

Black Hills Forest Resource Association

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Extensive needs for forest management, of all treatment types, exist across the Black Hills National Forest (BHNF) to reduce wildfire hazards and risk of insect infestation, and increase restoration efforts and resource utilization. The Benchmark Project (project) is an excellent start to those efforts. The Black Hills Forest Resource Association (BHFRA) and our members appreciate this opportunity to comment on the Preliminary Environmental Assessment (EA) for the Project.

In General

Overall, we believe the Northern Hills Ranger District (NHRD) has produced a quality project with strong analysis of effects to accompany it. The efforts contributed to this project are evident and appreciated. We will not be detailing in our comments each section or statement that we appreciate or agree with, but may highlight certain portions.

We have noted the intentionality within the EA to provide an effects analysis that clearly describes the potential adverse effects, potential **beneficial** effects, expected negative effects of **not** implementing the project, along with elements of the Forest Plan and additional design criteria intended to minimize any adverse effects while maximizing improvements to the condition of the natural resources we all care about. We found the format and manner which that information is conveyed within the EA to be helpful, and we have to believe it also helps the general public understand the beneficial effects from the project and the extensive measures the BHNF implements to ensure a net positive effect.

Our comments are intended to help add clarity to sections, bolster science used in the analysis, and maximize the effectiveness of the project and the efforts put into it.

Purpose and Need

We agree with the purpose of the project to reduce hazardous fuels and risk of insect infestation, while recognizing that material from those treatments goes toward filling a critical need within the forest products industry.

A renewable resource

The EA also includes additional bullet points of project necessity. As presented, the ordering of these bullets could be interpreted as in order of priority. We believe the points highlighting how 88.1 percent of the project area is in a Management Area that emphasizes resource production and that the entirety of the project area is considered Wildland Urban Interface are the strongest considerations for additional necessity. Use of Secretarial Memo 1078-006 makes sense given the emergency situation in the project area and across the BHNF. Although EO 14225 is in effect, the BHNF would likely be taking much more drastic actions across the forest if that was the highest priority.

We recommend reconsidering the order these points are listed to reduce potential interpretations of priority on behalf of the BHNF.

Proposed Action

We appreciate the NHRD analyzing the project area for a suite of potential treatments. Analyzing for the ability to implement a variety of commercial and non-commercial treatments across the landscape is critical. We also recognize that funding for non-commercial treatments falls significantly short of the need on the BHNF. Potential solutions to increase acres of non-commercial treatment may exist and we welcome discussions to find specific, place-based answers to these needs when feasible for forest products companies.

While it is clear the NHRD has undertaken a concerted effort to implement quality treatments across the project area, we also note for the NHRD and others that the EA projects about half the project area (or about 1.5 percent of the total BHNF area) to be available for commercial treatment, and about 29 percent of the project area (or nine tenths of one percent of the total BHNF acres) for non-commercial or fuels reduction work. We continue to encourage the BHNF to maximize treatments across the landscape to maximize the benefits described within the project EA.

Roads - We agree with utilizing existing access, as described in the EA, to the maximum extent possible and temporary road construction where needed. Because the EA is using emergency authority decision authority from Secretarial Memo 1078-006 we call attention to the language in the April 3, 2025 implementation guidance and elsewhere with language emphasizing the use of "...the minimum standards necessary for safety and removal of wood products."

CMAI – The EA references culmination of mean annual increment (CMAI) when discussing shelterwood treatments and stand age distribution. First, we believe the reference to 36 CFR 219.16 in relation to CMAI may be in error on page 4 as that CFR relates to public notices. We recommend checking this reference and correcting if needed.

Second, CMAI as it relates to timber harvest is not a hard/binding limitation. The EA references 16 USC 1604 when discussing limitations resulting from stands not having reached CMAI. However, our review finds the BHNF has broader sideboards on implementing the types of forest management work outlined in the EA. In particular, the language of 16 USC 1604 is clear in providing:

1. “That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures.”
2. “That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which *are in imminent danger from insect or disease attack* (emphasis added).” The nature of the emergency designation and the prior designation under the Farm Bill covering this project area provides a basis for determining many of these stands are in danger from insect or disease or attack.
3. “exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest...”

These allowances are critical when evaluating, among other scenarios: 1) A stand which has regeneration of appropriate quantity and size, and is now appropriate to remove the final overstory but hasn’t yet reached CMAI. Despite not reaching CMAI, these stands may present more appropriate locations for overstory removal because of the advanced regeneration or stand development. 2) Stands in need of shelterwood establishment cuts due to density or other stand metrics, but may not have reached full CMAI. Implementing a needed treatment to aid stand development, range production, or reducing risk of insects and fire should not be precluded by CMAI.

We recommend reviewing the project area, proposed types and locations of treatments, to maximize the acres treated under the project without the CMAI filter for the reasons described above and others.

Pre-commercial thinning and fuels reduction – This work is critically important across the project area and we commend the NHRD for including this work in the project. We also recognize the majority of the project is in MA5.1. Here, we believe the “art and science” portion of silviculture is key in balancing reaching fuels reduction objectives while also providing for future resources (timber, rec, others) in the project area. Less tree spacing may also reduce costs per acre and allow more acres to be treated.

To that end, we recommend targeting a spacing of 12-14 feet for hazardous fuels and pre-commercial thinning with allowances to feather from around private lands and other critical infrastructure/resources with larger tree spacing.

Prescribed Fire – We greatly appreciate the recognition in the EA that prescribed fire operations should comply with tree mortality limits, and that “Prescribed fire would only be implemented in areas that have received some form of prior vegetative treatment”. Although we write this without knowing those exact mortality limitations, the acknowledgement itself is greatly appreciated and we suggest setting mortality limitations in line with previous BHNF Supervisor Van Every direction of:

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.

We also recognize and appreciate the language in the EA that “Prescribed fire would be utilized to reduce surface loading and to reduce the density of small-diameter conifers within the planning area.” That is an excellent use of prescribed fire on the landscape and we support that use at scales greater than currently utilized, when safely applied.

In certain portions of the EA, there is reference to the project producing approximately 48,000 ccf. We recommend adding very clear language that figure may increase as the project is implemented to prevent any perceived constraints that might result from that figure without additional context.

Design Criteria

Botany – We appreciate the statement in B-7 that, “There would be no restrictions applied to the existing prism of system roads/trails where sensitive plant habitat overlaps them”. We also appreciate the language in B-1 regarding “identified plant habitat” as we take that to translate into “known existence” or where sensitive plants have been identified to be located through field surveys.

We are concerned about statements referring to restrictions in “suitable” or “high probability” plant habitat in the EA. We translate those and similar terms as “potential” plant habitat. The designation as potential or similar plant habitat, where the current existence of sensitive species hasn’t been field verified, has been a long-running issue on the BHNF that has unnecessarily restricted the ability of the BHNF to implement needed treatments. We strongly recommend the BHNF to clarify in the botany design criteria that

the provisions apply only to locations with a current existence of a sensitive species – not any potential or other assumed presence.

We are also concerned with B-8 that wouldn't allow any treatment, at any time, within known areas. Of course, we are not suggesting activities that would certainly damage any sensitive species. However, there are likely seasonal, frozen ground, or other conditions based restrictions that would allow the BHNF to implement treatments without causing damage to sensitive plant species. We recommend changing the language to allow for potential treatment in a manner that could avoid resource damage to known locations of sensitive species.

Recreation – We recommend changing the language of R-4 to better reflect the potential allowances or opportunities to work with snowmobile use. A potential edit could be: “To the extent practicable, log hauling on snowmobile trails should not be allowed from December 1st to March 31st of each year. If a timber...”

Consideration of Reasonably Foreseeable Impacts

Here, we again express our general appreciation and support of how the NHRD described all the potential impacts including beneficial impacts, along with negative impacts of not implementing the project. The no-action alternative seldom comes without consequences, and we recognize and appreciate the NHRD for detailing that in the EA.

Environmental Impacts

Commercial Timber Harvest – We recommend the BHNF leave greater options around selecting a yarding method that best fits the timber sale area. As written, the EA seems to state that whole-tree yarding will only be used across the project area unless slopes aren't conducive. There may be other reasons to use a different system such as cut-to-length. The EA states, “Whole-tree yarding will be utilized in the commercially harvested units...” We recommend using phraseology such as “should be prioritized” in place of “will be utilized”.

We also recommend removing the “(>35%) when describing slopes not conducive to whole-tree yarding. Traditional rubber-tired skidders can typically operate up to 40 percent slopes and 30 percent adverse skids without resource damage. Removing the percent allows for flexibility in evaluating potential resource concerns and selecting a yarding system based on conditions and needs.

Structural Stages – We found the tables (such as table 6) to be confusing. In particular, the far right column “proposed action departure from Forest Plan” can easily be read as changes resulting solely from this project. As an example, the row labeled 3A shows an existing

percent of 20.3 percent, a proposed action acreage of 4,907, a “change” of 19 percent to the red, and a “proposed action departure from the Forest Plan” of 29.3 percent. This can be read as the 4,907 acres within this project moves the entire BHNF to 29.3 percent in the red. Of course, 4,907 acres is less than half a percent of the entire BHNF so it would be impossible to move the acres 9.3 percent on a forest scale.

Table 7 shows the row labeled 3B as having 32 acres of treatment in the project, but moves the existing percent from 3.3 percent in the project area to a “Proposed action departure from Forest Plan” of -11.7 percent. Again, 32 acres would have an imperceptible change at the forest level.

We recommend reviewing these tables to ensure clear information delivery that minimizes the potential for misinterpretation.

Table 10 – Throughout table 10, the effects summary uses phrases such as, “Prescribed fire could increase herbaceous plant growth in burn areas.” or “Prescribed fire could benefit this species by encouraging new vegetative growth that would create a buffer to minimize sedimentation into streams.” or similar statements suggesting a positive understory response following prescribed fire. We don’t disagree with those statements.

However, we also find science supports the conclusion that many timber harvest activities have the same positive responses to understory grass and herbaceous presence and abundance. Many peer-reviewed publications have found understory production and diversity respond positively to forest management activities that reduce forest tree and canopy density (Stoddard et al 2011, Smith 2011, Dodson et al 2008, Logar 2007, Moore et al 2006, Griffis et al 2001, McConnell and Smith 1970). The scientific literature generally concludes that reducing forest canopy cover through mechanical removal reduces competition for resources and, at the same time, increases the abundance of certain critical resources including sunlight and water. These findings follow the effects from prescribed burning where understory production, abundance, and richness are increased which, in turn, directly benefits many species.

We recommend adding beneficial impacts similar to prescribed fire where forest management through commercial and non-commercial activities may produce a similar response on understory vegetation species after changes in canopy cover.

Northern Long-Eared Bat – We continue to disagree with seasonal restrictions imposed on management activities due to the northern long-eared bat, excluding hibernacula locations. We have presented numerous journal articles and the Federal Register that illustrate substantial benefits to the species resulting from most forest management activities. Additionally, we have presented journal published work that indicates NLEB

habitat most closely aligns with snags in decay stages, often located in more open stands, with other limitations on maternity roost locations such as thermoregulation constraints, necessity for open stands for pups becoming volant, etc. We appreciate the continued dialogue regarding how to provide near and long-term benefits for this species across the BHNF.

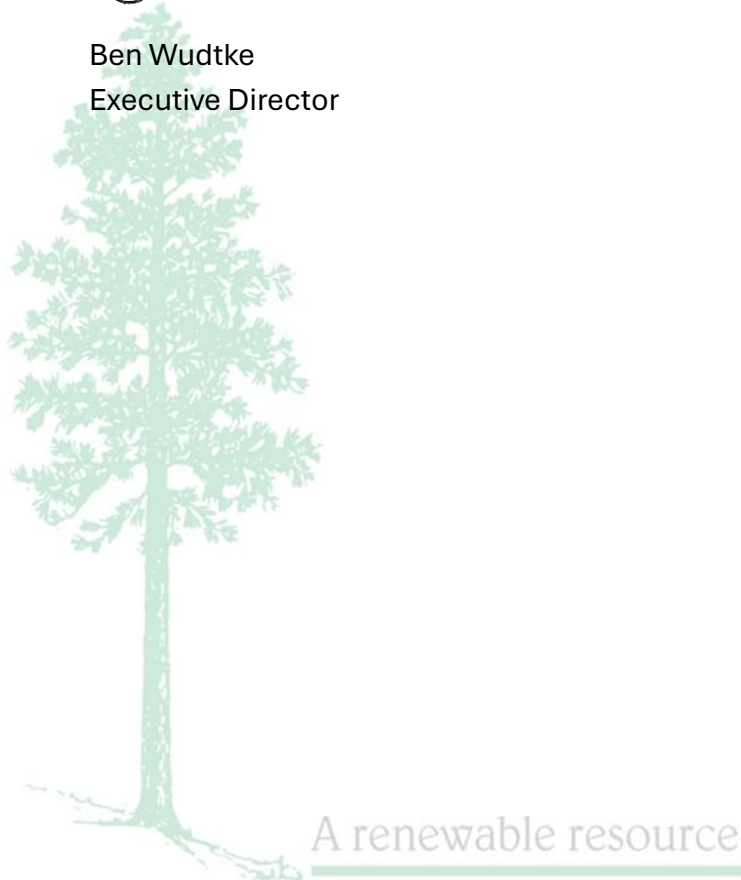
Conclusion

BHFRA expresses our gratitude to the NHRD for the work put into design and analysis of the project. We also recognize and appreciate the willingness to meet with us and our members to find solutions to sometimes challenging management scenarios in an effort to implement projects that meet the needs of the BHNF while recognizing the needs and constraints on the forest products industry in the region. Please feel free to contact us with any discussion or follow-up regarding our comments or the project.

Thank you,



Ben Wudtke
Executive Director



References

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