

8/25/2010

4FRI Stakeholders Meeting-Notes

**1. Opening**

- a. The minutes were approved from the last 4FRI Stakeholder's meeting.

**2. White Mountain Monitoring Report**

- a. 4FRI stakeholders should recommend monitoring variables to the FS that can be used in determining whether restoration treatments are achieving and/or trending towards DFCs. Key lessons from the WMMR that could benefit 4FRI are:
  - i. Establishing quantifiable questions and objectives that can be directly measured.
  - ii. Whenever possible gather data and conduct analyses annually.
  - iii. Analyzing watershed impacts are very expensive but worthwhile if funding is available.

**3. Presentation on the Federal Advisory Committee Act (FACA)**

- a. A webinar was provided to help 4FRI stakeholders to determine whether the formation of a Federal Advisory Committee (FAC) is required by law or needed to collaborate effectively with the Forest Service. Presentations were provided by Jeff Silvyn, General Council U.S. Institute Environmental Conflict Resolution, Steve Hattenbach of FS Region 3, & Lorelei Kowalski GSA Senior Policy Advisor.
- b. Two factors that determine whether FACA applies are: 1) who manages agendas, attendance, and meetings & 2) how advice is provided to the Federal agency. FACA doesn't apply if each person provides individual advice or if a "group" of stakeholders is controlled by a non-federal agency. The involvement of the U.S. Institute for Environmental Conflict Resolution (USIECR) does not require a group to form a FAC; regardless of who is paying USIECR.
- c. If a group violates the FACA any input provided to a federal agency can be barred by a court of law. Having a "legal opinion" issued by an attorney stipulating that 4FRI doesn't need to form a FAC will not provide assurance in a court of law.
- d. The main advantage of establishing a FAC is increased transparency, owing to legal requirements that necessitate notifying and including the public in meetings. A second advantage of forming a FAC is a reduced risk of litigation, if all laws are abided by.
- e. The drawbacks of forming a FAC are increased time and money requirements, compliance rules, as well a lack of decision making authority in choosing who participates on the committee. Committee members would be selected by the Federal Agency involved. Having a FAC does not enhance the impact of a group's decisions on the involved Agency. The purpose of a FAC is to provide recommendations to federal agencies. The FS does not have to accept the recommendations of the group just because it has formed a FAC.
- f. An MOU between the FS and 4FRI stakeholders could help ensure everyone remains in compliance with FACA rules. The FS informed the group that an MOU will not have any

information regarding how decisions are made, but will/can detail how 4FRI stakeholders and FS interact.

- g. See Basecamp for a GAO PAPER ON COLLABORATION IN NEPA

#### **4. Industry Engagement**

- a. The FS informed the group they interested identifying how to gather input prior to the solicitation of RFP's. After this point, they will not keep 4FRI stakeholders or the FS 4FRI Team apprised of any contracting negotiations, to avoid allegations of collusion, and subsequent exclusion of 4FRI participants from the bidding process.
- b. There is a concern that industry's involvement as a stakeholder in the 4FRI process may constitute a "conflict of interest." One perspective is that all stakeholder's have some form of conflict of interest because everyone has some vested interest (something to gain) by participating in the 4FRI.
- c. The FS indicated if industry representatives are only providing information and not making decisions, there is NOT a legal conflict of interest.
- d. The group decided that industry should be included as 4FRI stakeholders.
- e. The group discussed types of contracts that could provide the greatest benefit to the 4FRI process. One suggestion was to evaluate different contracting approaches equally by looking at various advantages and disadvantages.
- f. The FS highlighted that the RFI process was the mechanism to provide input on appropriate contracting mechanisms. The FS has asked the group to provide additional information ASAP, i.e., before the RFP is finalized.

#### **5. Ecosystem Services:**

- a. See Basecamp for presentations

#### **6. FLRA Report**

- a. 4FRI has been awarded two million dollars through the CFLRA grant, plus an additional one million from the FS "Chief's Reserve". The FS reported the majority of money has been dedicated to the following projects: \$50K geo technical analysis; \$255K EA; \$40K social economic analysis of NEPA; \$30K archeological database prep; \$125K archeological surveys; 70K USECR; 60K right-away for a-gap-analysis database updates; \$1M Road work; \$1.1M Sale Prep; \$115K noxious weed control; \$10K IDIQ contract for wildlife; \$80K Management Indicator Bird & Squirrel Surveys.
- b. The FS anticipates the 4FRI costing \$6-8.5 million dollars a year.
- c. The 4FRI Steering Committee will draft and send a letter of gratitude to the various individuals/ entities that supported the 4FRI CFLRA proposal.

#### **7. Contracting Discussion**

- a. The FS announced they are considering Stewardship Contracting for the first phase of 4FRI, but would listen to concerns from the group. The 4FRI Steering Committee had previously discussed this issue at their biweekly meeting, and in response drafted a letter to the FS asking specific questions (cancellation ceiling; length of contract; wood supply guarantees) on Stewardship Contracting.
- b. The FS informed the group that the RFI and RFP independent from 4FRI. They also indicated that contracting and NEPA timelines are extremely fast, which make it challenging for information sharing. While they are currently not locked into a specific contract mechanism, any changes or delays will impact timelines.
- c. The FS acknowledges the need for resources beyond the 10 years provided in a Stewardship Contract. One idea to address this concern is to embark on the 1st project area via a Stewardship Contract and issue subsequent Stewardship Contracts for the remaining 2.4 million acres.
- d. The group is concerned treatments will not reach the planned 50K acres per year. One option suggested by the FS is to issue stewardship contract(s) on 30K acres and smaller contract(s) (perhaps timber sales) on the remaining 20K acres.
- e. At the next 4FRI meeting, experts from the FS and others will be available to answer specific questions pertaining to Stewardship Contracting.

#### **8. Landscape Strategy:**

- a. The landscape strategy working group will have documents available for the group to review by September 9. The documents will highlight the benefits derived from treating specific areas of the landscape. The working group has requested at least one hour to discuss their recommendations at the next meeting.

#### **9. Letter to Native Tribes**

- a. A letter has been drafted by Anne Mottek Lucas inviting Native American tribes to participate in 4FRI. Stakeholders are encouraged to submit edits. The group voted against sending a single letter to the AZ Native Nations Council, and recommend sending individual letters to each tribe.
- b. FS indicated they have an upcoming meeting with all of AZ tribes with 4FRI on the agenda.

#### **10. Science and Monitoring**

- a. Stakeholders were reminded to fill out the "Stakeholder Science Needs Assessment" that will ensure 4FRI's monitoring program is efficient and relevant to stakeholder concerns. The document will also be used to supply the FS with experimental design recommendations and establish the foundation for adaptive management.

#### **11. Communication:**

- a. The group agreed to reserve exhibit space at the Museum of Northern Arizona for a forest health educational display.

12. Next Meeting Flagstaff Sept. 22