

**SWCC Executive Committee**  
**Meeting Notes**  
December 13, 2011

**Present:** Scott Brennan\*, Debbie Austin\*, Anne Dahl\*, Cory Davis, Amber Kamps\*, Gary Burnett\*, Tim Love, Jon Haufler, Dale Kerkvliet, Sandy Mack

*\*Indicates Voting Member*

A quorum was present.

**Action Items:**

- Debbie will talk with Jennifer Newbold from OGC and get her interpretation of partnership agreement liabilities.
  
- I. Review/approve notes from last meeting (10:00 – 10:05)
  - a. The notes were approved as amended unanimously. It was suggested that the link to the meetings notes could be more visible on web page.
  
- II. Update on action items from last meeting (10:10 – 10:15)
  - a. Sandy distributed copies of the draft FY 2011 Annual Report to SWCC voting members and incorporated comments in the final version submitted to the Washington Office. The WO said the SWCC Annual Report was well put together and accurate.
  - b. Debbie arranged for a presentation on roads for the January 10<sup>th</sup> SWCC meeting by Susan Colyer.
  - c. Megan collected all the suggested edits to the SWCC Charter and shared them with the SWCC voting members.
  - d. Michele WasienkoHolland is on this agenda to talk about partnership agreement.
  
- III. Update on EMRI's baseline analysis – Preview given of presentation Jon Haufler gave at the full Collaborative meeting (same day). Notes recorded there.
  
- IV. Charter revisions
  - a. Potential changes to the charter language were discussed. Potential changes included inserting the word "official" in 5 locations (example "official notes" to distinguish from individual's notes or doodles); clarification of the effects of members missing meetings related to quorum calculations and membership; and including a sentence that official SWCC committees should provide a written summary of decisions made at each meeting. It was agreed to continue the dialogue at the full collaborative meeting.
  
- V. SWCC boundary adjustments – Swan Lake Ranger District Proposal for new inclusions.
  - a. Cory and Lisa Blackburn have been working on "tweaking" the Southwestern Crown boundary in GIS to match logical existing boundary layers such as Hydrologic Unit Codes (HUCs). In assessing the possible tweaks on the north end

of the Swan Lake Ranger District the District requested that the SWCC consider inclusion of the east half of Swan Lake and the watersheds that drain into the lake from the east – using the grizzly bear subunit boundary on the east as the SWCC boundary. This would add approximately 45 new sections of land to the SWCC landscape boundary.

- b. Rich described the reasons for adding the additional ground into the SWCC.
  - i. Primary reason is to improve the fisheries in Swan Lake. To make headway on lake trout restoration work in this area would be very beneficial.
  - ii. Includes the Six Mile Grizzly Bear Unit
  - iii. Adds additional wildland urban interface near Swan Lake. Vegetation management has occurred recently in this area so, based on bear windows etc., Rich said, they would not likely be in the area with large scale vegetation restoration work during the CFLR time frame.
- c. Discussion and Concerns expressed
  - i. Anne Dahl said the original northern boundary was based on fire department coverage not restoration based. Debbie said there was a lot of discussion about whether to include the Swan River National Wildlife Refuge and had been decided to not include it with concerns about % of FS land.
  - ii. Scott expressed concern that it would be a big boundary change – we would have to request a realignment of boundaries at WO. The effect the inclusion would have to our long-term program of work was discussed. The prioritization work has been underway for a period of time and it does not include this new area. Debbie expressed concern what RAC might think about a major boundary change this late in the game.
  - iii. The group gave the District high marks for taking initiative but the group had no consensus to move the proposal forward to the full collaborative.  
**Decision:** No consensus to add the proposed additional land to the SWCC boundary.

VI. Michelle Wasienko-Holland and Matt Gordon presented information concerning liability associated with partnership agreements

- a. The Forest Service is not able to limit liability under any agreement. The Forest Service cannot agree to unlimited liability down the road – they cannot obligate funds beyond the current fiscal year. Michelle explained that the Forest Service and our partners are entering agreements to do work of mutual benefit. We both want to see the work happen. It is very different from a contract. Stewardship Contracting has different regulations as well.
  - i. The BLM – may require you to carry a \$1 million or \$500,000 but they do not cap or limit the liability. Raising lowering liability requirements doesn't help the partner.
- b. Contracts are binding – contract law is different and has been legally tested. Partnership agreements have generally not been legally challenged.

- c. The group speculated on what would occur in various scenarios. Example: A FS partner contracted a helicopter to spray weeds and it crashed and burned property. We can speculate but we do not know. Michelle postulated that since the FS is sharing in the work they may share in the liability. **ACTION:** Debbie will follow up with Jennifer Dual from OGC and get her interpretation on partnership agreement liabilities.
  - d. Tim noted that the issue of Stewardship contract liability is being discussed at the WO level.
  - e. Michelle noted that The Swan Ecosystem Center did the first FS stewardship contract. It was in Condon, MT. Anne agreed, and said it was a winter harvest project. She said they were naïve on concerns of liability.
  - f. Scott suggested maybe all of the FS partners should get together and discuss and come up with a solution.
- VII. Lisa Bay from the Trust for Public Land introduced herself and gave a brief preview of what she would discuss at the full Collaborative meeting (same day) Notes recorded there.