

## **MWPA Resource Committee**

**December 11, 2013**

**Present:** Gordy Sanders, Scott Kuehn, Gary Marks, Steve Flynn, Mark Boardman, Jim Krantz, Keith Olson, Steve Marks, Bryan Lorengo, Brian Sugden

**Guests:** Allan Cox and Bryce Maxwell – State Library/Natural Heritage Program, Tom Martin and Gene DeGayner – USFS Region One, Bob Harrington – State Forester, Sonya Germann – Forest Management Bureau Chief. Rich Lane and Pat Tagman – Willis Enterprises

**Notes:** Julia Altemus

**Chairman's Welcome:** Gordy Sanders

### **Anti-Trust Statement**

#### **State Issues:**

Bob Harrington, 10-Mile Stewardship Agreement, first pilot is the Flume project 800 acres with a mixture of commercial and non-commercial. This is a municipal watershed. Have a long way to go, need to learn how to speak stewardship contracting. The City of Helena is raising money for treatments in the area, but is not part of this Agreement, but will have a seat at the table. What Helena is doing is similar to other cities around the country. Governor Bullock met with Secretary Vilsak yesterday to talk about management of federal lands. NEPA done is done and has gone through the objection process, a NOI has been filed. Anticipates the project will be successful and allows them to move to bigger projects with more commercial products come out in high priority landscapes. Gene said the 5<sup>th</sup> largest timber buyer is the National Turkey Federation. The Turkey Federation does all the work and contracts out the logging and rarely get litigated. Gene said CEQ is engaged with the R1 to see if they can use the same expedited NEPA process such as used on the Rim fire in order to capture value in the stands. **New Southwest Land Office Area Manager** is Mike O'Herron, He starts December 30, 2013. The **southeast proposal** is still in the works. Looking to fund out of the fire suppression fund.

Sonya Germann, **HCP litigation** has not really moved since our June meeting. There have been 10 motions to extend the time line mostly to review the administrative record. Looking going to make oral argument in April. Right now the attorney's are filing a joint proposal for new dates. **SYC** is broken up into two phases. Phase I is inventory. 5,000 plots on state lands. Just received the bids back and will be selecting soon. Plot work summer of 2014. Deadline is October 1<sup>st</sup> to have all the data collected. In the process of putting an RFP out for phase II which is the actual data calculation. Not undergoing any big MEPA calculation because it was already done under the HCP. Some of the funds were a dip into the FI funds and some of the work scheduled for this year will not get done. **Asbestos**, the state agreed to let

Stoltze out the agreement because of the asbestos due to extreme changes in the condition of the sale. McGinnis is being proposed to the land Board as a replacement sale at the same price as the Flower timber sale.

**State Natural Heritage Program Update** - Allan Cox and Bryce Maxwell, overview of the program and funding issues. In order to continue their present staffing and work product they will need some additional funding. Federal sequestration has hit agency budgets that they really upon to supplement the budget they receive from state appropriations. With dwindling federal agency dollars, less funds are available to produce a work product for these agencies.

**State Nutrients Standards** – Brian Sugden, DEQ has their set of standards for total nitrogen and total phosphorous for various regions. Brian thinks for most of northwest Montana streams will meet the standard. If the numbers are exceeded but the aquatic environment looks good, there is some flexibility in the system. Taking the proposed standards to the Board of Environmental Review on January 21 and then back again at the BER March meeting, then formal notice of rules making. Sometime the middle of next year the standards will be adopted. Standards only apply during the growing season, July – September. DEQ collects about a dozen samples over two years. Over the standards triggers an impaired stream designation and on the trajectory for a TMDL and then the stream must come into compliance. After a few years, DEQ would come back in and do more sampling. Pretty close tie between sediment and phosphorous. This could affect the point source issue and permitting with roads. Lakes may be added into the table, but lake standards include chlorophyll A, lake transparency, nitrogen and phosphorous. Phase I TMDL developed in 2002 for Flathead Lake. DEQ has not been keeping the Flathead Basin Commission informed. There will be a presentation at the February FBC. The proposed package will be posted to the DEQ website next week.

**EPA Wetlands and Connectivity** – Brian Sugden, 404 Wetland permitting. EPA ruled there had to be connectivity and if not connected then isolated wetlands do not fall under the 404 wetland permitting process. This issue has been address under the Clean Water Act and Waters of the US in the past but was unsuccessful. EPA convened a science advisory board. Their findings report everything is connected, thus that should be captured as a water of the US. EPA and Army Corps of Engineers are developing a rule package. Advancing the proposed jurisdiction to the OMB so they can invoke the CWA. An issue to watch for.

### **Federal Issues:**

Gene DeGayner, budget trimming \$15M this year and \$15M next year region wide. Have about a \$60M NFRR allocation. In 1913 had 23 national forests. In 1911 had 24 forests, today with consolidating forests now will probably be somewhere between 6 and 8 forests. Better to have lower facility costs and fewer leased facilities, than to have fewer personnel. Would like to get out of leased buildings and operate out of owned buildings. Planning teams costs about \$1 million per year. Lease costs are expected to go up \$7 million next year, but with the down

sizing could save \$7 million, so a wash, but need to make the change soon so or they will have to pay an additional \$7 million. Combined 3 forests, lost 290 fewer permanent FTEs. Region 1 now has 12 units, combining would probably go to 8 with new geographic boundaries. Should they have 6 service centers that have staff that floats or do they have 6 geographic hard boundary areas with 6 supervisors? Probably will have a combination of the two options. Might have hard boundary areas, but signed up to the service centers to share resources. Instead of having money come down through silos, money would come to programs and not necessarily the Forest. Going to geographic themes and flexible boundaries.

**2013 Accomplishment Reports** – Tom Martin, 63% of attainment 546ccf. Downfall due to litigation and NEPA delays. 230 mmbf in litigation as of end of FY 2013. Three more NOI's filed recently in FY 2014. Volume under litigation including sales that have been awarded and then suspended and had to go back and redo the NEPA. FY 14 will be a similar target as 2013. Periodic sale announcements show 661ccf which is trying to clear some of the court volume. Moving to lift the injunction on Cabin Gulch and then the Colt Summit injunction. Have a standing weekly meeting to discuss a strategy moving forward with constrained budgets and lawsuits and a weekly meeting with the USFWS. Litigation, had some success with economic harm declarations in court.

**Federal Legislative Update:** Julia gave an update as to the Silvicultural Rule, the Farm Bill and the budget deal. Looks like the Farm Bill will get a 30-day extension for conferencing. Since there appears to be a budget deal, commodities in the Farm Bill will not likely get taken out and added to the budget, but will stay in the FB as an overall package next year. Silvicultural Rule language is agreed to in both the House and Senate version now. If the FB fails, stand alone legislation is still moving through both houses. There are several federal forest reform bills moving through congress, some are stalled and some are likely to move through with amendments next year.

**State Issues Update:** Julia reported that SJ 15 is still in the DEQ as a subcommittee. There are usually two meetings per month. The questionnaire went out to all county officials and the responses back are interesting. The work product will likely be a piece of legislation introduced in the 2015 legislature.

**Adjourned:** No next date set