Norbeck Society
P. O. Box 9730
Rapid City, SD 57709

James Gubbels, District Ranger
Thawney Stottler, District Resource Planner
Mystic Ranger District
Black Hills National Forest
8221 South Mt. Rushmore Road
Rapid City, SD 57702
Submitted via https://www.fs.usda.gov/project/blackhills/?project=67518

February 18, 2025

Re: Sawbuck Forest Management Project #67518

Dear Ranger Gubbels and Planner Stottler,

As part of our advocacy 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 this 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, please find our comments on the Sawbuck Forest Management Project. We request that these be included in the Forest Service Administrative project files. We have identified actions that, as proposed, are in direct violation of Law, Regulation, and Policy. These are related to the National Environmental Policy Act (NEPA), Habitat Structural Stages (HSS), Management Indicator Species (MIS), Culmination of Annual Mean Increment (CMAI), Allowable Sale Quantity, (ASQ), and other related matters. These must be resolved as this project proposal is developed and then analyzed.

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

Sincerely,

Mary Zimmerman, President
On behalf of the Norbeck Society

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Rapid City, SD 57709
info@norbecksociety.com

cc: Shawn Cochran, Toni Strauss, Wendy Schuyler

Norbeck Society Scoping Comments
Sawbuck Forest Management Project #67518 (the Project)
Mystic District (the District), Black Hills National Forest (BHNF)
February 18, 2025

TABLE OF CONTENTS

National Environmental Policy Act (NEPA) – pre-decisional

Scoping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded from further analysis and documentation in an EA or an EIS (§220.6). (36 CFR 220.4(e)(1)). The process of scoping is an integral part of environmental analysis. Scoping includes refining the proposed action, determining the responsible official and lead and cooperating agencies, identifying preliminary issues, and identifying interested and affected persons. Effective scoping depends on all of the above as well as presenting a coherent proposal. The results of scoping are used to clarify public involvement methods, refine issues, select an

interdisciplinary team, establish analysis criteria, and explore possible alternatives and their probable environmental effects.

The Sawbuck Forest Management Project is in the process of scoping, thus this response. What is confusing is the mention of the Pe'Sla Fuels Reduction and Vegetation Management Project. We are not aware of any scoping associated with this project. Is the Sawbuck project the umbrella NEPA to the Pe'Sla Fuels Reduction and Vegetation Management Project?

- On page 1 and 2: this project encompasses planned treatments on both tribal and NFS lands, serving as an integral part of the broader National Environmental Policy Act (NEPA) analysis for the Sawbuck initiative. The Pe'Sla proposal has recently secured funding for the next four years, in partnership with a keystone partner, the National Baptist Convention (NBC), to support the preservation and restoration of this culturally significant area.
  - ✓ Here we assume that if money has been secured then some very specific information was offered to the entity from which the grant money was received, yet that specificity is not shared here. It is understood that the NBC is an entity that gained a Keystone Agreement through the Wildfire Crisis Strategy Team and thus a Forest Service entity passing through the money. Assuming this is true, then a Forest Service entity is not legally able to hand over a lump sum of money, non-competitively or "handed over" without an ability to quantify amount and cost of the work for financial accountability purposes. To gain grant money would require a NEPA decision to support the activities, a clarity of acres, and types of treatments to meet the authorized use for those funds as designated and authorized by Congress. Please clarify this situation.

- On page 17: Road Improvement. The management of NFS road 416, also known as Flag Mountain Road, prioritizes maintaining and improving road conditions to ensure safe, reliable access. Planned actions include grading and reshaping the road prism, improving drainage systems, clearing a 6-foot-wide area on each side of the road prism, and conducting surface repairs. The planned improvements are designed to reduce erosion, improve the road's durability and accommodate both recreational and administrative activities. **These efforts are part of the Pe'Sla Fuels Reduction and Vegetation Management Project**.
  - ✓ This seems to be the only place where there is some specificity of the actions proposed. However, it is disconcerting that this is stated as part of the Pe'Sla Fuels Reduction and Vegetation Management project. Confusing in that the question is whether the Pe Sla project comes first and is analyzed by itself or will it be a sub-set of this NEPA in the same way that a timber sale or contract will come from this analysis.

Moving forward in analysis, please disclose clearly what the Pe'Sla Fuels Reduction and Vegetation Management Project is and why it appears that an opportunity for public comment, as is required by law, regulation, and policy, may have been foreclosed upon. Please also explain how the funding commitment to the Pe'Sla project is not a pre-decisional commitment of funds. How can grant money, and grant money from a federal agency, be passed on without NEPA analysis and decision? Clearly, that would be a violation of Federal Acquisition Regulation (FAR).

National Environmental Policy Act (NEPA) – lack of site-specificity

The Sawbuck Forest Management Project area encompasses a total of 134,210 acres, of which the scoping letter proposes 4,000 acres of commercial harvest including Overstory Removal/Shelterwood, Patch Clearcuts, Seed Tree Cut/Shelterwood Establishment, and Group Selection. These proposed treatments will continue to push mature stands to younger stand structures. The scoping letter lacks the site specificity -*specifically the type of activity and associated acres and how they will modify the habitat structural stages*- that is required for this project-level NEPA analysis. The scoping letter does not disclose in any way that this project is being proposed as a programmatic or adaptive management analysis. The proposed actions shared in this letter do not quantify the scope and scale of the proposed treatments and all lack the site specificity required for a project-level NEPA analysis. **If the proposed action, as shared in this scoping letter, continues to be analyzed and included in the proposed action, this project will violate NEPA, Federal Regulations, and agency policy.**

The following are examples from the scoping letter that serve to highlight our concerns about the lack of site-specificity that is necessary to provide productive input as requested by the scoping letter:

On page 1 of the scoping letter the project is introduced as a means to "enhance long-term forest health and resilience across a broader geographic area than previous efforts, optimizing limited planning resources and accelerating the pace and scale of restoration treatments."

- ✓ This seems an overstatement as this area has been covered in multiple NEPA decisions including forest-wide analysis through the Pine Beetle Response Project (PBR), the Black Hills Resilient Landscapes Project (BHRL), and other projects. To request yet another large-scale analysis that covers 34% of the Mystic district seems redundant and inefficient.

On page 11 of the scoping letter, "It's important to note that the vegetation treatment proposals are limited to a portion of the Sawbuck project area, totaling 93,233 acres, while the entire area is being assessed for prescribed burning (Figure 13). A detailed map of these treatments will be available on the project website by the release of the preliminary Environmental Assessment."

- ✓ Again, this lack of specificity makes it difficult to impossible to offer any substantive input that would drive an alternative to analyze.

On page 13 of the scoping letter there is a list of silvicultural treatments that include the following: Conifer thinning, Commercial Thin, Aspen Enhancement and Meadow Restoration, Single-tree Selection, Overstory Removal/Shelterwood, Patch Clearcuts, Seed Tree Cut/Shelterwood Establishment, Group Selection, and Timber Stand Improvements.

  - ✓ The scoping letter provides a simple definition for each of the silvicultural treatments yet there is no disclosure of how much and where these treatments are likely to occur. The layout or hierarchy of these silvicultural treatments is deceptive and seems to suggest that all silvicultural treatments are a subset to commercial thinning. It would be more appropriate to restructure the list of silvicultural treatments under the headings of "intermediate harvest" and "final harvest." Again, this lack of specificity makes it difficult to impossible to offer any substantive input that would drive an alternative for analysis.

- On page 17 and 18: In Management Area 3.7 (Late-successional Landscapes) a total of 2,097 acres is being evaluated for a range of vegetation treatments, including both commercial and non-commercial options. These treatments are designed to support the development of late-successional characteristics. Prescribed burning is also proposed across the area to achieve multiple objectives: reducing immediate fire hazards, reintroducing fire as natural process, and enhancing conditions for late-successional development. These efforts will promote the growth of mature stands while allowing them to continue evolving toward late successional conditions.
  - ✓ Again, there is a huge void of specificity. What and how much would be the first logical question. Then "how" would it meet Forest Plan Goals & Objectives for that specific management area?
- On page 16: Stream and Wetland Restoration and Enhancement Stream and wetland restoration activities would utilize a combination of mechanized equipment and hand labor methods.
  - ✓ This is extremely vague. What exactly is a Stream and Wetland Restoration and Enhancement Stream and wetland restoration? A combo of mechanization and hand labor to do what exactly?
- On page 14: Timber Stand Improvements (TSI) Thinning of small conifers (less than 8.9 inches in diameter) is proposed on up to 50,000 acres (Figure 14).
  - ✓ Is this a programmatic or adaptive management attempt within the confines of a project-level NEPA analysis? More site specificity needs to be applied to articulate the where, how, and why.
- On page 9: "On the western side of the project area, steep limestone cliffs rise dramatically, forming plateaus that stretch to the project's edge. Over time, these cliffs have weathered, creating soils derived from calcareous substrate. This substrate, covering 68,794 acres of the area, provides suitable habitat for sensitive land mollusks like the Cooper's Rocky Mountain Snail.
  - ✓ By this statement and no other mention in the scoping letter, it is unclear if any of the treatments will occur within the habitat of snails protected by Forest Plan

Standards to provide buffers to disturbance of management activities. Again, with no site specificity, the potential impacts are unclear.

- On page 9: "The project area includes 24,156 acres of Pacific marten corridors, defined by riparian zones and dense conifer stands. These corridors offer predator protection while facilitating geneflow between the Black Elk Wilderness and Northern Hills core habitats. Dense cover and coarse woody debris in conifer stands provide essential small mammal habitat in the space between the ground and snowpack. This cover offers both shelter from predators and hunting opportunities during winter. Incidental observations of the Pacific marten were made during general surveys conducted in 2023 and 2024 within the project area."
  - ✓ By this statement, and no other mention in the scoping letter, it is unclear if any of the treatments will occur within the habitat of martens protected by Forest Plan Standards. Again, with no site specificity, the potential impacts are unclear.

Ultimately, we question the necessity for yet another NEPA analysis, especially one presented with such a lack of specificity and what appears to be a laundry list of general activities without a clear Purpose & Need. The reality is that this area has been covered by many NEPA decisions over the last 10 years. It is difficult to believe there is not already a huge workload in need of funding and implementation already promised through these recent past decisions. If we assume the application of CEQ's NEPA "ripeness" standard of 10 years for decisions, then past NEPA decisions overlapping the Sawbuck project area should contain a plethora of similar actions from which to draw. Perhaps what is being stated here, albeit in unclear terms, is that the Sawbuck project is closing out the availability of all previous NEPA Decisions covering the stated project area; a recognition that all past NEPA decisions are no longer "ripe" – clearing the board so to speak.

If this proposed action moves into further analysis, we request detailed clarity of the cumulative effects analysis displaying a full disclosure of what work remains as a result of the past NEPA decisions. This includes those treatments that are considered intermediate harvest like thinning. final harvest treatments like Overstory Removal or clear cuts, acres of planting, acres of prescribed burning, watershed restoration, etc. Ultimately the lack of site-specificity forecloses upon any opportunity to offer informed input. **The lack of site-specificity on a project-level NEPA analysis violates the National Environmental Policy Act (NEPA), Code of Federal Regulations, and the agency's policies.**

National Environmental Policy Act (NEPA) - segmentation

Unlawful segmentation occurs when an agency artificially divides a major federal action into smaller components to avoid the application of NEPA to some of its segments. On page 10 and 11 of the Sawbuck Project scoping letter, a list of 16 timber sales is provided. It is known that numerous analysis documents have occurred over this same area during the same timeframe of these 16 timber sales. This, a clear violation of NEPA and the fundamental violation of

segmentation, has occurred across the Mystic Ranger District and within this project area. The simple act of reviewing the "Chipmunk sales" provides clear and indisputable proof that segmentation has occurred: several CEs have occurred in the same geographical area over the same general timeframe, and they include generally the same activities proposed in the Sawbuck Project - specifically commercial timber harvest. **The Mystic Ranger District has violated NEPA over the past several years by segmenting its activities, specifically failing to disclose the cumulative effects and HSS changes from large amounts of commercial harvest treatments.**

If the Sawbuck Project is moved forward into analysis, first disclose in the cumulative effects analysis all past activities that overlap the Sawbuck project area of 134,210 acres within the last 10 years that are still considered "ripe" or that the district considers still "ripe." In this disclosure, display the type of treatment, acres/units for each treatment type, the Management Area designation the activity falls within, and the NEPA decision that covers that treatment type. In addition, develop an alternative analyzed in detail that involves no commercial timber harvest or at least does not include final harvest treatments.

Habitat Structural Stages (HSS)

Vegetation or Habitat structural stages (VSS or HSS) describe the growth stages of a stand of living trees. It is based on tree size (DBH) and total canopy cover. Overall, the VSS or HSS depends on the time it takes seedlings to become established and subsequent growth rates. The life expectancy of trees determines how long the oldest VSS or HSS can be maintained. A balance of structure stages is indicative of a healthy forest that is represented by a diverse distribution of structural stages that support a multitude of species. In addition, a diverse distribution of structural stages is the foundation for sustainability (MUSY - Multiple Use/Sustained Yields) and the ability to meet non-declining even flow related to timber production.

Several groups and individuals administratively appealed the Regional Forester's decision to adopt the 1997 Revised LRMP. On October 12, 1999, Deputy Chief James R. Furnish, the reviewing officer for the Chief of the Forest Service, issued his 1999 Appeal Decision on three of the appeals. Shortly after the Chief's Appeal Decision in November 1999, several individuals and groups filed suit against the Forest Service to block the implementation of the Veteran Salvage Timber Sale within the Beaver Park Roadless Area. The lawsuit cited several deficiencies identified in the Chief's Appeal Decision and claimed the 1997 Revised LRMP direction was inadequate to protect certain resources in the timber sale area. Negotiations were initiated to settle the lawsuit, and in September 2000 a Settlement Agreement was signed and issued by the parties (U.S. District Court for the District of Colorado 2000). In signing the Settlement, the Forest agreed to undertake the Phase I and Phase II Forest Plan Amendments. Further, the Forest agreed to consider several specific items in the Phase II effort including: 1) the analysis of candidate areas for RNAs on the Forest; 2) completion of any designation process as a part of the Phase II Amendment; and 3) further evaluation of the viability of management indicator species (MIS), and the northern goshawk.

The Sawbuck Forest Management Project appears to be proposing harvest treatments that will involve the alteration of Habitat Structural Stages (HSS) and the ongoing trend of converting mature structural stages to younger structural stages. This undermines the viability of management indicator species and R2 sensitive species (the Northern goshawk in particular) and brings mature structural stages far below Forest Plan Goals & Objectives, also crippling the ability to meet requirements of MUSY. **If the Sawbuck Forest Management Project continues forward with the vegetation treatments as described, the project would be in clear violation of the National Forest Management Act of 1976 and MUSY of 1960**

The structural stages are the metric by which we can indicate viability for the Northern Goshawk (NFMA) and manage for sustainability and non-declining even flow (MUSY) of timber production. As the Project moves through analysis, please provide the current structural stages and then disclose how the proposed treatments will alter those structural stages. In addition, provide the status and trend of the Northern Goshawk specifically through the disclosure of the nest and foraging habitat. Finally, we expect to see an alternative, other than the no-action, that speaks to the need and opportunities but does not involve commercial timber harvest or at least does not include final harvest treatments.

Management Indicator Species (MIS) – Goshawk; Species Viability

The Northern goshawk is both a Management Indicator Species (MIS) and a R2 sensitive species for the Black Hills National Forest. The Mystic Ranger District has historically contained high quality nesting habitat for the Northern Goshawk. A recent study validates what Black Hills National Forest nest-site monitoring data and related studies have previously concluded regarding forest changes within the past 30-40 years. Habitats, and specifically nesting habitat, for Northern Goshawk have been and are declining in availability. This study confirms that the most significant Goshawk habitat losses have occurred in the past 15 years. In "South Dakota Wildlife Action Plan Explorer" Wildlife of South Dakota Final Technical Report Link: T-84_bruggeman_kennedy_final_technical_report_northern_goshawk.pdf states, **"**Through a combination of timber harvest practices and unpredictable natural disturbances, our results suggest the BHNF has lost much of its high-quality Goshawk nesting habitat over the past 30 years. Furthermore, the remaining high-quality habitat has become increasingly fragmented. Given the loss of high-quality habitat and limited data documenting Goshawk use of lower-quality habitat, the BHNF is moving away from management objectives established to ensure Goshawk population viability." See: 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.

On page 9 of the scoping letter, it states that there are "25 known American goshawk territories in the project area. Nesting stands, impacted by MPB mortality, now consist of scattered mature trees and dense understory of seedlings and saplings making them unsuitable for nesting. Alternative suitable stands are limited because of beetle damage and the resulting timber harvest to reduce the spread of MPB." Unfortunately, this is a misleading statement and the steep decline in suitable habitat for the goshawk has resulted from timber harvest that exceeds the ASQ and is not consistent with silvicultural treatments that favor mature HSS. The agency has had the opportunity to re-assess the forest conditions since 2016 when the "official" end to the epidemic

was declared. Unfortunately, the Black Hills National Forest and the Mystic Ranger District continued to offer timber sales at unsustainable levels reduced HSS to younger structural stages that truly are not suitable habitats for the goshawk. Initial results of recent LiDAR data show a shocking average stand density of about 90 trees per acre (sparse) and average tree size of less than 9.8 inches in diameter breast height (dbh) on average (small).

The Black Hills National Forest is legally obligated to ensure that ample habitat will be conserved to minimize the potential for federal listing of this species. The forest must cease any more commercial timber harvest that involves reducing mature stand characteristics (mature trees or trees approaching maturity) to retain these critical ecological pieces that have a chance to provide goshawk habitat in our lifetimes, maintaining the viability of this management indicator species (MIS).

Given Forest Service Habitat Structural Stage data for the Planning Area and Forest Plan direction, the Forest Service is obligated to provide habitat for the Northern Goshawk *and its prey*. This is supported by meeting or moving towards Habitat Structural Stage Objectives and has been an emphasized (and court-ordered) part of the Black Hills National Forest Plan, including Objectives 4.1-203, 5.1-204, 5.4- 206, 5.43-204, and 5.6-204.

The Sawbuck Forest Management Project includes 4,000 acres of commercial harvest that includes Overstory Removal/Shelterwood, Patch Clearcuts, Seed Tree Cut/Shelterwood Establishment, and Group Selection treatments that are proposed in stands that will continue to push mature stands to younger stand structures, creating stands that no longer can serve as critical nesting and foraging habitat for the Northern Goshawk. **If the commercial treatments continue as proposed and move mature HSS toward younger HSS, then this project will violate NFMA, Regulations, and its own Policy**.

If this project does move into analysis:

Please disclose how many of the 25 known Goshawk nest sites have had success over the past 5 years and explain how the district will ensure a viable Goshawk population.

Catalog the current condition of the 4821 acres of nest area stands that are mentioned on page 17 of the scoping letter.

Describe the degree to which the larger landscapes surrounding nest stand areas support Goshawk prey habitat now, and compare that to the expected capability for prey support at completion of the Sawbuck Project.

In addition, please show how vegetation treatments will move stands away from mature HSS and how that is distributed within the project area as well as across the entire Mystic District.

We expect to see an alternative, other than the no-action alternative, that speaks to the need and opportunities but does not involve commercial timber harvest or at least does not include final harvest treatments.

Culmination of Mean Annual Increment (CMAI)

Forest scientists have found the culmination of mean annual increment CMAI to be the best determinant of the beginning of a "mature" forest. CMAI is not a single age in years, but a comparable age in stand or tree development: it's the age of biological maturity. CMAI is well understood by foresters and can easily be determined for specific forest types on various growing sites using the Forest Service's own modeling software (Forest Vegetation Simulator).

Numerous laws, regulations, and policies guide how trees are harvested on national forest system lands, in this case the Black Hills National Forest. The National Forest Management Act (NFMA) directs that stands shall generally have reached the culmination of mean annual increment[1] (CMAI) before a regeneration harvest. This would apply to overstory removal, clearcutting, shelterwood, and seed tree harvests (even-aged management). NFMA also restricts harvesting to productive timberland where there is assurance that such lands can be adequately restocked within five years after harvest.

CMAI has been used as a defining metric in the National Forest Management Act of 1976[2] to define the age at which trees could be logged or clearcut. Specifically, Congress directed the Forest Service to establish standards to ensure that, before harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated based on cubic measurement or other methods of calculation at the discretion of the Secretary).

The Sawbuck Forest Management Project includes 4,000 acres of commercial harvests that include clear-cuts, seed trees, and shelterwood treatments that are proposed in stands well under the CMAI age stated in the Black Hills Forest Plan. **If the project continues with commercial treatments involving stands younger than the stand's CMAI, then the project would be in direct violation of NFMA, Regulations, and the agency's policy**.

If this project moves into analysis, disclose the CMAI for all stands proposed for commercial treatment, including the site index. In addition, include an alternative that excludes commercial timber harvest.

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[1] CMAI is Mean annual increment (MAI) is the average yearly volume growth per acre of a stand. This is computed by dividing the total volume by its age. As the stand increases in age, the MAI also increases until tree-to-tree competition and physiological maturity reduce the rate of increase. The point when a stand reaches its maximum MAI is called the Culmination of mean annual increment (CMAI).

[2] The National Forest Management Act (NFMA) exception language; the Rule provisions are at 36 CFR 219.11(d)(7), which reads as follows: (7) The regeneration harvest of even-aged stands of trees is limited to stands that generally have reached the culmination of mean annual increment of growth. This requirement would apply only to the regeneration harvest of even-aged stands on lands identified as suitable for timber production and where timber production is the primary purpose for the harvest. Plan components may allow for exceptions, set out in 16 U.S.C. 1604(m), only if such harvest is consistent with the other plan components of the land management plan.

Allowable Sale Quantity (ASQ) - Sustained Yield, and non-declining even flow

Lands managed by the Forest Service are managed under a multiple–use–sustained yield model under the Multiple Use–Sustained Yield Act of 1960 (MUSYA). This statute directs the Forest Service to balance multiple uses of their lands and ensure a sustained yield of those uses in perpetuity. Congress, through the National Forest Management Act (NFMA), has directed the Forest Service to engage in long-term land use and resource management planning. In the case of timber, they describe where timber harvesting may occur and include measures of sustainable timber harvest levels.

The National Forest Management Act limits timber removals to be a quantity equal to or less than a quantity that can be removed on such a forest annually in perpetuity on a sustained yield basis, given certain provisions. In the past, this sustained-yield provision was seen as an all-purpose safeguard of sustainability. The restriction on timber harvest to the level that could be sustained in perpetuity would ensure that the forest was not plundered. An even flow of timber was seen as ensuring economic and social sustainability.

The Sawbuck project includes 4,000 acres of commercial harvest that includes clear-cuts, seed tree, and shelterwood treatments that are proposed in stands well under the CMAI[3] age as stated in the Black Hills Forest Plan or modeled through the agency's own Forest Vegetation Simulator. There is no disclosure on how many of the commercially treated 4,000 acres will contribute to the volume sold and thus ASQ - **The project's proposed commercial harvest treatments are in violation of NFMA and MUSYA.**

If this analysis moves forward, please disclose the annual timber volume offered since October 31, 2005, in a chart similar to what is displayed here as examples from the Tongass National Forest in their annual monitoring report. In light of no annual monitoring reports by the Black Hills National Forest, please disclose this information. In addition, include an alternative that excludes commercial timber harvest.

Timber Resources 3 Table 1. Timber Volume Sold for Fiscal Years 2003-2012 MMBF

Fiscal Year	Timber Volume Sold	Percent of ASQ Sold	Annual ASQ
2003	37 MMBF	14% of ASQ	267 MMBF
2004	87 MMBF	33% of ASQ	267 MMBF
2005	65 MMBF	24% of ASQ	267 MMBF
2006	85 MMBF	32% of ASQ	267 MMBF
2007	30 MMBF	11% of ASQ	267 MMBF
2008	5 MMBF	2% of ASQ	267 MMBF
2009	10 MMBF	6% of ASQ	267 MMBF
2010	49 MMBF	18% of ASQ	267 MMBF
2011	37.5 MMBF	14% of ASQ	267 MMBF
2012	52.5 MMBF	19.6% of ASQ	267 MMBF
Ten Year Average	**45.8 MMBF**	**17% of ASQ**	**267 MMBF**

[3] The NFMA requires that stands must "generally" have reached the CMAI before they are harvested. The Forest Service interprets "generally" to mean within roughly 95 percent of the CMAI.

Miscellaneous ISSUES

We are also concerned with the following items found within the Sawbuck Forest Management Project scoping letter:

Planting

NFMA clearly states the requirement to reforest areas within five years of creating openings as a result of final harvest treatments. On page 14 of the scoping letter, it states "Planting Black Hills National Forest sourced ponderosa pine seedlings would be manually planted within the Jasper Fire scar where conditions require. Planting would result in a density of approximately 436 seedlings per acre, or an average spacing of about 10 feet by 10 feet. Mesh tubing may be placed over every other seedling for protection from wildlife and livestock."

This portion of the scoping letter seems extremely aspirational as the Jasper Fire occurred in 2001, and most recently the Mystic District has generated an incredibly large backlog of tree planting acres within the "Chipmunk sales," alone. It appears there is no clear plan or funding strategy that will keep the promise of tree-planting made through past NEPA documents. Most critically, re-plant the "Chipmunk sales," that are considered denudated. Here again, NEPA redundancy: the recent Simon Project area overlaps the Sawbuck proposal and includes replanting that will not be done in 5 years.

As the Sawbuck Project moves through the NEPA process, please address the following questions:

- Identify the number of acres of planting the District has promised to do or needs to do to be compliant with NFMA. Display the acres and timeframe planned to accomplish this work.
- It is unclear how many acres are proposed for final harvest treatments such as clear cuts, seed tree, shelterwood, and overstory removal in the Sawbuck project. The analysis will need to disclose the number of acres requiring reforestation and then speak to how planting will be accomplished within the 5-year timeframe required by NFMA for reforestation.

Considering the amount of time that has transpired from the Jasper fire and the small amounts of planting occurring to date, please review the 1, 3, 5-year surveys (aka monitoring) of those planted acres. Upon that review, it would be prudent to propose acres in the Sawbuck Project Proposed Action that are reasonably likely to occur, rather than a blanket "plant all acres." We suggest that it would be most prudent to develop an alternative analyzed in detail that excludes any silvicultural treatments that involve final harvest treatments. By default, this would not produce acres to re-plant and thus would not contribute to the large backlog of reforestation needs.

Cumulative Effects

The Council on Environmental Quality's (CEQ) NEPA | National Environmental Policy Act - Cumulative Effects regulations (40 CFR 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42U.S.C. 4321 et seq.), define cumulative effects as the impact on the environment which results from the incremental

impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR ~ 1508.7).

- Starting on page 10 under Past Management, the scoping letter states, "Timber harvest and other forest management activities have occurred in most of the project area over time. Since 2014, 16 timber sales have been implemented (Table 2)."
  - ✓ This table demonstrates a lot of overlap with very little discussion on impacts to structural stages (HSS). It would normally be expected that analysis and disclosure of structural diversity and distribution would be completed through the development of the Purpose and Need that contributes to the development of the Proposed Action. Please include structural stage distribution within the project area and across the ranger district to disclose the cumulative effects on Habitat Structural Stages (HSS) and how this particular project will change Habitat Structural Stages and their distribution. The Mystic Ranger District must be able to move towards or meet HSS distributions in the Forest Plan across the District. If the Mystic Ranger District is unable to disclose that in the analysis, then this project is in direct violation of NFMA, specifically regarding HSS and the surrogate that HSS has to species viability and non-declining even flow (ASQ).
  - ✓ In the cumulative effects analysis, list all NEPA decisions that the district considers "Ripe" and identify the work that is yet to be implemented in those decisions. This must be disclosed in the Cumulative Effects section for the 134,210 project acres. If there are no past NEPA decisions that the district considers no longer ripe, then please disclose them in the Cumulative Effects section.
- On page 13 of the scoping letter, it states, "The Sawbuck project area consists of 134,210 acres, of which approximately 4,000 acres of commercial treatments would be implemented."
  - ✓ The display of commercial treatment lacks specificity and is also confusing as it appears to suggest, in formatting, that the commercial treatments are commercial thinning with subcategories that are final harvest treatments. Please ensure moving forward that silvicultural treatments are defined per industry standards, usually utilizing the SAF's Dictionary of Forestry. An example of the clarity sought: thinning is an intermediate treatment whereas a clearcut is a final harvest.
- On page 18 of scoping letter, under the heading "Connected Activities" it states, "Road maintenance and reconstruction would be required for standard ground-based timber harvest. Moving roads to new alignments is not anticipated. Construction of new permanent NFS roads and changes to travel management are not proposed. The project may require an undetermined amount of temporary road construction to support implementation efforts, with the exact mileage to be determined as planning progresses. These could be new, or on old road templates."
  - ✓ If this moves into analysis, there must be some quantification for analysis purposes. This has important implications to water quality and soil impacts.
- On page 14 of scoping letter, under the heading "Mechanical treatment methods" it states "Thinning will primarily utilize mechanical mastication where feasible, given the terrain. In some instances, manual thinning may be necessary due to resource constraints or

inaccessible areas. Where larger dead and down material exists, mechanical piling/chipping may be required."

- ✓ If this moves into analysis, there must be some quantification for analysis purposes. This has important considerations to soil impacts and to quantify area of soil disturbance.

- On page 14 of scoping letter, under the heading "Mechanical treatment methods" it states "Removal of merchantable timber will primarily use the standard methods of ground-based equipment, accessed via existing roads where possible. In some cases, temporary roads will be necessary to reach specific locations."
  - ✓ If this moves into analysis, there must be some quantification for analysis purposes. This has important considerations to soil impacts and to quantify area of soil disturbance.
- On page 14 of scoping letter, under the heading "Mechanical treatment methods" it states "Steep slopes necessitate specialized harvest methods. Winch-assisted or tethered logging, a technique new to the Black Hills, may be suitable for these areas. This method can be costly, particularly combined with post-harvest treatments. While currently unfunded, we are including this option in the proposal as funding may become available in the future. Skyline logging, a traditional and cost-effective method for steep slopes, has been used on limited acres within the project area. It remains an option for a small percentage of the area and would complement [compliment?] operations on less steep terrain."
  - ✓ This proposed activity should be dropped from the proposed action. It is laden with connected actions and without an idea of the scope and scale and any kind of site specificity it forecloses our ability to offer input. For this reason, if these activities are not dropped, then develop an alternative that excludes any activities associated with steep slope logging. Steep slope logging has important implications to water quality and soil impacts.

Cohesive Strategy

Written nearly exactly as the Fort Project on the Bearlodge District, the Mystic Ranger District states on page 4 of the scoping letter, a general reference to the updated National Cohesive Wildland Fire Management Strategy, stating that the strategy "is a nationwide effort seeking all lands solutions to wildland fire management issues. Goals include the development of landscapes, regardless of ownership, that are resilient to fire, insect, disease, invasive species, and climate change disturbances, per management objectives. The Sawbuck project is designed to contribute to the Strategy's goals."

The genesis of the Cohesive Strategy began in the 2001 National Fire Plan. That National Fire Plan identified Communities at risk through a Federal Register process Federal Register:: Urban Wildland Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire. In time agencies moved onto the National Cohesive Wildland Fire Management Strategy, which was completed in 2014, and framed around the following vision and elevated three national goals: To safely and effectively extinguish fire, when needed; use fire where

allowable; manage our natural resources; and as a Nation, live with wildland fire, striving to meet the three national goals: 1) Resilient Landscapes, 2) Fire Adapted Communities, and 3) Safe and Effective Wildfire Response.

When moving through the analysis please speak specifically to how the Sawbuck Project will align with those three national goals, as well as the following:

- On page 15 of the scoping letter it states "Fuels reductions treatments, including mechanical and manual piling, aim to protect key values at risk— such as communities, infrastructure, and cultural resources—while enhancing the landscape's ecological resilience (Figure 16)"
  - ✓ Describe how the area meets the "Communities at Risk" and/or how the area meets the WUI definition as defined in the Federal Register.
- The National Fire Plan instituted the requirement for entities to collaborate when writing their own Community Wildfire Protection Plans (CWPPs). It is understood that Pennington County has completed its CWPP.
  - ✓ Describe clearly how those proposed treatments support the Pennington County CWPP, while not conflicting with the Black Hills National Forest Forest Plan.
- On page 8 of the scoping letter it states, "Its high and moderate intensity left significant fuel loads from fallen trees, creating a unique landscape for prescribed burns that align with historical fire regimes.
  - ✓ If proposed treatments rely on fire risk, provide modeling outputs."
- On page 8 of the scoping letter it states, "There is a history of large stand-replacing wildfires within the Sawbuck project area, including Redfern (1910), Rochford (1931) McVey (1939), Matt (1940), and Jasper (2000), along with about 110 smaller fires recorded between 2000 and 2024. Fire exclusion practices since the late 1800s have created dense, uniform forests with altered vegetation and limited size and age diversity, which can contribute the likelihood of catastrophic wildfires occurring."
  - ✓ It is much more likely that the altered fire regime in the Black Hills has come from timber harvest, first by Homestead Mining Company along with other smaller mining operations, and then more recently with pressure from Neiman Enterprises, Black Hills Forest Resource Association, and others who continue to press the forest for timber harvest at unsustainable levels. Prescribed fire is indeed a missing ecological tool that the Black Hills National Forest has not implemented at the levels that need to occur to restore ecological processes. In the analysis, please present the status of Fire Regime and Condition Classes (FRCC) within the project area. This basic principle should be a foundational understanding that drives the Purpose and Need for the proposed action.
- On page 8 of the scoping letter it states, "The Sawbuck project area was heavily impacted by the MPB mortality, creating extensive hazardous fuel patches and making it the outbreak's likely epicenter. Since the epidemic, there has also been vigorous pine regeneration within stands leading to an increased risk of crown fire (Figure 10). Additionally, there has been an accumulation of surface fuels, suggesting that the actual fire hazard is significantly higher throughout the project area. These conditions increase the likelihood of surface fuels escalating into canopy fires, leading to rapid fire spread,

soil damage, heightened runoff, sediment transport, and challenges in revegetation (Figure 9 and 11)."

- ✓ If proposed treatments rely on fire risk, provide modeling outputs.

- On page 15 of the scoping letter it states, "We propose implementing prescribed burning within nationally designated Potential Operational Delineations (PODs) in the Sawbuck project area. The goal is to apply prescribed fire appropriately throughout the project area over the next 20 years contingent upon weather, funding, and resources available. These burns would follow specific prescriptions designated to achieve fuel reduction, establish fuel breaks, and enhance natural resource benefits across the landscape."
  - ✓ PODs are designated through local collaboration, is this something that has happened recently? Please disclose this collaborative process in the analysis and share a map of these PODs. As mentioned previously, FRCC is an important piece of knowledge that helps to inform on how far departed these stands are, contributing to risk assessment that is a piece of the PODs effort.

Watershed Deterioration

Congressional direction for the administration of the forest reserves, now called national forests, began in 1897 with the passage of the Organic Administration Act. One of the defined purposes for which forest lands were set aside from settlement was "securing favorable conditions of water flow." Subsequent passage of over 25 other federal statutes further defined watershed management on these lands. Water is one of the most important natural resources flowing from forests.

- On page 10 of the scoping letter, it states "There are nine watersheds at the scale known as Hydrologic Unit Code (HUC-12) Watersheds within the overlapping Sawbuck project area. With all watersheds draining into Rapid Creek, except for a small section of Newton Fork." It also states, "These watersheds are currently rated as "functioning at risk," based on eleven key factors, such as water quality, forest cover, and forest health."
  - ❖ Typically, disturbance from logging (harvest activities and road (re)construction, construction of stream crossings) and the associated delivery of sediment to streams is the concern in the degradation of watersheds. Mechanical activities such as timber harvesting also impact soil health by compacting soils affecting soil depth, pore space, and bulk density. Long-term effects include possible changes to the hydrologic regime with implications for channel stability. The USFS Rocky Mountain Region has determined that when 25% of a 6th-level HUC is harvested, the hydrologic regime of that watershed is degraded.

- On page 10 of the scoping letter, it states "Over time, stream channels and riparian wetland communities in adjacent grassland meadows and aspen stands have been degraded due to conifer encroachment and the absence of beavers on the landscape (Figure 12)."

- ❖ we are concerned that historical and current cattle grazing practices and the road density, one of the highest in the entire agency are more the casual factors for degradation. So, we fail to see how the proposed mechanical treatments along with the continuation of current grazing practices, high road density, and uncontrolled OHV uses will improve conditions in these areas. Instead, the proposed project, along with these other factors, is more likely to bring project watersheds closer to the threshold for impairment in hydrologic function. Treatment proposed within riparian areas and wetlands should be dropped from the proposed action.

- On page 16 of the scoping letter, it states "Riparian and Wetland Vegetation Improvements Thinning or complete removal of encroaching conifer and non-native, undesirable species within the Aquatic Management Zone (AMZ) is proposed to improve riparian and wetland vegetation conditions. Treatments may consist of thinning and vegetation removal in valley-bottom, riparian corridors and around wetland edges to promote riparian and wetland vegetation species (Figure 17)."

  - ❖ Disturbance from logging (harvest activities and road (re)construction, construction of stream crossings) and the associated delivery of sediment to streams is the concern in the degradation of watersheds. Without a clear purpose and need for treating within riparian and wetland areas, these activities should be dropped from the proposed action.

Moving into analysis, please:

- ❖ Disclose the percentage and degree of disturbance in the proposed project area watersheds during the past 20-30 years and the parallel monitoring indicative of the degree of recovery in these areas.
- ❖ Please show maps of the watersheds in the project area and calculate the percentage of disturbance in each watershed. How does this compare to requirements limiting disturbance in watersheds?
- ❖ Disclose what will occur after creating and obliterating roads and temporary roads, including road reconstruction. What is the net reduction or net increase of road miles?

Goshawk and Bats Monitoring

Project monitoring is a valuable means of understanding the effects of projects and activities. Project monitoring can provide useful information to adapt future project plans to improve resource protection and restoration. Project and activity monitoring may be used to gather information for the plan monitoring program, and plan monitoring information may inform the development of specific projects and activities.

On page 9 and 17 of the scoping letter states, "There are 25 known Northern Goshawk territories in the project area. Nest area stands have been identified and consist of mature pine at moderate to high density. Some of the stands have an understory of dense pine saplings, which decreases suitability for goshawk and elevates crown fire hazard."

- Disclose the current trends of occupancy and success rates on the known Goshawk nest stands.

- Disclose the preferred Goshawk nest habitat that consists of Structural Stages 4B, 4C, and 5 in map and table form, which is the primary method of measuring the required habitat for the Goshawk. Please display by project area and Ranger District level.

Page 9 of the scoping letter, contains a brief discussion of two bat species listed under the Endangered Species Act that may occur in the project area: the northern long-eared bat (endangered) and the tricolored bat (proposed endangered). "There are 9 documented hibernacula for northern-long eared bats and two for the tricolored bats but no known maternity roosts for either species."

- Please show dates and results of monitoring of bat populations in the project area, as well as across the district that has occurred in the last 10 years and include those monitoring events that showed the 9 northern long-eared bat roost trees.
- Disclose the scientific methodology to identify the presence of the two bat species within the project area.

We are concerned about the viability of these species and the provision of necessary habitat in the Black Hills National Forest. The scoping letter contains no mention of monitoring. Required Forest-wide monitoring has not been conducted for more than a decade. Those reports up to the last one in FY2014 indicated that structural stage objectives were below target for Goshawk, and now the Northern long-eared bat has been listed as an Endangered Species and the Tri-color bat as Proposed Endangered.

- Provide a monitoring plan discussion on how goals and needs outlined in the scoping letter will be monitored.
- Provide a discussion of what is known about recent trends of bat and Goshawk populations in the project area as well as the district as a whole.

Mechanical treatment methods

Lands managed by the Forest Service, the National Forest System (NFS), are managed under a multiple use sustained yield model pursuant to the Multiple Use-Sustained Yield Act of 1960 (MUSYA). This statute directs FS to balance multiple uses of their lands and ensure a sustained yield of those uses in perpetuity. Congress, through the National Forest Management Act (NFMA), has directed FS to engage in long-term land use and resource management planning. Plans set the framework for land management, uses, and protection; they are developed through an interdisciplinary process with opportunities for public participation. In the case of timber, they describe where timber harvesting may occur and include measures of sustainable timber harvest levels. FS uses these plans to guide implementation of individual sales, which generate revenue. Congress has specified various uses for this revenue (CRS Timber Sales).

On page 14 of the scoping letter, it begins by stating that "Thinning will primarily utilize mechanical mastication where feasible, given the terrain. In some instances, manual thinning may be necessary due to resource constraints or inaccessible areas. Where larger dead and down material exists, mechanical piling/chipping may be required."

- Depending on stand density and other factors, manual thinning can be expensive to implement and generally requires dedicated funding." Funding is a concern and with the current Forest Service budget deficits this situation is exacerbated. In developing

alternatives, evaluate alternatives that take into account the full silvicultural treatment regime, so that treatments are proposed that do not just start a silvicultural treatment but that have the reasonably foreseeable ability to finish or place the stand on the trajectory to finish that treatment regime. For example, if overstory removal is proposed, then funding needs to be demonstrated to implement the next logical steps such as prescribed burning, growing seedlings, and planting seedlings if that is what is prescribed by the silviculturist for that stand to meet the objective(s).

On page 14 of the scoping letter, it says that the "Removal of merchantable timber will primarily use the standard methods of ground-based equipment, accessed via existing roads where possible. In some cases, temporary roads will be necessary to reach specific locations. Moving forward in the analysis, please:

- Disclose the miles of roads present, and those anticipated to be built need to be disclosed in the analysis, including those that are in areas that are "watershed deteriorated." Roads are the top reason for watershed deterioration.

On page 14 of the scoping letter, it states that, "Steep slopes necessitate specialized harvest methods. Winch-assisted or tethered logging a technique new to the Black Hills, may be suitable for these areas. This method can be costly. Particularly combined with post-harvest treatments. While currently unfunded, we are including this option in the proposal as funding may become available in the future. Skyline logging, a traditional and cost-effective method for steep slopes, has been used on limited acres within the project area. It remains an option for a small percentage of the area and would complement operations on less steep terrain." Moving forward with the analysis, please:

- Inform the public about the potential for "below cost" timber sales spawned by the Project. Funding is a concern and with the current Forest Service budget deficits this situation is exacerbated, knowing that steep slope logging of "low value" Black Hills Ponderosa Pine makes sales "below cost" timber sales (Below-Cost Timber Sales: An Overview).
- Reference the Forest Plan Standards and Guidelines that discuss activities on steep slopes and provide the rationale for why a Forest Plan amendment is not required.
- Disclose HSS on steep slopes and disclose the rationale for treating these stands in light of the district's current structural stage diversity and distribution.
- Disclose the road system that will support steep slope logging and in analysis describe those potential impacts to the watershed.

Additionally, moving into analysis, please:

- Disclose cost estimates per acre for each treatment type including mechanical and manual treatments, prescribed burning, and follow-up weed treatments.
- Provide information on road construction and reconstruction, temporary and permanent. What are the miles and costs? How many will be obliterated at the end of the project?
- What will be the total cost of the Project and will this analysis produce below-cost timber sales?
- Describe how the goals of the Sawbuck Forest Management Project will be affected if the Mystic Ranger District does not conduct all of the small tree thinning and prescribed burning.

Aspen Management

Healthy quaking aspen communities are characterized by high productivity and structural diversity. High-functioning non-riparian aspen forests support a more diverse array of plant and animal species than any other upland forest type in the western United States. However, conifer presence with aspen does not by itself indicate unhealthy conditions or an inherent need for restoration. Aspen and conifers have comingled and will continue to coexist. (Guidelines for aspen restoration in Utah with applicability to the Intermountain West).

- On page 5 of the scoping letter, it states "Due to lack of fire and vegetation treatment, conifers have encroached upon aspen and grassland habitats. This unmanaged encroachment will cause hardwood stands and grasslands to lose vigor and gradually disappear. Additionally, portions of aspen stands are old and decadent, needing vegetation treatments for regeneration and overall stand health."
  - ❖ The lack of specificity to the purpose and need for aspen-related treatments makes it difficult to understand what is proposed. To aid in disclosing when and what is the right treatment for aspen in the project area, please utilize the "Six Steps of the Aspen Restoration Decision Chain" found in the highly respected document - Guidelines for aspen restoration in Utah with applicability to the Intermountain West.

- On page 10 of the scoping letter under the heading of "Watersheds," it states, "Over time, stream channels and riparian wetland communities in adjacent grassland meadows and aspen stands have been degraded due to conifer encroachment and the absence of beavers on the landscape (Figure 12). This degradation has resulted in reduced fish habitat quality, lower forage productivity in aspen stands and meadows, increased erosion and sedimentation, a loss of plant species diversity, drying of wetlands and riparian areas, decreased water storage across the landscape and stream channel incision."
  - ❖ It states a need to diversify species composition by enhancing stands that have a pine/aspen component by transitioning from pine to aspen. The suggested treatment type is to "Remove encroaching pine from aspen stands and meadows." Pine with commercial value would be cut where they are encroaching into aspen stands and meadows. Smaller pine may be cut later to prevent it from competing with desirable species again." Moving forward in analysis and in the silviculturist's evaluation, please disclose the evaluation of the Aspen functional types and a demonstration of some silvicultural evaluation of the premises found in the professionally respected and notable work associated with this peer-reviewed paper (Guidelines for aspen restoration in Utah with applicability to the Intermountain West).

- On page 13 of the scoping letter, under the heading of "Proposed Activities," subheading "Aspen Enhancement and Meadow Restoration," it states, "Conifers with commercial value would be cut where they are encroaching into aspen stands and meadows. Smaller conifer trees may be cut later to prevent them from competing with desirable species again."
  - ❖ The lack of specificity to the purpose and need for aspen related treatments makes it difficult to understand the scope and scale of this treatment. To aid in disclosing when

and what is the right treatment for aspen in the project area, please utilize the "Six Steps of the Aspen Restoration Decision Chain" found in the highly respected document - Guidelines for aspen restoration in Utah with applicability to the Intermountain West.

- On page 14 of the scoping letter, under the heading of "Proposed Activities," it states, "Coppice Cut (with or without reserves) A method of regenerating aspen stands in which all or most of the trees in the previous stand are cut and most of the regeneration is from sprouts or root suckers."
  - ❖ The lack of specificity to the purpose and need for aspen-related treatments makes it difficult to understand the scope and scale of this treatment. To aid in disclosing when and what is the right treatment for aspen in the project area, please utilize the "Six Steps of the Aspen Restoration Decision Chain" found in the highly respected document - Guidelines for aspen restoration in Utah with applicability to the Intermountain West.

If moving forward in analysis, please disclose the evaluation of the Aspen functional types and a demonstration of some silvicultural evaluation of the premises found in the professionally respected and notable work associated with this peer-reviewed paper (Guidelines for aspen restoration in Utah with applicability to the Intermountain West). In addition, please also speak to the following:

- Specify the locations targeted for treatment and also provide information about the interface of these areas with the cumulative management impacts of uses such as grazing, commercial timber harvest, etc.
- Disclose the vegetation types and HSS in the analysis, both current and how proposed treatments will change them.
- Disclose the historic events and actions that have occurred in the area that support the scoping statement claims that "Stream channels, riparian/wetland communities, and the adjacent grassland meadows and aspen stands within the project area have been degraded over time by pine encroachment and the absence of beavers on the landscape." Watershed analysis of historic impacts exists in agency files for this general area, and we suspect that disclosure of the multitude of potential impacts is more helpful than a simplified causal effect that suggests a simple "pine encroachment and lack of beaver." That simplifies a complex problem that requires complex solutions.

NEPA – Purpose and Need

From the agency's own NEPA Handbook (1909.15), "The need for action discusses the relationship between the desired condition and the existing condition to answer the question, "Why consider taking any action?" The breadth or narrowness of the need for action has a substantial influence on the scope of the subsequent analysis. A well-defined "need" or "purpose and need" statement narrows the range of alternatives that may need to be considered. For example, a statement like "there is a need for more developed recreation" would lead to a very broad analysis and consideration of many different types of recreation. However, a statement like "there is a need for more developed campsites along Elk Creek" would result in a more focused analysis with consideration of a much narrower range of alternatives. "Purpose" and "need" may

be discussed separately, but normally they are discussed as one because the purpose of an action will be to respond to the stated need.

The scoping letter lacks a clear Purpose & Need. The Sawbuck Project "Needs and Opportunities" are written so generically that they can be overlaid on just about every national forest and be applicable. That fails the test of even the agency's policy on developing a clear purpose and need. On page 11 of the scoping letter is the following list of "Needs and Opportunities," which is said to come from a comparison of desired future conditions and existing conditions.

- Reduce moderate and high fire hazard from surface and ladder fuels through prescribed fire and other methods to protect private property, public safety, municipal water sources and other valued resources.
  - ❖ Please see our statements related to the Cohesive Strategy, Habitat Structural Stages (HSS), MIS – Goshawk; Species Viability, and Watershed Deterioration, and Cumulative Effects.
- Expand growing space for conifer trees across various size classes to improve forest health, enhance resilience to insects and disease, and support diverse wildlife habitats.
  - ❖ Please see our statements related to Habitat Structural Stages (HSS), Management Indicator Species (MIS) – Goshawk; Species Viability, Culmination of Mean Annual Increment (CMAI), Allowable Sale Quantity (ASQ), Sustained Yield, and non-declining even-flow, Planting.
- Restore stream and wetland habitat through removal of pine, the addition of native plantings, and the construction of low-tech features to replicate log jams and beaver dams.
  - ❖ Please see our statements related to Habitat Structural Stages (HSS), Watershed Deterioration, and Planting.
- General watershed improvements.
  - ❖ Please see our statements related to Watershed Deterioration.
- Maintain and enhance wildlife habitats by restoring native conifer stands, hardwoods stands, and meadows.
  - ❖ Please see our statements related to Habitat Structural Stages (HSS) and Aspen Management.
- Promote the regeneration of native pine stands within the Jasper Fire scar through strategic prescribed burning and targeted planting efforts.
  - ❖ Please see our statements related to Habitat Structural Stages (HSS), Cohesive Strategy, and Planting.

If moving through the analysis please develop more specificity. The wide berth of stated "Needs and Opportunities" lacks site-specificity for a project-level NEPA analysis and **violates the National Environmental Policy Act (NEPA), Code of Federal Regulations, and the agency's policies.**

Executive Order 13112 – Invasive Species
Invasive exotic plants constitute 8 to 47 percent of the total flora of most States in the United States. There are approximately 4,500 exotic species in the United States that have established naturalized populations and at least 15 percent of these cause severe harm (Sieg, et al, 2010, p. 35).

Invasive species significantly impact U.S. ecosystems and are one of the greatest threats to forest, rangeland, and urban forest health. They have contributed to increases in fire frequency and intensity; reduced water resources, forest growth, and timber; and negatively affected native species and their habitats throughout the United States. Forest and rangeland managers urgently need effective management techniques to reduce invasive species' effects" (Dix & Britton, 2010, p. 1).

On page 18 of the scoping letter it states, "Noxious weed prevention and control measures, including implementation conditions and the availability of weed-related funding, would be applied to minimize the establishment and spread of non-native invasive plants and any infestations following proposed activities. A native seed mix, which may include pollinator-friendly species, would be utilized for restoration efforts."

Executive Order 13112 is in place and states, "do not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions."

The proposed action states numerous activities that are vectors to invasive introduction and spread. If this moves into analysis, please disclose the status of invasives within the project area and if moving forward with activities that include mechanical equipment please, "determine and make public the determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions."

Research Natural Area (RNA)
A Research Natural Area, is defined as "A physical or biological unit in which current natural conditions are maintained insofar as possible. These conditions are ordinarily achieved by allowing natural physical and biological processes to prevail without human intervention. However, under unusual circumstances, deliberate manipulation may be utilized to maintain the unique feature that the Research Natural Area was established to protect "(FSM 4063.43, para.1).

On page 17 of the scoping letter, under the heading "Proposed Activities in Special Areas and Habitat," it discusses activities proposed "In Management Area 2.2 (Research Natural Areas) we propose to use prescribed fire, hand-thinning, and riparian restoration to protect its unique characteristics. This includes decreasing fuel loads, reducing excessive overstory, expanding high

quality rare plant habitats, and whenever possible manage undesirable, nonnative species that threaten their persistence (Forest Plan guideline 2.2-1002, 4303, standard 2.2-1001 and objective 231)."

Research Natural Area guidance is provided in the Forest Service Manual (FSM) 4063 - Research Natural Areas. Research Natural Areas may be used only for Research and Development, study, observation, monitoring, and those educational activities that do not modify the conditions for which the Research Natural Area was established.

- Guidance about the evaluation of potential RNAs is found in FSM 4063.05
- Guidance about RNA protection and permitted use is found in FSM 4063.3
- Guidance about RNA establishment criteria is found in FSM 4063.4

The agency's policy seems clear regarding activities that may occur with RNAs, however, the scoping letter does not elude or speak to any special approval sought or gained to allow treatments within RNA's. If this moves forward in analysis, please, speak clearly about how any activities will meet the policy on RNAs.

Old Growth and Botanical Areas (BAs)
Scoping letter, pages 17 & 18:

"In Management Area 3.7 (Late-successional Landscapes) a total of 2,097 acres is being evaluated for a range of vegetation treatments, including both commercial and non-commercial options. These treatments are designed to support the development of late-successional characteristics. Prescribed burning is also proposed across the area to achieve multiple objectives: reducing immediate fire hazards, reintroducing fire as natural process, and enhancing conditions for late-successional development. These efforts will promote the growth of mature stands while allowing them to continue evolving toward late successional conditions."

- ❖ We are concerned with the stated idea of improving old growth via commercial options because of the very real pressure for the BHNF to produce an unsustainable volume of timber to local mills. Old Growth - a cornerstone of ecological diversity and resilience, not to mention the foundation of the locally vibrant tourism industry enjoyed by multitudes - is below Forest Plan Objectives across the forest, including the Mystic District. It is not a renewable resource. Therefore, we request rigorous scrutiny and disclosure of proposed actions on this front.

"In Management Area 3.1 (Botanical Areas) we propose to use prescribed fire, hand-thinning, and restoration to protect unique features. This includes building BDAs and PALS, planting native wetland species, enhancing fen habitats, expanding rare plant habitats, and removing encroaching conifers and fire-prone trees (Forest Plan objective 216 and 235).

Whenever possible, manage undesirable, nonnative species that threaten high-quality habitats and rare plants (Forest Plan guideline 4303).

- ❖ Caution and rigorous scrutiny are warranted. These areas are already vulnerable to degradation due to activities proposed for the larger landscapes near and adjacent to them. More specificity and public disclosure is required.

Thank you for the opportunity for stakeholders to provide comments and ask questions about forest management projects.

~ The Norbeck Society