

Black Hills Forest Resource Association

2218 Jackson Boulevard, Suite 10, Rapid City, South Dakota 57702 – (605) 341-0875

April 7, 2023

Chris Stores
Black Hills National Forest
2014 N Main St.
Spearfish, SD 57783

Dear Mr. Stores,

This letter is in response to the request for comments from the Black Hills National Forest (BHNF) on the Draft Environmental Analysis (EA) for the Chimera Fuels Reduction Project (CFRP). The Black Hills Forest Resource Association (BHFR) and our members appreciate this opportunity to provide comments on this important project.

Purpose and Need

We agree with the purpose described in the EA as to “...increase the resiliency of forest landscapes and communities to wildfire, decrease the impacts of wildfires within the wildland urban interface, and allow for an effective and safe response to wildfires when they occur by implementing vegetation treatments that would reduce ladder fuels, thin dense pine stands, and promote the expansion of hardwood stands and meadows...” We have seen firsthand, in the Black Hills, the effectiveness of commercial timber harvests and harvests of less than 9” trees in reducing fire severity while increasing safety for firefighters and communities.

We also agree with the need to implement the project and recommend the BHNF implement the project to the fullest extent possible to ensure maximum risk reduction to communities and the forest resources, alike. The EA details the need to implement the CFRP, explaining that the communities within and surrounding the project area are formally identified “communities at risk” of wildfire, the entire project area is classified as Wildland Urban Interface (WUI), and that 27,349 acres (70 percent) of the project area are high to very high fire hazard (Table 8).

We are appreciative of the efforts from the BHNF to describe the potential for adverse effects in the project area from wildfires if the CFRP is not implemented. Any action poses the potential for impacts to resources but it is critical to also describe the potential effects from the no-action alternative. In this case, those impacts could be much greater than the impacts described in the EA from implementing the project. We appreciate the effort from the BHNF to present those potential impacts from not implementing the CFRP.

However, we are concerned the BHNF is missing opportunities to reduce wildfire hazard within the project area and not providing the maximum benefit to communities. For example, the CFRP only analyzes ponderosa pine for fuels reduction and excludes other flammable species such as spruce. Although spruce is historically found in moist drainages, the BHNF has previously noted the expansion of spruce up hillsides into more arid terrain. Additionally, the very morphology of spruce creates fire hazards such as ladder fuels and continuous cover that become extreme hazards in drought years.

In addition to spruce, we note that after fully implementing Alternative B, 26 percent of the project area will remain at high to very high risk (Table 8)¹. We also note that a few thousand acres of commercial thinning were dropped from potential implementation between scoping and EA. We also recognize some additional areas were added between scoping and the EA, and although that is appreciated it is unclear why the other areas were dropped. The EA describes a strong desire from private landowners and local communities to see additional acres of treatment and we agree with their position.

We recommend working with those stakeholders interested in additional treatments to re-examine the dropped acres and identify additional opportunities within the project area before issuing a final decision.

Proposed Action

We support Alternative B, and stand by our above recommendation to implement additional opportunities within the project area to maximize fire hazard reduction in alignment with the strong community desire – some of which was detailed in the EA.

We also urge the BHNF to use flexibility in designation of acres for treatment within the NEPA for the CFRP – for commercial and “non-commercial” treatments. This is often referred to as adaptive or condition based management and has been supported by the USFS and the 10th Circuit Court of Appeals (see: *WildEarth Guardians v. Conner*, No. 17-1334 (10th Cir. 2019)). In that decision, the court noted that: “Moreover, the Service had a valid reason for not identifying specific treatment sites in its EA: it intends to select treatment units based on changing on-the-ground conditions over the [duration] of the Project.”

The Black Hills Resilient Landscapes (BHRL) Project suffered from not installing the needed flexibility in the NEPA process to cater silvicultural treatments to actual on-the-ground conditions. We called a field trip with the BHNF when the first two sales were offered under

1. Table 8 conflicts with the textual description on the same page that states 32 percent of the project area will remain at high to very high risk. The 32 percent, if accurate, only amplifies our concern.

BHRL and expressed great concern over the location and types of treatments being implemented. We continued to express those concerns to the BHNH during subsequent years of implementing the BHRL project. Granted the CFRP is smaller in scale, the lessons learned should still apply. Here, we note the BHNH seems to have applied the concept of adaptive/condition based management to prescribed fire in the project area – stating the number of acres intended for implementation but providing no map or specific description of locations where prescribed fire would be implemented.

Prescribed Fire

BHFRA and our members support the use of prescribed fire within the project area and in future project areas on the BHNH. However, the same conditions which produce an elevated fire hazard also increase the complexity and danger of implementing prescribed fire. To ensure successful and supported implementation of prescribed fire activities we recommend that:

1. The BHNH implement prescribed fire operations following mechanical treatments. We appreciate the BHNH detailing this in the EA by stating: “In forested stands that have developed without regular disturbance, a combination of mechanical harvest/thinning with prescribed fire as a secondary treatment is the most effective technique for altering the fuels matrix (Graham et al 2004). Initially treating a stand with mechanical harvest or thinning reduces canopy continuity and ladder fuels allowing for prescribed fire to be safely used as a follow-up treatment to consume surface fuels. Prescribed fire would be used in combination with thinning treatments proposed under Chimera as well as thinning completed under past projects to further reduce surface fuels.”
 - a. We appreciate this detail in the NEPA and encourage the BHNH to retain this language in the decision.
2. The BHNH adopt the previous direction² from Supervisor VanEvery that, among other items, directed that:
 - a. *Mortality limits should not exceed 5% in timber that is 7” dbh or greater in the suitable base.*
 - b. *Determination of operable/inoperable ground should be made in consultation with Industry.*

The EA describes prescribed fire as predominately being “utilized to reduce surface fuel loading and to reduce the density of small-diameter conifers.” In the sentence following that statement, the EA clarifies that statement further by describing the use of prescribed fire as an effective tool “reducing the loading of fine fuels, duff, large woody fuels, rotten material, and live surface fuels (shrubs, seedlings) all of which compose the fuel and energy available to a

2. We are unaware of any actions that would rescind this direction or supersede it.

surface fire.” We agree with the assertion of effectiveness and recommend the BHNF retain such clarifying statements that define “small-diameter conifers” as shrubs and seedlings.

Non-commercial Thinning

We fully support non/precommercial thinning on as many acres as possible and believe this action will contribute to meeting the objectives of the CFRP. Precommercial thinning is effective in the same manner as commercial thinning by removing potential fuel and altering the structure of the forest and fuels complex to reduce fire hazards on the landscape.

Although the EA describes the treatment of trees less than 9” DBH as “precommercial” we believe it is critical to convey the strong market and need for post and pole material in the Black Hills. In some instances, the harvest and removal of this material can be incorporated into commercial contracts or used to offset the cost of implementing IRSC/IRTC. In the past, the BHNF has sold decks following service contracts and that may also present a viable means of capturing the commercial value of this material if sold in a timely manner.

We are concerned that describing this action as purely “non-commercial” may limit potential contracts that may be utilized to treat this material.

We recommend the BHNF include language in the final EA and decision that describes the market and need for material less than 9” DBH and that, although this treatment may be within areas designated as “non-commercial”, this material may be sold through commercial contracts, or the commercial value may be used to offset the costs of implementing the treatments, or sold under other sale contracts as follow-up to the thinning activities.

We also recommend the BHNF take a balanced approach in their implementation of thinning <9” trees that treats the most acres with the available funding while balancing future productivity with fire hazard reduction.

Other Issues

- Botany

- B-3: This design criteria mis-quotes the Forest Plan Standard 1306 by stating “Surface disturbing activities, such as skid trails, landings, road construction, etc., would be avoided in meadows, wetlands, and riparian areas (suitable rare plant habitat, Standard 1306).”
 - In the Forest Plan, Standard 1306 states “Prohibit log landing, decking areas and mechanical slash piling within riparian areas unless the integrity of the riparian area can be protected (e.g., frozen, snow-covered ground conditions). **Standard”**

- On comparison to the Forest Plan, this presents a troubling example of the BHNF modifying statements or direction to the detriment of the health of the BHNF. As stated in the Forest Plan, this standard does not include language pertaining to “suitable plant habitat” and does not include any language regarding meadows or road construction.
 - Further, the standard offers mitigation measures to protect the riparian area during mechanical entry.
- B-13: “Suitable plant habitat would be excluded from mechanical treatment areas(Standard 1306). Known plant habitat is identified in the design criteria shapefile.” It is our belief that the BHNF intended to reference Standard 3106, as 1306 does not apply to this criteria. However, Standard 3106 pertains specifically to “Riparian areas or wetlands where populations of sensitive species are located...” Therefore, not all suitable plant habitat needs to be excluded from treatment. Instead, only in areas where populations exist in a riparian area or wetland.
 - Areas should not be dropped due to mere presence of “suitable plant habitat” and we recommend the BHNF revise their analysis and actions to reflect this.

- **Hydrology and Soils**

- Timber Harvest in AMZ: The design criteria throughout this section are over-restrictive as it relates to treatments and equipment within an AMZ. We recommend that design criteria not exceed the design criteria from FSH 2509.25.10.
- We also recommend utilizing an outcome-based design criterion for HS-18 through HS 21. As an example, HS-19 states that “SSM should be tethered on slopes greater than 45% and use adequate cable tension.” However, there are times when an SSM can meet soil requirements on slopes greater than 45% without the need to be tethered.
 - We recommend modifying this to state what the objective is as it relates to soils.
- HS-21 may limit the ability of any whole tree tethered logging equipment from operating on steep slopes.

- We recommend a design criterion that states the objective and acceptable range of soil displacement and compaction before slash mats are required.
- Volume estimations.
 - During similar treatments under the Pine Beetle Response Project, an average of 8 ccf per acre was harvested from commercial sale areas. The EA suggests removing an average of ~3 ccf per acre.
 - We recommend the BHNH either recalculate their estimates of volume production and provide a broad range (including >10 ccf per acre), or exclude this estimate from the NEPA to prevent any potential limitations in project implementation.

The BHFRA and our members believe the CFRP is a critical project in a formally designated area or at risk communities and within the Wildfire Crisis Strategy. We recommend the BHNH treat this as the crisis it is and work with stakeholders to identify additional areas of opportunity to maximize the effectiveness of this project. We stand ready to help in any way and welcome any contact regarding the CFRP or our comments.

Thank you,

A handwritten signature in black ink, appearing to read "Ben Wudtke", with a stylized, flowing script.

Ben Wudtke
Executive Director