Committee of the Whole: Proposed Resolution Regarding Advice to Governor Re: Roadless Rule

Bob Stine facilitated this committee of the whole discussion that began with MFRC members commenting or asking questions. Shawn Perich asked if the Governor will utilize additional information beyond what MFRC provides. Dave Zumeta responded that it is not clear what additional information the Governor may use, but we are aware of a request from three counties and an Indian tribe to meet with the Governor. Jan Green asked if the MFRC will be sending more than just our formal Resolution to the Governor. Bob answered that the MFRC must decide this. Brad Moore asked: if and when the Governor petitions, does the state have the option to petition regarding one Inventoried Roadless Area (IRA), some IRAs, or all of the IRAs? Jim answered that the Governor may petition for any number of IRAs.

Next, Bob Stine walked through materials drafted by staff that included a decision tree, a table showing how other states are responding to the Roadless Area rule, a pros and cons analysis, and recent news developments.

Jim reiterated key points about the 2005 Roadless Rule from the last meeting. This new rule replaces the 2001 Clinton Roadless rule that specified management options applicable to all “inventoried roadless areas” identified across the nation. This new rule does not specify an allocation; instead it lays out a process for revising land management allocations within national forest plans. The 2005 Roadless Rule applies to only 32 areas within the Superior and Chippewa National Forest. Jim also reminded the MFRC that the petition process is iterative; the Secretary of Agriculture and the National Advisory Committee may interact with the Governors of petitioning states to understand their petitions during the 180-day timeframe. If the Secretary accepts the petition, then the Secretary of Agriculture will ask Governor Pawlenty to identify a “cooperating agency” to assist in the federal rule-making process for the state. The rule-making process will include required activities under NEPA (probably an Environmental Impact Statement and public involvement).

Wayne asked - If the Governor chooses to petition, and it is accepted by the Secretary of Agriculture, then does the state rule-making change the forest management plan amendment process? Jim Sanders answered that if there were a subsequent need to change the Superior National Plan, it would fall under the provisions of the new rule-making process, which is likely to be more difficult to revise than under the traditional forest planning process.

Jan Green asked if management plan allocations are revised through this process, then do those management allocations “freeze” and thereafter can be only changed again through another Federal Rule? Jim answered that the current management allocations were made through the forest planning process, and can be changed through another forest planning process, including a plan amendment. Jim answered that a plan amendment can be site-specific, or do a broader amendment to change a large area’s amendment, and biggest is a revision of the whole plan. The scale of the amendment determines its process.

Jim noted that the MFRC will need to be cautious to not violate the Federal Advisory Committee Act (FACA). This Watergate-era law regulates the way Federal officials obtain advice. In this situation, MFRC cannot give advice directly to a Federal agency. Therefore, MFRC would not be able to direct the Forest Service to do a plan amendment. However, the Governor could give advice to the Forest Service under FACA.

Bob Stine then walked through a staff-prepared draft of pros and cons analysis. Bruce Cox asked if this petitioning process provides a unique opportunity to have input on management. Jim replied that the process is fundamentally the same as for management planning.

Discussion ensued about whether local units of government and tribes get a higher priority level of consideration in the Rule for input on how IRAs should be allocated. Bob Lintelman (representing Minnesota Indian Affairs Council) relayed tribes’ concern that they want a government-to-government relationship for this decision. Jim Sanders said there are three agreements with tribes that formalize the government-to-government relationship with the Forest Service. The tribes wish to communicate to the Governor directly, and tribes have requested a meeting with the Governor. However, tribes prefer to communicate at the local level. Norm Deschamps, Grand Portage Tribal Council Chair, also has expressed concerns to Bob Lintelman about protection of treaty rights. Jim Sanders clarified that this Roadless Rule does not affect tribes’ treaty rights with the Federal Government, since treaty rights supercede this rule. Shawn Perich pointed out that the concern might stem from tribes’ ability to gain access to forestlands to exercise their treaty rights.

Shawn Perich proposed an additional “pro”: petitioning to allow ATV/OHV access to the Cucumber Lake IRA could result in returning the management allocation back to it’s status before the recently completed Superior National Forest plan.

Bob Stine then walked through the staff-prepared document outlining the Process and Estimated Costs of State Rule-Making. Dave Parent asserted that the cost of petitioning is not relevant to MFRC’s decision. Instead,

allocation of resources is the Governor's decision. Therefore, he feels that our advice should be based only on the question of what supports sustainable forest management. Jim responded that he believes we should include cost information so that the Governor knows the range, because Federal processes are often more onerous and time consuming than state processes. Jan Green added that there is an opportunity cost of the forestry staffs' time. Brad Moore asked if the two national forests in Minnesota would receive additional budget to cover the costs associated with a petition. Jim clarified that the current budget and staff probably would need to cover the costs.

Wayne Brandt noted that the crux of the decision for MFRC is whether, individually and collectively, we believe there is a pressing need to alter the current management allocations in the Superior and Chippewa National Plans.

Bob Oswald expressed concern that if our advice to the Governor required that we make a recommendation for several IRAs, MFRC would need 15 more meetings. Jan responded that the energy seems to focus on Cucumber Lake IRA so far. However, she reviewed the list of IRAs and would add additional IRAs for which we may want to suggest a revised management allocation. Looking at the list of IRAs, she sees the need to balance recreation opportunities. For example, the Superior National Forest is ranked the 8th most used national forest in the U.S. for recreation, but this is not just for recreation in the BWCAW. Within the Superior National Forest (but outside the BWCAW), 0.50% of IRAs have been allocated for semi-primitive motorized recreation, but only 0.03% has been allocated for semi-primitive non-motorized recreation.

PUBLIC INPUT

Dick Powell - Cook County citizen. At age 63, feels there needs to be accommodation for older folks. He feels that the Forest Service involvement of local citizens in the Vegetable Lakes change was a "miserable failure." Local control should determine where citizens can and cannot go. He cited that the DNR could not find damage from four-wheelers in Cook County and none near Cucumber Lake. He wants Vegetable Lakes open to every user including motorized vehicles.

Sarah Strommen – Friends of the Boundary Waters Wilderness. Passed out a letter written by Sierra Club, Audubon, Minnesota Center for Environmental Advocacy and Friends of the Boundary Waters Wilderness. The letter says that these groups feel that money would be better spent on projects that will have known results on the ground instead of this petitioning process. Sarah highlighted two issues about the Roadless Rule:

- 1) The process requires significant investment in order to petition and in the possible resulting rule-making which would come from existing Federal and state allocations, and
- 2) The outcome is uncertain since it rests with the National Advisory Committee.

She said that several western Governors have expressed these same concerns. Finally, she noted that there is a legal challenge to the Roadless Rule, adding more uncertainty, and filing a petition may put Minnesota in the middle of a legal challenge. In summary, the Friends of the Boundary Waters Wilderness does not believe this petitioning process has merit.

Ted Young – Cook County citizen. Ted pointed out that the "Cucumber Lake IRA", as named by the Forest Service, is called the Vegetable Chain by local residents. He expressed concern that the Cucumber Lake IRA will become a de facto wilderness area, which will then be destroyed by overuse by large outfitter-led groups ...so NOT protecting it's remoteness. Ted urges the MFRC to recommend a petition in order to return Vegetable Lakes to being "left alone."

Nancy McReady – President of Conservationists with Common Sense. Nancy agrees with President Bush's overthrow of the Clinton Roadless Rule. She is concerned that IRAs will eventually become wilderness areas. Nancy feels that for the health of forests, i.e., to ensure against fire or insect infestation, continued access is necessary. Nancy also described a project that the late Senator Wellstone proposed -- a snowmobile route

between Ely and Bucyk in the Big Lake area – that would require motorized access. Nancy urges the MFRC to take all things into consideration in order to ensure the health of our forest.

Josh Davis – Sierra Club. Josh told the MFRC that the Sierra Club views this petition process as duplicative and unnecessary. The Forest Service just completed an 8-year process that was the most inclusive of the public of any National Forest Planning process in the Great Lakes area. Sierra Club does not see a pressing need to change the national forest management allocations. This rule was not made for Minnesota, rather it fits better for those states where forest planning is politically based, not science based like the Superior National Forest Plan. Josh argues that the Superior and Chippewa forest plans struck a balance between various interests. For example, Forest Service designated 99.7% of the forest as management areas that allow motorized access, and is planning to build 90 miles of new ATV trails and 120 miles of snowmobile trails over the next 10 years. For those users who wish to a quiet visit to the Superior National Forest, there are “two and ½ places” where one is certain to not hear motors without having to get a permit.

Letter from Cook County ATV Club – The letter encourages MFRC to recommend that the Governor should proceed with the petition process, or in lieu of that recommendation, decline to give advice and defer to the local units of government. Specifically, if we advise the Governor to petition, we should ask him to reverse the decision in the Superior National Plan for the *semi-primitive non-motorized* area known as the “Cucumber Unit” (sic) in the Vegetable Lake area of Cook County. The letter also states support for the review of the Big Lake and Suomi Hills areas in the Chippewa National Forest. The ATV club writes that federal funding is available to allay some of the financial concerns raised by the Friends of the Boundary Waters. They believe enough areas are already closed to roads and motorized traffic. In addition, the ATV club expresses concern about the health of the forest and wildlife. Existing forest roads help in fighting wildfires, as evidenced by the Alpine Lake fire near Lake Saganaga. Finally, the ATV club believes that not reviewing the Roadless Areas in the Superior National Forest could negatively impact the local economy through reduced visitors who are ATV users.

MFRC members then posed questions to those who provided public input.

Brad Moore noted that he saw significant roads during his visit to the Cucumber Lake IRA, and asked Jim Sanders if the intent is to remove those roads. Jim responded that everyone needs to be careful to separate the IRA from the larger area designated *semi-primitive non-motorized*. The roads Brad saw are not in the actual Cucumber Lake IRA. The roads cited by Shawn Perich and Ted Young are east of the IRA and in the larger *semi-primitive non-motorized* area called Vegetable Chain. The Forest Service needs to decide whether the roads in the larger *semi-primitive non-motorized* area will be closed, or if their existence warrants a site-specific amendment. Jim added that within this management allocation, ½ mile of road is allowed in a 1,000-acre area.

Shawn Perich commented that the local citizens are looking at the Roadless Rule petition as a way to rectify the Vegetable Lakes situation, but without truly understanding that the Roadless Rule doesn’t address the management allocation of *semi-primitive non-motorized* for the larger area, of which the Cucumber Lake Unit IRA is only a portion.

Bob Stine cautioned that if a petition occurred, and the management allocation is changed for the IRA but not for the larger *semi-primitive non-motorized* area, it could lead to a perverse solution that is almost opposite to what is desired.

Jan Green pointed out that within the Superior National Forest there are 1,400 miles allocated for ATV access, and 475 miles of hiking trails. She feels that the Forest Service has paid little attention to recreation needs that fall between the spectrum of trails and non-motorized.

Bruce Cox asked Nancy McReady for more information on Big Lake. Nancy met with a Forest Service district ranger who said that Big Lake would become semi-primitive. Nancy cited an idea from former Senator Wellstone to create a snowmobile trail, and the allocation of Big Lake to semi-primitive would preclude this trail option.

Committee of the Whole:

Bob Stine again opened the discussion to MFRC members. Wayne Brandt sought to clarify: if MFRC recommends a petition to change the designation of the Cucumber Lake IRA, would it fix the access issue described by Shawn and others? It is not clear that petitioning solves that problem, or even if a plan amendment would solve the problem. Jim Sanders agreed to send maps of the Cucumber Lake IRA to MFRC members prior to the next MFRC meeting.

Shawn Perich handed out information about the Vegetable Lakes area. He noted that he recently walked 30-40 minutes on a winter road off Forest Road 313I that under the new allocation would be closed to motorized traffic. Jim pointed out that the Cucumber Lake IRA is nested within a larger unit for which the management allocation is *semi-primitive non-motorized*. It is important to realize that the Roadless Rule applies only to the smaller IRA. When asked if this and other winter roads that spider off Forest Road 313I would be accessible if the management allocation for the Cucumber Lake IRA was changed, Jim responded that no, the roads within the larger area would be closed to motorized ATV use because of the management allocation of *semi-primitive non-motorized*.

Jan Green reiterated that this is a recreational issue. She said that the ATV folks have a strong argument that they don't have a trail network, they have pieces of roads. Jan points out that the same is true for hiking trails, and true for the access routes to stocked lakes. Recognizing this recreational aspect of IRAs, she feels that additional IRAs such as Mitt Lake would provide excellent recreational options.

Bob Stine observed a common thread during much of the public input -- the petition process may not be the most efficient way to address the concerns.

Shawn Perich noted that an undercurrent of the concerns in the Vegetable Lakes area stems from a document published by the Friends of the Boundary Waters Wilderness in 2003. In that document, the Vegetable Lakes area is one of several areas identified for potential wilderness status, which created a flashpoint for local citizens who fear it will become wilderness within the next 10 years.

Jan Green wonders why this question related to Vegetable Lakes should go to the Governor, since it simply pulls in everyone into the same debate all over again.

Wayne Brandt responded that the Governor is stuck with the Roadless Rule decision regardless, and MFRC can provide a reasonably cohesive point-of-view on it, to which action alerts from both sides can be useful in informing the Governor further.

Shaun Hamilton remarked that this discussion has made clearer to him that the Roadless Rule is a limited scope action which doesn't address local access or the recreational issue, so doesn't provide enough context to be meaningful.

Clarence Johnson noted that loggers dislike the term "roadless areas" because it limits economic development and logging. But after today's discussion, he remarked that it doesn't sound like there is opportunity to change things to positive effect for loggers.

Bob Stine remarked that it seems that maps of the Cucumber Lake IRA will be important before the MFRC can vote. Jim Sanders again agreed to provide maps and photos to show the transportation system to all MFRC members.

Jan Green commented that she personally doesn't want to see the petition process happen, but if it does, it should be a balanced process looking at both motorized access and creation of more non-motorized areas. Jan has identified eight potential current motorized IRAs that she feels should be considered for non-motorized recreation.

Wayne Brandt observed that the Council seems to not have a strong sentiment to advise the Governor to petition. Where there is sentiment to petition, he feels that in order to address the recreational access issue, MFRC would need to include Jan Green's IRAs for balance. This may suggest that two or three resolutions should be written for the vote during the November meeting. This would allow for a straight up and down vote.

Public Communications to the MFRC

None.

MFRC Member Comments

Jim Sanders announced that a research study is underway to look at ATV trail access in Cook County. Also, Jim cited a letter from John Fedkiw that is complimentary of MFRC's work and asked staff to forward a copy of the letter to MFRC members. Finally, Jim commented that the Forest Service is still concerned about blowdown, so is currently in the process of burning and is moving rapidly to deal with remaining blowdown acres.

Shawn Perich thanked Jim Sanders for fielding all of MFRC's questions during this meeting. Shawn was also pleased by the number and diversity of the public that provided input.

Jan Green noted that during the logging tour in Hubbard County in July, she was surprised at the volume of spotted knapweed. Jim Sanders noted that a recent inventory on the Superior National Forest shows that 3,000 acres need treatment for spotted knapweed. Jim feels Minnesota can "get in front of" this invasive plant and others. To do so, Jim Sanders is working with the State and Private Forestry division of the Forest Service. Also, it was noted that Landscape Coordination committees could tackle this issue too.

Future Agenda items

The Roadless Area advice will again be a key topic of the November MFRC meeting. At that meeting, there will be more time for public comment, and then MFRC will vote on a resolution.

The topic of wood biomass energy will also be on the November agenda. Jan Green pointed out that there is more to the wood biomass energy topic than just creation of guidelines. It is also about the availability of sufficient biomass for all the Minnesota projects proposed now and in the future.

Tentative MFRC meeting dates in 2006 are: January 18, March 15, May 17, July 19-20, September 20 and November 29.

Wayne Brandt moved to adjourn the meeting, Jim Sanders seconded. The motion passed unanimously.

NOTE: An audiotape recording, unsynthesized meeting notes, and the documents handed out during the meeting are all available upon request.