LAWRENCE COUNTY
SOUTH DAKOTA
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Lawrence County Commissioners
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February 11, 2025

North Sand Project
Black Hills National Forest
1019 N. 5th St.
Custer SD 57730

Re: North Sand Project Comments

Dear Ms. Krueger:

Please find enclosed comments submitted on behalf of the Lawrence County Commission regarding the North Sand Project.

Please email Bruce Outka, Commissionerers' Assistant at boutka@lawrence.sd.us or by phone at (605)722.4167 with any questions.

Thank you for your consideration.

For the Board,

Bob Ewing, Chairman

Lawrence County Comments on BHNF North Sands Project

Lawrence County generally supports the stated the Purpose and Need of the project.

- Reduce uncharacteristically high fire hazard that could threaten developed areas, public safety, rare plant, populations, late-successional pine forest, raptor nesting habitat, and other values.
- Increase growing space for pine trees across a range of sizes.
- Restore openings and low-density forest on south-facing slopes.
- Diversify species composition where understory is dominated by oak shrubs.

There is some truth to the statement on page 2 that "Without intervention, however, stands consisting of an older pine canopy above dense oak are likely to eventually convert to oak shrubland." It is important that these pine stands are retained on the landscape and we support your intent as described on page 8 to get more pine regeneration on the ground.

We noted that all issue statements are limited to the issues created by project implementation. We agree that project implementation can create issues, but we also believe that there are larger issues to be considered. We believe the risk of extreme wildfire and the resulting threats to public safety and potentially adverse impacts to other resources should be framed as an issue statement. We noted that this issue is captured in the Purpose and Need but it also should be listed and an issue and then tracked through the document to be evaluated in the environmental impacts so that the public can fully understand the trade off of active management compared to no management.

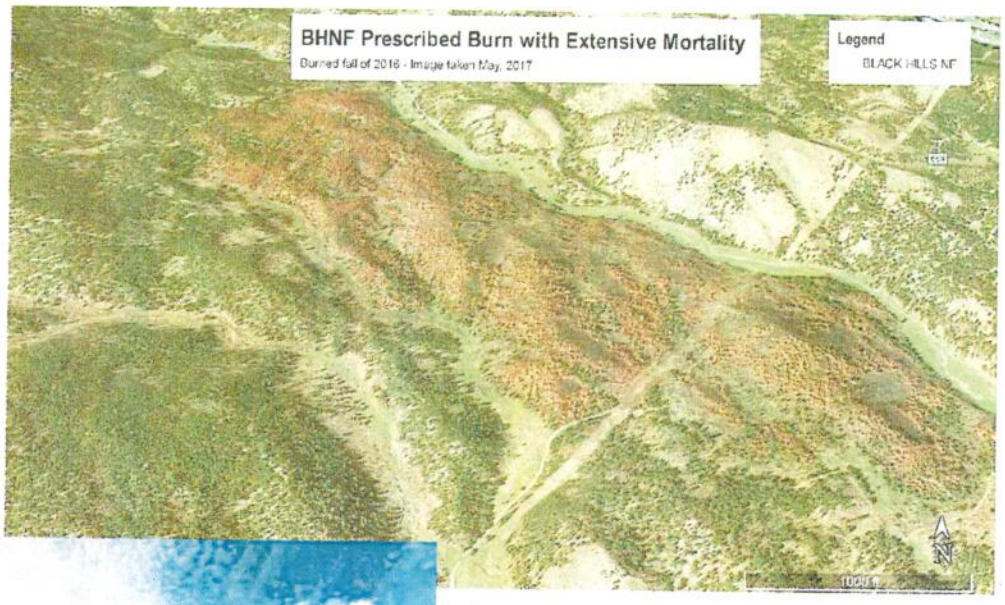
Especially important is the need to reduce the "uncharacteristically high fire hazard." As the EA points out, there is significant wildland urban interface in this project area, especially on the north end. Many of the Black Hills' historic large wildfires generally burned from south to north during periods of high temperatures, south winds and low humidity. In addition, there is a fairly narrow canyon (Grand Canyon) that also runs south to north which could act as chimney.

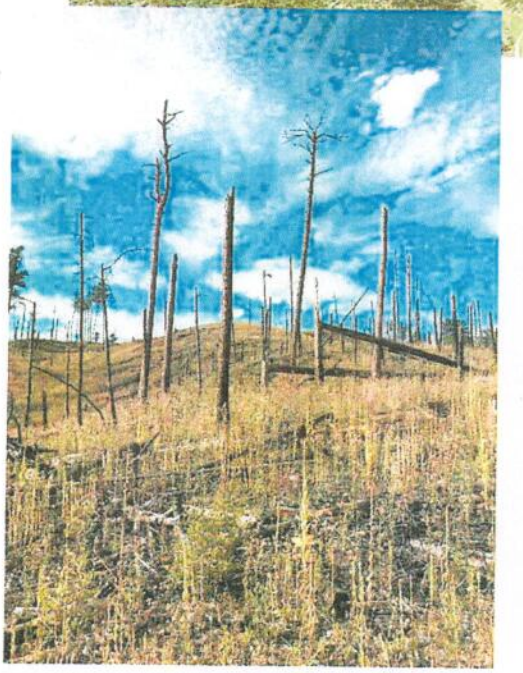
We are disappointed that not more of the project is being proposed for commercial management. It appears that the Forest Service is only proposing 2,190 acres of commercial harvesting, which is only about 20% of the project area. The Forest Service is constantly making public statements that there is very little timber to be harvested in the Black Hills, but then when there is an opportunity to actually plan more harvest, the Forest Service chooses not to do so. We recommend that the Forest Service include a table showing in detail how many acres are being treated commercially, noncommercially, and by prescribed burning and showing the estimated volume to be harvested.

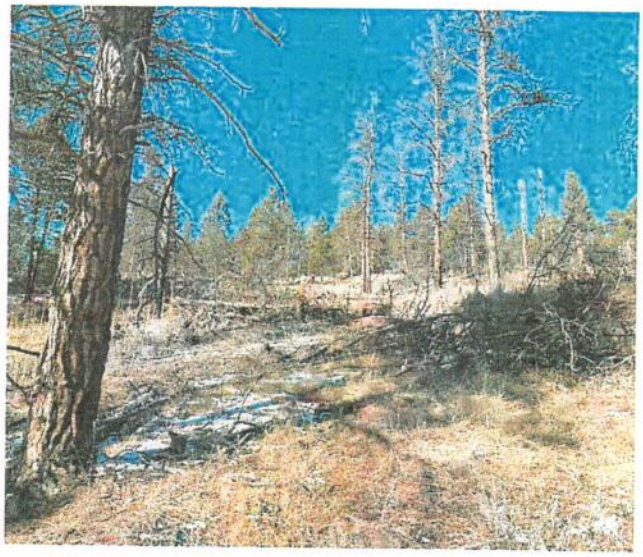
LC has concerns that the USFS is proposing to remove 5,932 acres of steep-slope harvesting from what was stated in the Scoping Document . It is important for the specialists to understand that there are thousands of acres of steep ground that has previously been excluded on the BHNF that can currently be harvested using existing timber harvesting equipment. Logging systems, such as CTL, are capable of operating on slopes in excess of 50% especially where rock is not an impediment. In addition, a major part of the reason that steep-slope harvest is so expensive is the unnecessary and burdensome requirements that the BHNF has imposed, in particular masticating slash in skid trails. Fire and Fuels Design Feature #1 does not require mastication of residual fuels where they have been used at slash mats. We recommend that you take another look. The impacts of treatments on steep slopes should be put in context by comparing these impacts to the potential impacts of extreme wildfire on steep slopes. Soil loss after wildfire far outweighs the risks of disturbance caused by heavy equipment on these slopes. To provide full disclosure to the public and stakeholders, we request that the decrease in wildfire severity risk from the original proposed action be compared to the decrease in wildfire severity with the modified proposed action.

The Preliminary EA describes the various commercial and non-commercial thinning prescriptions, which are helpful in understanding the proposed project. But we are unsure how relevant it is to have variable density thinning when one the primary purposes of thinning the forest is to reduce wildfire severity by increasing the crown spacing between trees and reducing ground and ladder fuels. We do believe and support that significantly reducing the stocking levels on the south slopes by mechanical harvesting and thinning and then prescribe burning would be very effective in reducing high to extreme fire severity. It would be extremely helpful to how much the proposed treatments have lowered the high fire severity risk.

We are concerned about the amount and type of prescribed burning that is proposed. By our calculations, the North Sand project would treat roughly 50% (5,424 acres) with prescribed burning. Of this total only 1,047 acres will be commercially pretreated and another 1,140 acres non-commercially pretreated. We recommend adding project design criteria that we require that all stands or areas planned for prescribed burning will be pretreated commercially or noncommercially. This is very important since prescribed burning is not very selective and the Forest Service has not demonstrated an ability to manage the impacts to vegetation from prescribed burning in the Black Hills NF. There have been many cases in the Black Hills NF where the goal of burning was to reduce the dead and down fuels and the prescribed burn kills much of the overstory, which then results in more dead and down trees and fuel loading than what was on the site before the burn. Below, is a 2017 Google Earth photo of a 2016 prescribed burn in the Black Hills NF which resulted very high tree mortality. The next photo was taken in 2022 and shows that this area is now pretty much a brush and weed field with high amounts of dead and down fuels.



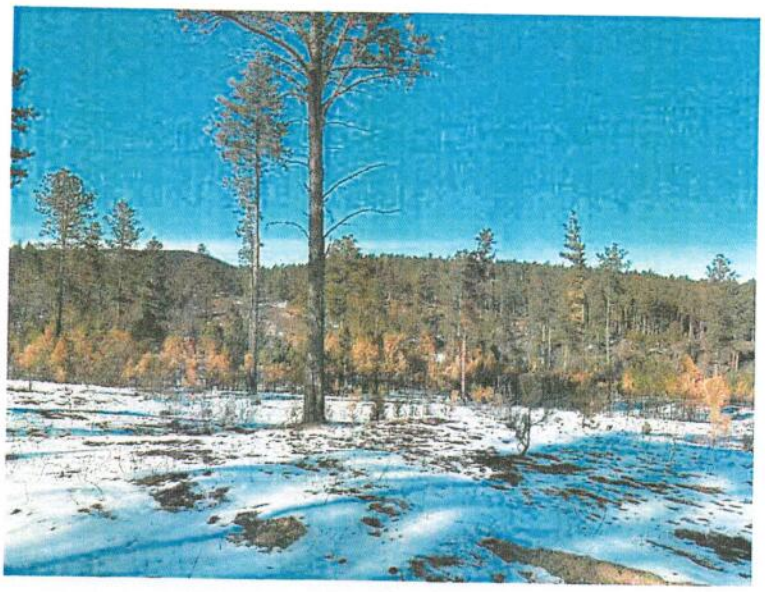




The photo above is of prescribe burn that killed a large patch of timber resulting in significant wildland fuel (slash) on the ground

We believe that there should be well laid out silvicultural prescriptions for all prescribed burns and those should be summarized in the EA. It is truly an unequal playing field when the Forest Service goes through detailed silvicultural explanations of the proposed mechanical treatments to help the public understand the results and effects, but then does none of that for proposed prescribed burning. Prescribed burning can have significant negative impacts if the it is not properly planned and executed. Even with this, there is significant higher risk to the designated leave trees when treated by

prescribed burning than with mechanical treatments. This also applies when the Forest Servcie attempts to use prescribed burning to try to thin regeneration. In the picture below of a recent prescribed burn almost all of the regeneration has been killed by the burn under what appears to be a seed cut. This does not make any sense. The whole reason for applying the seed tree cut is to establish a successful stand of young trees, which in this case was successful. But then the Forest Service used a prescribed burn, instead of a mechanical precommercial thin, to try to thin the regeneration, with disastrous results.



According to the last paragraph under prescribed burning on page 7, silvicultural prescriptions, including tree mortality limits, are not available and will not be developed until some time in the future. That is not appropriate. Unless the BHNF is planning additional NEPA on the prescribed burning portion of the project, we recommend that you identify mortality limits in the current EA, with an opportunity for public review and comment.

In general, we support the use of prescribed fire as an important tool in management of fuels and forest health. Unfortunately, in this, and other recent EA's, we have observed that the BHNF plans, implements and evaluates the impacts of prescribed fire with a much looser standard than other management activities such as timber harvest or thinning. We cannot find any direction for not applying the same careful planning and rigorous analysis that is completed for other forest management activities. It seems that there is an assumption that standard procedures will mitigate all negative impacts of prescribed fire, but the same logic is not applied to commercial harvest or other management activities. For example, prescribed fire is planned for large acreages with

limited information about preburn treatments, consideration of protection of larger trees and description about how a broadcast burn will accomplish forestry and fuels goals in the selective manner that is desired.

As detailed above, several recent prescribed burns on the Black Hills NF have resulted in excessive mortality. This excessive mortality led to the February 15, 2018 letter from then Black Hills NF Forest Supervisor Mark Van Every which included the following direction:.

Mortality Limits

- **Mortality limits should not exceed 5% in timber that is 7" dbh or greater in the suitable base.**
- **Mortality limits for timber less than 7" dbh, inside the suitable base will be determined based on approved silvicultural prescription.**
- **Mortality limits for all diameter classes outside of the suitable base will be determined based on approved silvicultural prescription.**
- **Determination of operable/inoperable ground should be made in consultation with Industry.**

In addition, all approved Prescribed Fire Plans must be signed by a certified silviculturist and existing burn plans already approved should be amended to include the mortality limits identified above.

We would offer the following recommendations regarding prescribed burning –

-mortality limits must conform to the February 15, 2018 BHNF letter regarding prescribed fire mortality.

-there should be "zero" mortality of trees over 16.0" DBH in old growth stands and in goshawk nesting habitat.

-prescribed burning should not cause any stand currently meeting the Mehl definition of old growth to no longer meet the Mehl definition of old growth, based on either loss of trees 16.0" DBH and greater or openings created, or both.

-pretreatment of "doghair" stands in prescribed burn units to reduce the likelihood of killing trees 7.0"DBH or greater or creating large openings.

According to the Forest Service publication FS-1215c – June 2024, "Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management", "Currently, wildfire, … is the leading threat to mature and old-growth forests, followed by insects and disease". We are disappointed that the proposed project would only slightly reduce the percentage of high to very high fire hazard in MA 3.7 from 83 to 78 percent and we are also disappointed that the EA does not contain any analysis of mountain pine beetle risk. We recommend that you analyze opportunities to reduce the percentage of high to very high fire hazard and high mountain pine beetle risk within MA 3.7

Old Growth – Existing Conditions and Proposal

First, the photos and stand descriptions are very helpful in understanding old growth stand conditions in the project area. We offer the following comments –

-the proposed action for several stands that have heavy understory is broadcast burning, with an expected result of decreasing ladder fuels and producing small openings. We are concerned that broadcast burning in these stands without significant pre-treatment will result in significant mortality to overstory trees and we recommend that you include specific details about prescribed burn objectives and needed pre-treatment in the EA.

-two of the stands are described as "goshawk nest area stands, protected per Forest Plan Standard 3108" implying that no treatment is allowed by the forest plan. Actually, forest plan standard 3108 does allow vegetation management activities within nest areas to "maintain or enhance the stand's value for goshawk". We encourage you to modify the statement and to consider whether any vegetation management would "maintain or enhance the stand's value for goshawk"; in our view, that would include reducing the potential for a crown fire.

Biological Evaluation for North Sand Project

As dire as the projected impacts on page 6 of the BE appear, we note that the BE concludes that the proposed action and alternative "may adversely affect individuals, but are not likely to result in a loss of viability in the Planning Area or cause a trend toward federal listing" for every species.

We recommend that you clarify the project habitat impacts regarding reduction in the "quantity and quality of dense, late successional forest structure" and reduction in "dense, late successional forest structure". Is the term "late successional forest structure" the same as "old growth"? We don't see any discussion in the Old Growth analysis about reducing acres of "old growth". If "late successional forest structure" is not the same as "old growth"; what is it? Further, we recommend that you clarify the project reduction in "snag habitat" – we would expect very little, or no, reduction in the number of snags associated with harvest activities; on the other hand, given the BHNF history of prescribed burning, we would expect to see an increase in the number of snags. Finally, we request that you clarify projected "increase [in] long-term fire risk"; considering that one of the project "needs" on page 3 is "reduce uncharacteristically high fire hazard", how is it that you are projecting an "increase in fire risk" from this project?

We would also recommend the following changes to the Design Features on pages 10 and 11.

- Under Recreation change the word "minimize" to "reduce" to avoid the anyone interpreting it as to mean "zero conflict".
- Under Water and Soils add "consistent with operational requirements and safety"
- Under Wildlife "to protect bat species" we would offer that not all of the project contains bats and that the only areas where commercial timber harvesting should not occur is where bats are present.