

Meeting Summary  
Roadless Area Conservation National Advisory Committee  
December 14, 2005  
Yates Building, U.S. Forest Service, Washington, DC

**Participants**

**Committee Members**

- Darin Bird - Utah Department of Natural Resources
- Adena Cook - Blue Ribbon Coalition
- Bob Cope - Lemhi County Commissioner, Idaho
- Paul Hansen - Izaak Walton League of America
- Jeff Eisenberg - National Cattleman's Beef Association
- Dale Harris - Montana Wilderness Association
- Geraldine Link - National Ski Areas Association
- Jim Riley - Intermountain Forest Association
- Greg Schaefer - National Mining Association and Arch Coal
- Todd Schulke - Center for Biological Diversity
- Denny Scott - Carpenters Union
- Ray Vaughan - WildLaw
- Chris Wood - Trout Unlimited

**Forest Service**

- Undersecretary Mark Rey
- Chief Dale Bosworth
- Susan Yonts-Shepard
- Garth Smelser
- Dave Barone
- Vince DeWitte

**Public**

- Robert Vandermark, Director of Heritage Forests Program for National Environmental Trust.
- Mike Anderson, the Wilderness Society

**Facilitation:**

Kathleen Rutherford, Jeremy Kranowitz  
The Keystone Center

**Summary of Agreements:**

**Collaboration.** If an idea or proposal proves unacceptable for someone on the Committee, it is incumbent upon that person to explain this to the group, and the reason why. That person then needs to give a version that satisfies their concerns/

needs as well as those articulated by the committee as a whole. This requires that everyone participate in good faith.

**Consensus.** The threshold ought to be that individually and jointly you can support the recommendations of this group.

**Scope.** Undersecretary Rey noted he would be open to advice of any kind. The committee may have good advice to recommend beyond the scope of the group's charter, but will decide whether to proceed on a case-by-case basis.

**Minority positions.** The committee agreed that characterizing differences was better than voting and creating a minority report.

**Meeting summaries.** As a general rule for meeting minutes, the committee agreed there should be no attribution. If a committee member wishes for a comment to be attributed, they can request it.

The committee agreed that the whole committee should have a chance to go over meeting notes and make sure they are right before they are made public. Meeting minutes will be circulated within five business days of the meeting, and the committee will have another five business days to respond with any edits or corrections prior to the document becoming public.

**Public Participation.** The committee agreed to establish a 30 minute public comment period at each meeting. The committee will make it clear at each meeting that they welcome public comment. The parameters for participation (i.e., limiting discussion to the petition, whether the speaker agrees or disagrees with it; if the latter, the speaker will be asked to explain the basis of their opinion and offer any alternatives they believe to be better) can be part of the public notice announcing each meeting.

The committee also agreed to accept written comments. The committee will deal with them as they arrive, but will not solicit them. The group does not have to respond to public comments, but does have to analyze them.

**Press.** It was agreed that no one talks to the press without consent of the entire group. If someone is called by a member of the press, they should limit their comments to the topics discussed, and consensus recommendations, if any, but not provide any attribution. Committee members can let press know that the minutes will be publicly available in 10 business days following each meeting.

**Facilitation.** The group decided to work with a facilitator in the future.

**Chair.** The group decided to have Susan Yonts-Shepard, the Designated Federal Official, execute the functions of Chair until the next meeting. A decision will be made next time whether it should continue to be the DFO, or a member of the committee.

**Alternates.** It was agreed that members should make every effort to be at every meeting. It was acknowledged that there might be extraordinary circumstances that forced a member to miss a meeting. The group decided that if a member has to miss a meeting, the group would set up time during the agenda for the missing member to provide comments or a presentation. The agenda would be circulated ahead of time, so the person who is absent would know when to call in.

### **Forming Consensus Decisions**

As to issues of consensus, if a member is not present for the formulation of a consensus recommendation, that member cannot subsequently block it. Skipping a meeting should not be used as a blocking strategy. The principle is “play or pass.”

It was also noted that if a member who misses a meeting has a new idea, and can present it to the group before the official meeting notes are distributed, the Committee can decide whether to consider that idea, and whether a follow-up conversation is required.

**Meeting Frequency and Location.** The group decided to alternate the location of meetings. Some meetings would be held in Washington, DC. Some would be held in locations in the West, with the precise location to be determined when the petitions come in. The decision of where to meet in the West could also be informed by a recommendation from the DFO.

<b>DISCUSSION</b>
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### **Staff Introductions**

Garth Smelser and Susan Yonts-Shepard from the Forest Service offered welcoming comments. Susan also introduced the staff of the Forest Service that will be assisting the Advisory Committee. Susan is the Designated Federal Officer (DFO) to the committee. Garth Smelser will handle logistical issues and be the first Point of Contact for the group. Dave Barone is a subject matter expert. Vince DeWitte is from the Office of the General Counsel.

Kathleen Rutherford from The Keystone Center noted the purpose of this meeting was to get everyone clear on WHO is here, WHAT and WHY you are here, and HOW the group will be operating.

## Group Introductions

The group made introductions around the table, including their name, organization, and greatest hope for this committee. Following is the list of greatest hopes for the RACNAC:

- Balance federal uniformity with the distinct unique situations in each state.
- Adherence to an appropriate process – one in which the public is heard through the whole process, and in which grassroots interests help craft the final rule. There should be a mechanism whereby local concerns can work with a local agency to apply whatever decision is taken.
- Lots of public lands policy has been dictated from the top down. True stewards of the land at the local level have been ignored. There is an opportunity to tap into the expertise around the table along with those who live on the land. We should empower those on the ground who have the greatest knowledge.
- We certainly need to respect local input, but we should also be cognizant that these are national lands that belong to all of us. Roadless issues are too political. There are lots of sensible compromises to make. For example, there are some areas that are poor for timber that shouldn't be carved up. There are some areas on the other hand that could be more intensively managed. Lots of our timber is imported from nations with poorer standards. From the 50,000 foot level, maybe this committee can get at this issue right in a few states, and set an example.
- My wildest hope is that the committee can make good, useful and meaningful advice to help the Secretary and Undersecretary make useful decisions.
- Hope is to protect wild country, and to protect each others' values.
- It was noted that this group is not the final decision maker. Hopes to provide meaningful and helpful recommendations to the Secretary.
- Participant has been party to numerous discussions on roadless issues, and is going to try one more time to see if we can help our leaders bring about a more satisfactory resolution to roadless issues. The opportunity to reach collaborative decisions is the most viable way to make good policy. Hopes to reach some level of agreement about what we're supposed to advise.
- There are pros and cons on what should be protected and what shouldn't be. Some lands have been managed for historic reasons, and it was noted that these decisions have an impact on local and regional economies. Hopes we can blend

Forest Service regulations with the Advisory Committee process to get clear directions to resource leaders.

- Wildest hope is that we get some clarity on how to move forward. Participant is a real believer in the potential for collaboration. However, this is a difficult, polarized issue.
- As an ideal outcome, perhaps we can help this administration shape the criteria and create a model by which to solve the problem of roadless areas. If we can do this, we will have made big contribution.
- Participant's wildest dream is to protect with protection, manage without management. Unsure as to what the group can accomplish. This is a great way to get different perspectives, and participant hopes we do some good things through the committee process. Participant hopes this is the germination for a broader discussion on forestry issues.

### **Federal Advisory Committee Act: An Overview**

Garth Smelser provided a brief overview of FACA. Key points included the following:

- The group will run the committee.
- It has been established by the Secretary.
- There is a 2-year charter that can be renewed.
- Representation on the committee is a 6-year maximum.
- All meetings must be approved and attended by the DFO.
- All meetings must be open to the public.
- The committee may decide how the public may submit comments.
- Meetings can be via conference calls
- Recommendations must be written, and filed with the Library of Congress.
- Other decisions are all up to the committee.

### **Timing**

All petitions must be submitted by November 13, 2006. Once complete petitions are submitted (all eight criteria have been met), the committee has 90 days to provide recommendations. The Secretary has 180 days from the point at which a fully complete petition is received to make a decision. State-specific Rule Making is up in the air, and will depend on when the petitions arrive, and what is in them.

### **History of Roadless Issues**

Dave Barone with the Forest Service gave a brief history of the roadless issues.

The Forest Service has been thinking about the management of “undeveloped” forests since 1910’s and 1920s. It set aside 14 million acres to be managed in undefined, unmanaged areas early on. In 1964, 9 million acres was placed into the National Wilderness Protection System (NWPS). In 1972, the Administration looked at all areas that could be included (including grasslands, and areas in the East). The Roadless Area Review and Evaluation (RARE I and RARE II) made recommendations on 62 million acres of land.

In 1998, the Forest Service decided to look at how many roads were being built in roadless/roaded areas. There was a moratorium on building roads. There was thought about a national rule to protect some or all of the roadless areas in the nation. The 2001 roadless area conservation rule placed rules on road construction and reconstruction. There were nine lawsuits. There were injunctions on implementing the rule, and decisions to vacate the injunctions, and other legal problems. The Agency has put some an Interim Rule in place. They didn’t prohibit construction, but elevated decisions to Regional Forest Managers, or to the Chief of the Forest Service himself. The State Petitions Rule was proposed in July 2004, and finalized in May 2005.

### **Comments**

It is extraordinarily important to note that in the 1980s roadless plans were made for every area in the country, created with input from locals. Congress passed lots of wilderness legislation in 1980s, and many bills that passed in this period of time had language to “release to locals”

*Does the state petition rule provide any criteria that can be considered by this Advisory Committee?* The problem is that the petitions may take different forms - some could be land allocation choices, some could make decisions about who can enter roadless areas. There is an expectation that each state petition will be unique.

Total forest acreage is about 191 million acres, of which Wilderness is about 35 million, Roadless is about 55 million, Wild and scenic rivers, national recreation areas, etc. maybe total another 4 million set aside from development. There are a number of natural areas, other set aside areas.

### **Information on States Considering Petitions**

There was a brief report on states that were considering petitions. It was noted that timing and substance of any petitions are unknown until they are officially submitted. Several states are in the “information gathering” stage, including Colorado, Montana and Idaho. Several states are unlikely to offer petitions, including Wyoming, Nevada, and Minnesota. Several states are exploring their options, including North Carolina, Utah and Wisconsin.

Colorado has received \$115,000 in funding, and Idaho has received \$150,000 in funding. Arizona and New Mexico have asked for \$500,000 in funding. New Mexico, California and Oregon are suing the government about the petition process.

### **Comments**

It was noted that this information is not completely up to date. North Carolina, Alabama, and Virginia are likely to petition in December 2005, and North Dakota might offer a petition.

### **Presentation by Undersecretary Mark Rey**

Mr. Rey thanked everyone for their willingness to be on the committee, and recognized that this assignment comes at some personal expense. Why is the RACNAC a good idea? In consideration of 2001 rule, the Roadless Rule Working Group suggested that a mediated dialogue would be good way to come up with recommendations. However, the issues were not yet at a place where rulemaking could be done. Several issues needed to be vetted. Therefore, it was prudent to create an advisory group first. The Committee could provide a more diverse national perspective to each state's specific rules. There are two critical functions for the RAC: 1) To review state petitions, and give insights on their adequacy in terms of both substance and process. 2) To look at drafts of proposed rules in response to those petitions, and give insights into the substance and procedures associated with those drafts.

Mr. Rey noted that FACA chartered groups can go well beyond their charters, which can be helpful or not, and shared that he won't turn down free advice.

He expressed confidence that the Forest Service will receive several petitions. Some Southeastern states will come forward soon. Some states likely won't offer a petition, because their roadless areas are small. New Hampshire falls in that category. Or, governors believe the forest planning process is a superior way to move into this issue, and they might prefer to do it on a forest by forest basis. In this case, the Forest Service wants to make sure that state plans are in sync with Forest Service plans. With those governors, there can be a Memorandum of Understanding about actions that can take place in the interim. These won't strictly be roadless rule petitions, but the RAC could offer advice on those discussions, too.

Mr. Rey wishes to encourage state-specific roadless rules. The fundamental reason is that over history the Forest Service has either tried a single nationwide rulemaking, or through the land and resource management process. Neither has been entirely successful. A nationwide ruling can try to offer finality in a single decision. However, efforts in the past have indicated that nationwide rulings can't array site specific issues to survive court challenges. State versions are site specific, but ultimately decided by a GS-14 at the Forest Service. To be successful, there must be substantial site specific

consideration and analysis for them to be precise enough so courts don't find them wanting. We want to marry political closure with site specific information.

This has the benefit of a new approach. The roadless issue has been intractable. These things seem to go on forever because we keep trying the same approaches repeatedly, without a better outcome. This approach will not repeat old mistakes, but may be a new one.

He also noted ongoing litigation. The government will not concede any positions-this effort is separate and apart from that litigation. In particular, there is specific litigation by North Dakota, which is not affected by previous rulings by the 9<sup>th</sup> and 10<sup>th</sup> Circuit Courts. The Court has not dismissed the North Dakota litigation because of some unique issues in North Dakota state law. Settlement discussions are underway. The Forest Service does not want to test how courts would look at each petition.

### **Presentation by Chief Dale Bosworth**

Mr. Bosworth expressed his pleasure with respect to composition of the group. The 13 members were chosen from 40 nominations. This group is diverse geographically and representative of different interests. This is a group that can work together. No one is shy. From time to time, he wonders if collaboration and cooperation are worth it, but most days he thinks it's the future for the Forest Service. This a real test to see if collaboration is successful. He has been with the Forest Service for 40 years, and has heard lots of opinions about roadless areas. He thinks that how one goes about making a decision is often more important than the final decision itself. If done correctly, there will be acceptance of that final decision. This state-by-state approach may work. Everyone has a chance to put their oar in the water. This effort can set us on the road to future cooperation elsewhere, and perhaps light the way for other efforts.

### **Comments (Q/A)**

*There was mention of MOUs between the Forest Service and states that won't bring a petition forward. Are there any preexisting MOUs? So far, it is just the status quo.*

*This process will lead to forest management plans. 15 years from now, do states need to reassess the wilderness potential? States will be allowed to reassess their petitions, but are not obliged to. If in the future, there is a desire to change a state specific rule, there will need to be a revision of the forest plan and an amendment to that rule, thus requiring changes in two pieces.*

*When we receive a petition from a state, the petition already implies a certain level of consensus. When is it appropriate for this group to make revisions to the petition? That's a premise that states use due process. Some will, and some already are, but some governors have indicated they just want to reissue 2001 rule without any additional input. A state*

petition may come forward with due process behind it, including public hearings or meetings; or a petition may simply contain a message from the governor that the state wants a certain outcome; or it may be something in between. There are still larger national issues that could apply to that state process, which would be an appropriate role for this committee.

*By definition, a roadless area is 5,000 acres without a "system road." Yet, no one uses the same definition. Is there a way the Forest Service can define it so we know what is and is not a "system road"? Some roads are not actively engaged, but still recorded in the system, so are referred to as system roads. A high percentage of system roads are closed year-round or part of the year. They have been left in the system because it was believed that they would be needed 10, 15, or 20 years, when someone would return to do more timber harvesting. On the other hand, there can be a recreational user road that was based on an old Forest Service road that isn't in the system. For example, lots of land in Utah can be passed with a four wheel drive vehicle. There can be something that looks like a road, but is not a "system road."*

*The concept of a "roadless area" draws attention to roads rather than to management. If the Forest Service calls for timber management, and roads already exist, shouldn't we probably allow management? A simple way to address that quandary is to start with the 2001 maps, and work with those. The 2001 rule pulled all data together as existed at that time. Some maps have been ground-truthed better than others, and there is some variability in how good those maps are. However, the 2001 maps are a good starting point. If there are system roads, we should look at those areas in a different way.*

*What do we do with states in a forest management revision process where the governor is also likely to send a petition? The Forest Service doesn't want to stop the plan revision process, because lots of decisions are tied up in that. For example, Colorado is going forward with a petition process, but we don't want that to prejudice the state rule making process. If a state plan is completed prior to a state petition process, the RAC will have to harmonize them.*

*Under FACA, it states the DFO must always be available, but may we meet in executive session or informally? Everyone still has rights to free assembly. The group must abide by the rules of FACA if the group is convened with the government present. Unless there is a national security interest, official meetings have to be open to the public. If the group wants an unofficial private session without the government present, that's allowed.*

*Forest planning takes place every 10-15 years. What happens once a rule is set in place in a state that responds to a petition? If rulemaking is a step higher than actual forest planning, is it correct that this rule sets side boards for how future plans proceed for that roadless area? Rulemaking is not necessarily a step higher, and is governed by the Administrative Proceedings Act. The primary difference is that the decision maker in a*

forest plan is the regional [forester]; in a state specific rule it would be the Chief of the Forest Service and/or a Delegation from the Secretary's Office. The Forest Service is obliged to review plans every 10 years, but a regular forest plan does not have a mandated review period. Where a governor does petition, forest plans will be amended to come into compliance with that rule. This will be done in the next iteration when the Forest Service reviews or revises the forest plan. If the desired outcome requires a change in the state specific rule, a second process is required. The Chief needs to promulgate that rule. The Governor may not necessarily agree with the promulgated rule. Therefore, our forest supervisors will need to work closer with governors in subsequent iterations if they need to make changes to the roadless rule where a plan exists.

This is a continuing process. The Governor would be consulted on a forest plan as a matter of course, and more intensely if because of some change on the ground there is a need to change a state-specific roadless rule. I would hope that the need for change would be minimal; but a state roadless rule is no more immutable than any other federal rule.

*How do we reconcile the fact that there are some roadless areas that don't officially qualify as such, and some areas officially qualified as roadless that do not qualify?* The inventory was the guide for the rule. There were errors in it that went both ways. If a governor says he wants to correct errors of omission, and that an area deserves roadless protection, or the fact that a road exists and it does not, that's fine. It is important if these errors are identified that they are considered by the state.

*Can a forest supervisor apply for a Categorical Exclusion?* If you are applying for that, it implies you are already getting more NEPA analysis. It is envisioned that some forest plans will be covered by Cat-Ex, some won't.

*Would it make sense to look at maps for states that are likely to bring petitions, to get a head start on this process?* A look at maps from 2001 is a good starting point. In addition, the Forest Service has updated some maps. There are lots of maps, if you want.

### **Consensus and Collaboration**

A number of the members said in the morning that the only way to move forward is to get consensus. This was reiterated by the Forest Service.

The group agreed it needs to aim for consensus recommendations. The only way to get to consensus is through effective collaboration.

- ❖ There are two ways to handle building consensus; both are necessary. If an idea isn't working for someone, that person needs to tell that to the group, and the reason

why. In addition, that person needs to give a version that meets their needs and those articulated by the group. This requires that everyone participate in good faith. The RACNAC is looking to reach consensus recommendations to inform the Secretary on this issue.

What is consensus? A consensus idea may be one that everyone loves. It may be precedent breaking.

- ❖ The threshold ought to be that individually and jointly you can support the recommendations of this group.

### **Comments on Consensus**

There was discussion about consensus and collaboration among the group. Issues addressed included definition, rationale for consensus based recommendations, and applicability to process and substance of state petitions.

One member suggested a good definition of consensus is a “satisfactory result with which no one is thrilled but with which everyone can abide.” Another member noted that folks have a basic understanding of consensus and negotiation, and ‘can you live with this’ is a good definition.

One member noted that after we listen to each other if we find common ground that should be good. Too often efforts fail when they make the perfect be the enemy of the good. The outcome won’t be perfect for anyone, but we can find ways to make it better than before we got involved. Another member asked who wants to be known as a good compromiser? We need to find the radical middle. This is going to take courage. We’re all going to go back and get hammered by some of our constituents, but we should be able to tell them that we fought like hell, and got the best solution, and it should get your support.

When we are reaching consensus what are we debating? How can we nitpick a state’s petition if we don’t know what’s on the ground? One member noted that they would like us to see the process of how they got where they got, not the substance of where they got to. Another member noted they were not comfortable questioning a governor’s process. A governor is more accountable to the people in his state, it’s hard for us to judge whether a public process is valuable or not to that governor.

### **Comments on Scope**

What is the space for overturning a governor’s petition? The hope is that this group will give advice that the Undersecretary and Secretary find useful. That advice may or may not line up with what a state did. Mark Rey indicated they are looking for broader advice than just whether this is an adequate petition. It’s too early for us to try to limit or expand their scope. Let’s wait until we have something tangible in front of us.

The ability, knowledge or right to review petitions is complicated by the lack of benchmarks in the rule. It doesn't say a petition needs to engage multiple interests in a public process, or set up benchmarks/criteria. Colorado is having lots of public hearings and substantial public process. Oregon will likely say that it just wants the 2001 rule. There is no requirement for public input. One of things we can offer is that we represent interests at national level. That's the advantage of the advisory committee.

Some states have better processes than others. Mark welcomes the RAC viewpoint whether or not a state has a good process. Does this suggest that we recreate what went on in a state? The state petitions will be what they are. The group still wanted to understand the process by which the petition went through. It is important to know, and understand the process, which could be accomplished with a briefing by a representative of the Governor. The better the process, the more seriously it was considered, the more worthy of respect and deference to the governor it will be.

- ❖ Rey said that he would be open to any advice of any kind. If we have good advice, we can give it, but let's agree to cross that bridge when we get to it. Procedurally, during meetings we can put ideas on a separate sheet of paper (concept of a 'bin'/'parking lot').

### **Discussion on Voting and Minority Positions**

When the committee can't reach consensus, do you want a voting mechanism? If so, would it be 9 votes? That is the level of support indicated by the interviews.

One member noted he had been part of successful processes where the group never voted, and he hoped this group doesn't go there. It was proposed: If we move toward consensus, let's show the prevailing view, and shed light on those that had a different option. If a few can't live with the recommendation of the committee, we can attach those views to the Secretary. There are two tiers to this. Maybe most of the committee members can all agree to viewpoint A, but some like viewpoint B. Can we then all agree that there are two viewpoints, describe them, and reach consensus on that description. If we aren't unanimous, maybe we are better off if we agree to work on perhaps two opinions, and agree about the opinions. It was noted that it was important to know the group has worked as hard as possible to find consensus on viewpoint A before the group splinters.

- ❖ The committee agreed that characterizing differences was better than voting and creating a minority report.

### **Discussion on Attribution and the Public**

As a trust-based ground rule, the group agreed that no one can speak for the group unless that person has the permission of the group.

Meeting summaries. Typically meeting minutes are attributed to the speaker. There is nothing that says you have to do it. The best meeting summaries describe conclusions, participants, and next steps. This is a public process, not a minute by minute process. What's important is what is discussed, decided, and recommended.

- ❖ As a general rule for meeting minutes, the committee agreed there should be no attribution. If you want to be attributed, can request it. For example, if there are two views of the committee, and some members want to attribute why they support a second viewpoint, that should be allowed.
- ❖ The committee agreed that the whole committee should have a chance to go over meeting notes and make sure they are right before they are made public. Meeting minutes will be circulated within five business days of the meeting, and the committee will have another five business days to respond with any edits or corrections.

**Public participation.** The group agreed that at every meeting there should be an opportunity for people to talk. However, we should limit the scope to how they agree or disagree with the petition. If a member of the public disagrees, they should provide an alternative solution and the basis for asserting that alternative. That would help us get some outside thoughts that would broaden our thinking.

- ❖ The public comment period will be 30 minutes at each meeting. The committee will make it clear at each meeting that they welcome public comment. The parameters for participation (i.e., limiting discussion to the petition) can be part of the public notice announcing each meeting.
- ❖ Written comments from the public are also welcome. The committee will deal with them as they arrive, but will not solicit them. The group does not have to respond to public comments, but does have to analyze it.

### **Discussion on Press**

There was debate about how best to interact with the media. Proposed ground rule language is "Neither initiate nor undertake anything intended to undermine the process. This includes any outside committee action intended to undermine the process or issues specifically before the committee."

It was noted that whoever is chair will get calls from the media. This will be a heavy added time commitment, depending on how controversial these petitions are.

- ❖ In some cases, amongst the group, they should decide on a spokesperson. This adds a little extra work, but should be part of making these decisions together. It was noted that the Committee can be nuanced enough to determine who would be best person in the room to talk with the press, and agreed to figure that out on a case by case basis.

Some thought that the basic press release should do no more than a description of the issues considered at the meeting. That is a role for the Forest Service. If the group does more than that, it's complicated by having Forest Service execute that task. The Forest Service should draft a press release, circulate it to the group, and receive approval from the group before publishing.

- ❖ It was agreed that no one talks to the press without consent of the entire group. If someone is called by a member of the press, they should limit their comments to the topics discussed, and consensus recommendations, if any, but not provide any attribution. Further information will be available in 10 business days, when our meeting minutes will be publicly available.

### **Remarks from the Public**

Robert Vandermark, Director of Heritage Forests Program for National Environmental Trust. He follows roadless issues closely, and was pleased to be able to watch the proceedings.

Mike Anderson from the Wilderness Society attended the session in the morning, but was not present during the public comment period.

### **Discussion on Facilitation**

Several members made a pitch for facilitation in the future. When issues get contentious, it helps to have someone disassociated with process. The facilitators from Keystone recused themselves.

- ❖ The group decided to work with a facilitator in the future.

### **Discussion on Chair**

The Chair should have the following functions:

- Schedule the meetings (with the DFO)
- Solicit key agenda items from committee members
- Draft agenda for the committee, to be agreed upon by full committee (with the DFO)
- Substantively focus the meeting (with the facilitator)

- Help facilitate the process (with the facilitator)
- Organize technical/legal issues (with Forest Service staff)
- Manage communications in between meetings
- Be an official conduit with the public and the Secretary (with the DFO)

There was lots of discussion about whether the Chair should be the Designated Federal Officer (DFO), or someone from the committee. If separate, the Chair would have to work in close cooperation with the DFO. There was also discussion about whether to have co-chairs (motorized/conservation interests). That led to a brief debate that there are more than two interests, and maybe there should be multiple chairs.

There was extensive debate about outside perception of how the committee is run. If the Chair is the DFO, it may appear that this effort has been co-opted by the government. There is value to have Susan be the Chair, because she would be neutral, and it would allow everyone to be full participants. Similarly, if any single member of the committee is the Chair, it might lead to a perception that individual's interests are receiving more consideration. There was not a sense that it would be true within the committee, but the concern was on external perceptions.

- ❖ Ultimately, the group decided to have Susan as DFO execute the functions of Chair until the next meeting. A decision will be made next time whether it should continue to be the DFO, or a member of the committee.

### **Discussion on Alternates**

There was a discussion on whether there ought to be alternates. Garth Smelser noted that on one of the conference calls, the Committee decided that alternates would not be allowed. It was noted that much of the success of this group will be based on trust and relationships, and that would create group dynamic problems with alternates.

- ❖ It was agreed that members should make every effort to be at every meeting, but it was acknowledged that there might be extraordinary circumstances that forced a member to miss a meeting. In that case, there was discussion about the possibility of calling in. There was concern about the technical difficulty of having someone on the phone the entire time. The group decided that if a member has to miss a meeting, the group would set up time during the agenda for the missing member to provide comments or a presentation. The agenda would be circulated ahead of time, so the person who is absent would know when to call in.
- ❖ As to issues of consensus, if a member is not present for the formulation of a consensus recommendation, that member cannot subsequently block it.

Skipping a meeting should not be used as a blocking strategy. The principle is “play or pass.”

- ❖ It was also noted that if a member who misses a meeting has a new idea, and can present it to the group before the official meeting notes are distributed, the Committee can decide whether to consider that idea, and whether a follow-up conversation is required.

### **Discussion on Meeting Frequency and Location**

The group agreed that meetings should be no longer than two days.

There was discussion about whether to visit some of the sites under consideration. The group decided that there may be one or two petitions in particular where there would be no substitute for seeing it personally. This will be a decision that could be made as the group goes forward on a case-by-case basis.

It was also suggested to have the meetings in the state that brings the petition. This would allow several stakeholders to present the petition. However, there was a strong sentiment not to replicate the state process.

Other suggestions included Washington, DC, which was neutral, offered free use of Forest Service meeting facilities, and was closer to the Secretary of Agriculture and Chief of the Forest Service, but was longer travel for most of the group. On the other hand, a location in the West such as Salt Lake or Denver in a state office building might be more convenient for most of the members, and would make it easier for individuals from governor’s offices to make presentations.

- ❖ Ultimately, the group decided to alternate the location of meetings. Some meetings would be held in Washington, DC. Some would be held in locations in the West, with the precise location to be determined when the petitions come in. The decision of where to meet in the West could also be informed by a recommendation from the DFO.

The meeting adjourned at 4:20PM.