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RE: Spruce Project Comments on Draft EA

These comments are submitted on behalf of Prairie Hills Audubon Society, Native Ecosystem Council, Nancy Hilding & Don Duerr, whose contact information is at the bottom of the letter.

An extension of the comment period is needed

We believe that the Black Hills National Forest's web site portal (<https://www.fs.usda.gov/project/blackhills/?project=61599>) was broken on the afternoon of Friday the 22nd of September, all of Saturday the 23rd of September, all of Sunday the 24th of September and much of Monday the 25th of September, 2023, (It was fixed at least by 3:11 pm MT on 25th). We have heard there were web site problems for all of Forest Service. Thus, folks could not download the Spruce project documents nor submit comments during a critical period. The EA cover letter & public notice in newspaper did not provide an e-mail address alternative to send comments to, only the portal.

The date of the publication in the Rapid City Journal is August 24th, 2023. Legal notice:

<https://usfs-public.app.box.com/v/PinyonPublic/file/1290199184500>

30 days counted from that date shows deadline of September the 23rd. Many people relying on the public notice, likely don't know that the Forest Service's weekend deadlines move to Monday, and thus many may have thought the deadline was the September 23rd. – a day the portal was broken. (All Forest Services notices should have a sentence about auto-shift of weekend/holiday deadlines to next working day). The Norbeck Society (who are sophisticated users) sent an alert about the Project to their members telling them the deadline was September 23rd.

Even if folks knew the deadline was the 25th and thus knew they had time to call the Forest Service on Monday the 25th & complain, they could not download the documents over the last weekend period. Volunteer or other public persons may have allocated free time, on day they are off-work, to download & then read the documents. I (Nancy) had allocated Saturday for this & could not download the documents.

We don't believe you have provided a true 30-day comment period, when the document downloading and the commenting portal breaks down in the last 3.5 days. We suspect the failure to have documents available and comment portal open for the entire 30 days, likely violates NEPA and the

CEQ rules that implement NEPA. It may have violated some sections of the FSH or FSM or 36 CFR 219.

We request an extension of the comment period for additional days to make up for public opportunities lost due to the dysfunctional web site.

Thanks for Reducing Acreage of Spruce Killing

Thanks for reducing the spruce acres that you plan to cut down since scoping. Thanks for removing known sensitive species habitat from logging via this project and for not relying on conditions-based management. Thanks for limiting clear cuts to 40 acres. Those changes will reduce the adverse impacts - thanks, but this is not enough and we still oppose this project & support the no action alternative.

PHAS objects to the project

General thoughts –

We worry about impacts to sensitive areas adjacent to the cutting units or adjacent to new roads – that there is not enough distance required between them. We worry about all the OHV traffic that will follow your new roads, even if you attempt to close them.

The economic impact report showed that this project, as proposed, has a PNV of minus \$3,970,000. This project will be heavily subsidized by the taxpayer, to provide logs for the timber industry. We question if it has any biodiversity, recreation, scenery, watershed benefits at all and what benefits it provides to the tax payers (except loggers).

Unsustainable Timber Program

The Spruce Project will contribute to unsustainable logging in the Forest. The BHNF Land & Resource Management Plan (LRMP) says at Goal 3: “Provide for sustained commodity uses in an environmentally acceptable manner.” The Black Hills National Forest is not only ignoring this Forest Plan Goal, with its’ current 120 ccf annual timber targets, it is currently in violation of the Multiple Use Sustained Yields Act and the National Forest Management Act. The EA should disclose how its’ proposed spruce cutting will help the Forest Service continue to violate the Forest Plan, NFMA and MUSYA during the time period of the cutting.

The Forest Service should disclose as a cumulative impact, that the Spruce Project will potentially contribute to an ongoing depletion of forest timber inventories and increase the risk of losing more timber industry infrastructure and consequently render the Forest incapable of “providing sustained commodity uses...” It should disclose the cumulative loss of more biodiversity and back country recreation, scenery values & damage to special areas from its’ ongoing violation of the law.

Please see “A Scenario-Based Assessment to Inform Sustainable Ponderosa Pine Timber Harvest on the Black Hills National Forest” (RMRS-GTR-422), and the January 2021 Underhill report, Assessment of the National Forest Advisory Board Recommendation: [fseprd949571.pdf](https://www.fs.fed.us/eng/ceq/underhill/underhill.pdf) (usda.gov)

In the Spruce Project Silviculture Report on page 12, GTR 422 is quoted: “The sustainable level of pine from suitable lands ranges from 72,400 to 90,500 CCF per year (Graham 2021).” However, it is not mentioned that the authors state this is true if:

1.If mortality rates stay below 1.04%,

2. If all suitable timberlands are available for harvest.

The GTR also assumes that the BHNF is managed as a tree farm, ignoring the other constraints on harvest due to other rules and laws, that address the needs of other uses, like biodiversity, watershed, recreation – other uses/values besides timber. If those other laws/values were considered the ASQ would need to be lower, so Spruce Projects contribution to the Forest ongoing breaking of other laws, rules, standards & guidelines in Forest Planning need to be disclosed,

By harvesting trees at a not-sustainable rate, the Forest Service is continually & willfully violating the Forest Service Management Act & Multiple Use Sustained Yield Act. The Forest Service needs an immediate Forest Plan Amendment to lower the ASQ, while we wait for 5-6 years for the FEIS, the ROD and the revised Plan

Purpose & Need - Challenged

The EA explains at page 8 that “the purpose and need for this project are derived from the differences between the existing forest vegetation conditions as described above and the desired forest vegetation conditions:”

It also says on page 8 ... “White spruce is currently estimated to occupy 54,282 acres on the Black Hills (2017-2019 FIA data)”; It also says on page 8 “According to historical accounts from the late 19th century, white spruce occupied 15,000 acres in the Black Hills (USDA FS 2022; ” It also says on page 8 that the Forest-wide Objectives say: “To manage for species diversity including 92,000 acres of aspen and 20,000 acres of spruce (Vegetative Diversity (LVD) – 201 and Landscape Vegetative Diversity (LVD) – 239”;

It also says on page 9:

“The purpose of the proposal is to 1) re-establish stands of early seral vegetation within the spruce vegetation type to ultimately increase forest resilience and long-term resistance to natural and human-caused disturbance events and 2) conduct site specific fuels reduction to protect infrastructure at risk and create defensible space. Based on the identified departure and in consideration of the applicable management direction contained in the Black Hills National Forest Land and Resource Management Plan (2006), there is a need to:

- Re-establish ponderosa pine and aspen in mixed conifer stands that are now dominated by spruce, consistent with the historic natural range of variability.
- Increase the structural heterogeneity in spruce stands that are lacking age and size class diversity.
- Conduct site-specific fuels reduction to protect infrastructure at risk and create defensible space; and
- Provide economic support to local communities by providing wood fiber and creating jobs in a sustainable manner. “

The 1996/2006 Forest Plan is outdated. We challenge the Plan’s limit by objective to only 20,000 acres to spruce on our Forest. The situation on the Forest has drastically changed since the last Plan Revision. That was from a time when the serious threat of change to our climate from CO2 and climate impacts to forests was not adequately recognized. That, was before the beetle outbreaks, the climate change worries & before the desire for “resilient landscapes” became vogue.

When the Forest Service, with its’ unsustainable logging, willing violates core values of Forest management and puts the entire forest at risk, why do you worry about an objective on spruce acreage set 27 years ago, when forest conditions were drastically different?

Non-pine trees like spruce don't die from mountain pine beetle attacks and they stay on the land providing oasis of old growth habitat and cool dense, interior forests, while surrounding pines are killed due to beetles or logging to fight beetles or unsustainable logging driven by politics to feed the mills. They disperse the beetle concentrations.

Their value to the Forest, especially its' resilience, biodiversity & CO2 storage need to be re-examined in the upcoming Forest Plan Revision.

The Forest Service constantly discriminates against mixed stands. We believe the mixed stands have great value to biodiversity, resilience, scenery & recreation. Birding is great in mixed stands, showing a diversity of species. A future forest with increased precepts allocated to aspen, spruce, oak, birch and mixed stands is needed, instead of a forest run as an industrialized tree farm for ponderosa pine. A future forest allocating a higher percent of acres to mature spruce, should not be pre-empted by this premature action.

We also question your knowledge of the historic forest's distribution of non-pine species and what kind of spruce monitoring you do now & will do in the future. When we read the Pine Aspen Restoration Project (PARP) scoping documents we could see the Forest Service inventory of spruce almost doubling in 3 year's-time (between BHRLP and Pine Aspen Restoration Project (PARP) scoping), we wondered about the historical allegations of the Black Hills just having 15,000-20,000 acres of spruce and wonder how the old-time ancestor guys inventoried spruce.

We suspect that the PARP relied on the Graves report and we always question Grave's report. 20% of the Forest had already been logged by the time Graves & friends got there – so how can we rely on his inventory to establish pre-Caucasian conditions? Graves was out there just before the major mountain pine bark beetle outbreak at the turn of the Century, which may have been larger than our recent outbreak. It would have substantially changed the standing inventory and cover type distribution.

We also question Graves as we think his surveyors did not uniformly visit the entire Forest but stayed closer to towns and roads. The balance of the inventory between remote area vs accessible area may have been skewed towards areas near towns/roads. Parts of the northern hills were less well covered.

Also, what was merchantable timber in 1897 was pretty much what you call old growth today. 9 inches DBH trees were not saw-logs back then and he would have considered much of the current inventory of saw-logs of the Black Hills as not merchantable timber, as it is just too small for Grave's era loggers. Areas on Graves maps with low timber inventory, could have been full of what the FS would call 4C today, but with trees just too small for Grave's era logging and they would not have contributed any board feet per acre to his maps or data.

A sincere attempt at historical restoration, would substantially increase the age and size that pine trees achieve, before they get logged in the Black Hills and it would see a recovery more than .5% pine old growth. There also needs to be a change the age the logged trees attained so as to actually comply with the rules about CMAI.

Inadequate Range of Alternatives

The EA only proposes one action alternative. While Trump Administration damaged the "range of alternatives" section of the CEQ rules, the Biden Administration repaired it during Phase 1 rewrite of CEQ rules.

This EA only proposes one action alternative. It should have a conservationist's alternative, with less adverse impacts such as -- An action alternative with less logging, less areas entered, better distance between disturbance & sensitive areas (such as Special Botanical Areas), less roads, less disturbance of and more protection for relatively wild/pristine areas (areas that have not seen as much logging/roading or weed invasion in the past), more protection for American martin connectivity corridors, & less logging in mixed stands. It should provide emphasis to recover aspen instead of to recover pine, when FS is worried about fire risk in the WUI. This alternative should eliminate overstory removal, shelterwood establishment cuts, and pine planting from the project. It should leave large and very large trees and old growth.

The EA violates NEPA and the CEQ rules that implement NEPA, by not providing an adequate range of alternatives.

Roads

We object to the large amount of road building proposed. - 41 miles temporary road construction and closure. It also proposes 22 miles of road reconstruction, and road maintenance are proposed. Some of these roads will open relatively pristine areas, which opening we object to. Logging in the past has avoided pine in aspen and avoided pine in spruce, as the loggers wanted the more lumber productive sites. Now, as the forest loses standing volume, it enters these areas that have been left alone in the past, turning the Black Hills ever more into a "tree farm".

Once roads are built, you will not be able to close them well, as the OHV people will just ride around the closures. This will create wildlife disturbance, disturbance of home owners & other recreators.

Scenery

We object to the Forest still using the Scenic Integrity Objectives from the 1996 Forest Plan. The scenic attractiveness and sensitivity levels have changed, especially with beetle and aggressive logging and the increase in OHV use. The SIO need to be revised & updated in each project.

We believe removing spruce from mixed stands will have an absolutely terrible effect on scenery, especially in the middle & foreground views.

Recreation

Bird watching, nature study and photography/filming should be added as recreational activities. We believe the project will adversely affect back-country recreation and are especially concerned with impacts within the 4.1 MA. We are concerned for any impacts to areas, even if small, that have not had roads or logging in the past and are relatively pristine. Please identify any such areas, as hikers or naturalists who value such areas, will care about them.

I suspect the project overlaps Swede Gulch, which was nominated for wilderness status by the Sierra Club, long ago in 1991. During the Forest Plan revision a person nominated a peak in the area – maybe Whitetail Peak for wilderness consideration. That was over 30 years ago with lots of logging and road building since then, but you might have some residual small wild areas left.

American Marten

We object to this statement: "Issues raised by the interdisciplinary team during development of the proposed action included detrimental impacts to sensitive species including the Pacific marten (*Martes caurina*) and the Cooper's Rocky Mountain snail (*Oreohelix strigosa cooperi*) which have habitat within the project area. The Modified Proposed Action reduced or eliminated this habitat from the project area and these issues will not be discussed further. (emphasis added). It is untrue, as they are discussed later at page 11, see quote below:

"A summary of acres removed from treatment is provided below:

- Approximately 21,144 acres of highest-quality Pacific marten habitat consisting of mature white spruce stands with canopy cover of 50 percent or greater and with at least a portion of the stand occurring within 100 meters of a stream (Fecske et al. 2002) were removed from consideration;
- Approximately 11,492 acres of marten connectivity habitat were removed from treatment consideration;
- Approximately 3,845 acres occupied by rare snails were removed from treatment consideration in this project;

Birds

OF 67 species of western forest birds, 64% are in decline. These following bird species do best in old growth forest and reach highest population densities in such areas: northern goshawk, red breasted nuthatch, pygmy nuthatch, Swainson's thrush, hermit thrush, three toed woodpecker, hairy woodpecker, northern saw whet owl, northern pygmy owl, winter wren, brown creeper & golden crown kinglet. They may not care if spruce or pine. Spruce may be better for some and with climate change the spruce stands will be cooler and more resilient to climate change associated with heat. Black backed wood pecker also like old growth but they like it after fire burns it. Old growth spruce can provide critical winter range and have deadfall and thermal cover. You all know American Marten need it.

There is a mystery over whether the blue grouse (dusky grouse) was in the Black Hills prior to Caucasians. If they were, that would challenge assumptions about historic timber species & stand conditions in the Black Hills, due to what the grouse like to eat. You might have some lodgepole pine in this project area, in Swede Gulch.

Planting baby pines

We question if the FS will get around to planting baby pines any time soon. However, if planting trees you should also plant aspen, birch, oak & spruce. Mixed stands are beautiful, you should create them on purpose. We are doubtful that planting of pine in the Spruce Project area will happen for a long time, because of a deficit of seedlings, infrastructure, and personnel.

EIS Needed

We believe the impacts from loss of these spruce & mixed stands and the associated extensive miles of road construction/reconstruction and other disturbance, constitute significant impacts and the EA will not support a FONSI and an EIS may be needed.

We will attach the Norbeck Society Comments. We agree with their comments and incorporate them by reference.

These comments are submitted on behalf of:

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1 Attachment, - Norbeck Society letter,