



---

**Norbeck Society**

---

Steve Kozel, District Ranger  
Chris Stores, Natural Resources Planner  
Northern Hills Ranger District  
Black Hills National Forest  
2014 North Main Street  
Spearfish, SD 57783

June 9, 2024

Re: Zeppelin Forest Health Project scoping

Dear Ranger Kozel and Planner Stores,

As part of our mission to advocate for sustainable use of public lands, Norbeck Society comments reflect a desire to support a management approach for the Black Hills National Forest (BHNF) that recognizes the imperative of protecting and enhancing the biocomplexity of forest ecosystems that serve and support growing numbers of people. A vision for long-term sustainability of all aspects of the land is paramount.

The Norbeck Society wishes to ensure that benefits flow perpetually to those who come after us. People in the future will rely on the graces of the Black Hills National Forest just as we do.

On the following pages, you will find our comments on the Zeppelin Forest Health Project EA (EAD). We request that you include them in the project files.

As always, we appreciate the opportunity to provide input to the USFS about the management of the Black Hills National Forest.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Zimmerman', with a long horizontal flourish extending to the right.

Mary Zimmerman, President  
On behalf of the Norbeck Society  
P. O. Box 9730  
Rapid City, SD 57709  
[info@norbecksociety.com](mailto:info@norbecksociety.com)

**Norbeck Society Comments**  
**Zeppelin Forest Health Project**  
**Draft EA (EAD)**  
**Northern Hills District, Black Hills National Forest**  
**June 9, 2024**

<b>Zeppelin Draft EA (EAD)</b>	<b>Treatment</b>	<b>Acres</b>	Northern Hills District BHNF	<b>June 2024</b>	<b>11,131 acre area</b>  10,337 acres of NFS land  8631 acres of commercial treatment (86%) and of that, 1806 acres OR or clearcut (18%)	Draft EA  Wildfire resilience Healthy Forests Restoration Act (HFRA, 2003)  or  Western Firesheds Emergency Action Determination (EAD) under Section 40807 of the 2022 Bipartisan Infrastructure Law (BIL)	Overlapping with: BHRL MPBRP Steamboat  Unsuitable Base
	Commercial Thin	4,781					
	Commercial Liberation Harvest	787					
	Commercial Meadow Enhancement	321					
	Timber Stand Improvement	451					
	Hazardous Fuel Reduction	1,478					
	Prescribed Fire	2,584					
	Non-commercial Hardwood Enhancement	267					
	Old Growth Management	60					
	<b>Total Acres Proposed for Treatment (excluding overlaps of multiple treatments)</b>	<b>7,728</b>					
<b>Activity</b>	<b>Miles</b>						
New Road Construction	8.7						
Existing Road Reconstruction	14						
Existing Road Maintenance	29						

**Introduction and Efficacy of Treatments:**

The Norbeck Society has observed Black Hills National Forest Management for some time now and first submitted project comments in 2007. Over the past 40 years, the forest has become more and more like a tree-farm with younger, smaller, more evenly-spaced pine trees, more exotic invasives, and a less robust native flora providing less and less critical habitat. Despite “necessary project” after “necessary project” hazard ratings are reported “high” again and again to justify more logging which, again and again, further degrades the forest. We firmly believe a new strategy is warranted. Forest planning is literally taking “forever”, and meanwhile, the Forest Service is apparently unable to respond to what we know from the Forest Planning Assessments published two years ago.

Sure, a project may be “necessary,” but it is only very limited thinking that will lead one to believe that “management” is only “logging” that, in a short period of time, re-enlists the land into another cycle of high insect and wildfire risk. The Zeppelin Project Area has been logged in the recent past as noted on page

Effective management should include not just planning a full suite of actions, *but actually conducting that full suite of actions*. Given past performance, the Black Hill National Forest and the Northern Hill Ranger District cannot pretend that the actions *planned* in the Zeppelin Project will actually happen. This tells us that the needs of the land will not be met and objectives for mitigating wildfire and insect hazards will not be met. We assert that the “post-project” maps provided in the Draft EA are inaccurate given a realistic view of what will actually be done with the project.

Please show us in your *other* active projects that you can and will complete plans made for small tree thinning and prescribed burning. Without those activities, we should all be very afraid of negative effects from wildfire. With the trend of commercial treatments completed and other treatments only partially or not at all completed, we expect the reason for the project will fall short.

We believe the Forest Service should table this project until after a new forest plan is in place. If proceeding, Forest Service must provide the public with a realistic view of outcomes and provide a full accounting of the ecological consequences because “forest health” is not ecological health, and many of the proposed actions cannot perform as substitutes for fire, decomposition, and other processes provided by complex forest ecology over time. The Forest Service is obligated to inform the public. An EIS is appropriate as is disclosure of cumulative effects and site specific analysis.

## **Purpose and Need:**

**Hazard ratings:** The Forest Service is using hazard rating to justify timber sales. Please describe the metric used to determine the hazard ratings. What science is being used? And post-project, when do you expect the benefits to subside and make another similar project necessary?

**Hardwood enhancement and expansion of hardwoods:** Past performance demonstrates that, as with invasive weeds, Forest Service is unable to complete eradication of conifers in hardwood stands. Instead of embarking on another project to eradicate only merchantable timber from hardwood stands, go into already approved projects and, by hand, remove small conifers from hardwood stands. Both weed eradication and conifer removal cannot be accomplished from the helm of a machine – rather, it takes time and attention to detail.

Many areas marked for commercial hardwood enhancement just hosted logging equipment in recent years. A more apt label for the treatment in these stands is “Overstory removal” given the hardwoods are very sparse in many of these areas. Is the plan to re-type these areas for Aspen? Are they to remain part of the suitable base? And why are these areas not slated for prescribed burning which would enhance aspen/birch growth?

## **Proposed Action and Alternatives and other concerns:**

**Flexibility of Treatments:** The Norbeck Society supports Adaptive Management which requires rigorous monitoring. It is not clear what monitoring is planned for the Zeppelin project.

**Prescribed Fire:** But will it get done?

**Timber Sustainability and regulatory capture:** The Norbeck Society believes that Timber Sustainability is an appropriate part of the discussion of the Zeppelin project. If timber sales are sustainable, projects will not be developed authorizing unsustainable capacities of timber harvest – which would not only violate the law but would also waste taxpayer money and threaten assets belonging to the public.

The Black Hills National Forest is in violation of the Multiple Use Sustained Yields clause of the National Forest Management Act. Can the Black Hills National Forest sell timber at the current rate in perpetuity? Are there projects already in place that already support a sustainable annual sales volume over the next decade? While the Norbeck Society appreciates that FY24 target was lowered to 63,000 CCF, we believe the Forest is selling beyond what is sustainable and already has projects in place. The Forest Service must publicly disclose that the Zeppelin Project will potentially contribute to an ongoing depletion trend in forest inventories and increase the risk of losing more industry infrastructure and consequently render the Forest incapable of “providing sustained commodity uses...” Please see “A Scenario-Based Assessment to Inform Sustainable Ponderosa Pine Timber Harvest on the Black Hills National Forest” (RMRS-GTR-422), [GTR information flyer updated with reconciliation report links updated.pdf \(usda.gov\)](#), and the January 2021 Underhill report, Assessment of the National Forest Advisory Board Recommendation: [fseprd949571.pdf \(usda.gov\)](#)

From [Regulatory capture - Wikipedia](#):

When regulatory capture occurs, a special interest is prioritized over the general interests of the public, leading to a net loss for society. The theory of client politics is related to that of rent-seeking and political failure; client politics "occurs when most or all of the benefits of a program go to some single, reasonably small interest (e.g., industry, profession, or locality) but most or all of the costs will be borne by a large number of people (for example, all taxpayers)".

American physicist Frank Von Hippel has suggested that regulatory capture can be countered only by vigorous public scrutiny and Congressional oversight. Increased transparency of the agency may mitigate the effects of capture, according to Oxford trained economist Alexander Hamilton.

**Wildlife Habitat and Other Resource Concerns:** More should be done to protect botanical and wildlife resources. With the majority of the project in MA 5.4, flora and fauna are the priority. If proceeding with Alternative B, please remove any area of concern, not just the "highest" – negate all negative impacts. The Forest Service is obligated to not only provide nesting habitat for the American Goshawk, but also must provide sufficient habitat for their prey especially during the nesting season when their needs are highest.

**Old Growth and Structural Stage Objectives:** Old growth, like the Black Hills at the time of European settlement, naturally consisted of trees that had survived fire many times. Old growth is often immune to catastrophic effects from wildfire. Ponderosa pine is the most fire-resistant species in the world, particularly when old.

It is paradoxical that the Forest Service can develop a project in the name of mitigating those catastrophic effects without including management for even the current Forest Plan Objective for old growth! Estimates of old growth in the Black Hills historically range from 20-40%. The Forest Plan asks for 5%. The Zeppelin project offers 0.58%! Forest Service will never even move towards, let alone achieve, the Objective unless it ceases to cut down all the trees! Some, although not all, of the best opportunities are in the recently cut areas that Alternative B targets for hardwood enhancement.

In recent years, meeting or moving towards Habitat Structural Stage Objectives on the Black Hills National Forest has been an emphasized part of the FLRMP (remember the BHRL Project?) - and rightfully so! The Forest Plan's Habitat Structural Stage Objectives are designed to ensure species viability. BHNF FLRMP Goal 2: Provide for a variety of life through management of biologically diverse ecosystems. Objectives 4.1-203, 5.1-204, 5.4- 206, 5.43-204, and 5.6-204.

Indeed, the Forest Service has legal obligations to the public regarding the provision of habitat for wildlife in its pact with the American public.

The Forest Land Resource Management Plan and Forest Plan Habitat Structural Stage Objectives are rooted in a court settlement. The Black Hills National Forest 1997 Revised Land and Resource Management Plan (1997 Revised Forest Plan) was approved on June 24, 1997.

In 1999, Deputy Chief James A. Furnish signed a decision addressing several appeals of the 1997 Revised Forest Plan affirming most appeal points; however, he found that additional evaluation of the sufficiency of the plan in providing for the diversity of plant and animal communities and species viability was needed and thus, the Phase II amendment provided management direction to adequately provide for species diversity and viability.

The Phase II amendment fulfilled components of a Settlement Agreement for Civil Action No. 99-N-2173 (U.S. District Court for the District of Colorado, September 2000). A significant Forest plan amendment, it ensures viable populations of native and desired non-native species are maintained by Goals and Objectives that protect habitat to sustain species viability and diversity. It also contains Standards and Guidelines for

wildlife and plant species to ensure compliance with the requirements of the National Forest Management Act, its implementing regulations, and agency policy.

The draft EA states “No areas identified as old growth currently exist in the Zeppelin project area. During field review of the project, one area was identified that will be managed for old growth under the modified proposed action.”

The Forest Plan Objective is for 5% old growth. The Norbeck Society asserts that -in the Zeppelin project-planning to manage for .58% old growth is dramatically insufficient. Please explain what an old growth “treatment” is.

The Zeppelin draft EA states on pages about wildlife that Alternative B would contribute to meeting the Forest-wide structural stage objectives but would result in a reduction in preferred nesting habitat and/or negatively impact many species within the Zeppelin project area. However, the Black Hills National Forest is ignoring the need to increase SS5 forest-wide and neglecting the fact that it is the current SS4s that are needed for development into SS5 – including in the Zeppelin project area. Also on page 64: “If structural stage objectives are met Forest wide, and Forest Plan standards and guidelines are met at the project level, these hawk species would continue to persist on the Forest.” *Since Structural Stage Objectives are not being met Forest wide, what you are saying is that these species will not persist on the Forest. How is this in keeping with the Forest Plan?*

Please show comparative tables of current structural stage distribution and end-project distribution under Alternative B and the same for forest wide distribution of structural stages.

**Best available science:** “The Forest Plan was developed based on the best available science and has been upheld through appeals and litigation.” The Norbeck Society asserts that the Forest Service is aware that the best available science constantly evolves, and that the intent of the Forest Plan is to use today’s best available science.

Please pay particular attention to the following best available science and apply this knowledge to Black Hills National Forest Projects: Why are these references not cited in the Zeppelin draft EA?

#### Wildlife:

Jason E. Bruggeman, Patricia L. Kennedy, David E. Andersen, Shelly Deisch, Eileen Dowd Stukel "Declining American Goshawk (*Accipiter atricapillus*) Nest Site Habitat Suitability in a Timber Production Landscape: Effects of Abiotic, Biotic, and Forest Management Factors," *Journal of Raptor Research*, 57(4), 595-616, (27 December 2023)

Link: <https://doi.org/10.3356/JRR-22-116>

#### Steep slope logging:

Urza, A.K., Hanberry, B.B. & Jain, T.B. Landscape-scale fuel treatment effectiveness: lessons learned from wildland fire case studies in forests of the western United States and Great Lakes region. *fire ecol* 19, 1 (2023).

Link: <https://rdcu.be/dKIXt>

#### Sustainable harvests on BHNF:

Graham, Russell T., Battaglia, Michael A., Jain, Theresa B. A scenario-based assessment to inform sustainable ponderosa pine timber harvest on the Black Hills National Forest; RMRS-GTR-422, USDA Forest Service, Rocky Mountain Research Station, (2021).

Link: <http://dx.doi.org/10.2737/RMRS-GTR-422>

**Roads:** The Black Hills National Forest has too many roads that are having negative effects on wildlife, botany, water and more. Please disclose how much timber volume in Alternative B would be acquired by each additional mile of road and what are the costs associated with construction, widening and maintenance.

**Costs:** What is the cost of the Action Alternative of this project? Please show a break down of the costs per acre of regular ground-based logging and steep slope logging.

**Steep Slope Logging:** As already explained, we cannot support steep slope logging for multiple reasons.

## **Conclusion:**

Given the environmental impacts disclosed in Chapter 3 of the draft EA and other circumstances we've discussed above, we recommend either choosing Alternative A - no action, or modifying Alternative B to a much less aggressive format in order to lesson pressures on our natural systems, and the flora and fauna, in the project area. Please take this opportunity to exercise stewardship of this area by retaining an older forest and all its components. Use understory thinning and prescribed burning to restore the kind of forest we know the Black Hills can be. Find more areas to become old growth and please do not sacrifice this area to unsustainable logging for short-term profit.

It's time for a different approach to managing the Black Hills National Forest. Catering to a greedy private timber industry has not served the American public and much of what citizens hold dear about the Forest has been compromised. Let's re-assess this project area (and others) under a new Forest Plan. Federal employees should be working on that, not more volume for the mill.

Thanks again for the opportunity to comment on this project.

