

Data Submitted (UTC 11): 3/25/2022 6:00:00 AM

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Title:

Comments: The Black Hills Forest Resource Association (BHFRA) and its members appreciate this opportunity to provide comments in response to the scoping notice for the SVMP. Our comments are attached.

Dear Mr. Underhill,

This letter is in response to the request for comments from the Black Hills National Forest (BHNF) on the Spruce Vegetation Management Project (SVMP). The Black Hills Forest Resource Association (BHFRA) and its members appreciate this opportunity to provide comments in response to the scoping notice for the SVMP.

#### Purpose and Need

BHFRA supports the purpose and needs outlined in the scoping document including the need to: Increase the structural heterogeneity in those stands that were always spruce dominated; Create openings in over-mature spruce dominated stands; Increase the occurrence of ponderosa pine and aspen in mixed conifer stands (more on this in proposed actions); and to provide economic support to local communities.

BHFRA also supports the use of an EA and adaptive management. The 10th Circuit court of appeals recently supported the Forest Services' use of adaptive management, dismissing a lawsuit against the agency and upholding the verdict from the district court in Colorado. (Link to decision:

<https://cases.justia.com/federal/appellate-courts/ca10/17-1334/17-1334-2019-04-15.pdf?ts=1555344028> )

Importantly, the judges wrote that, [ldquo]First, WildEarth argues that the Service was obligated to specify the sizes, locations, and treatment planned for each of the treatment units and the locations of the 21 miles of temporary road expected to be built.[rdquo] [hellip] [ldquo]But Richardson did not hold that an agency's EA or EIS always must specify the precise locations within a project area that will be affected. The problem in Richardson was simply that there had been no environmental assessment of the ultimate plan.[rdquo] Some have suggested that Richardson (565 F.3d 683, 703) applies to the SVMP, but that context provided by the 10th Circuit is important for this project and the BHNF is on firm ground to use adaptive/condition based management. Ultimately, the 10th circuit dismissed all claims, including those against the use of adaptive management in the case.

We also believe projects of this scale present additional opportunities to incorporate multiple uses into the analysis because many of the resource surveys and analysis overlap between forest management projects and projects that may

#### Proposed Action

Management Areas - BHFRA believes the proposed actions generally align with the guidance provided within the Forest Plan by management area (MA). Excerpts from language within the Forest Plan for each MA in the project areas as examples:

\* MA4.1: [ldquo]The overall appearance of this management area is reminiscent of a managed forest, and few signs of damage to trees by insects or diseases should be visible.[rdquo]

\* MA 4.2A: Standard 4.2A-4101 [ldquo]Manage fire and fuels through various methods to protect the biological an

scenic values, but in the wildland urban interface the priority will be fuel reduction.[rdquo]

\* MA 5.1: Goal 5.1-201 [rdquo]Manage tree stands to emphasize timber products, forage production, and water yield.[rdquo] Desired Conditions include: [rdquo]Few areas show evidence of decadence or old trees. Trees of all ages are present. Trees in this management area are managed to produce forest products while providing forage production, visual quality, wildlife habitat, recreational opportunities, as well as other goods and services.

\* MA5.4: [rdquo]Timber harvesting and prescribed burning are the primary management tools used to stimulate browse production and improve habitat within these key wildlife areas.[rdquo] The full range of management practices occur.[rdquo]

\* MA5.6: Goal 5.6-202 [rdquo]Manage forest cover types to provide variety in stand sized, shape, crown closure, age structure and interspersions.[rdquo]

Pure Spruce Treatments within WUI [ndash] The BHNF indicates that regeneration harvests with reserve trees is expected to be the primary method along with overstory removal with reserve trees and group selection in small diameter spruce stands. The scoping describes leaving ponderosa pine and aspen following overstory removals and regeneration harvests. Spruce will likely overtake aspen quickly in these stands and transition back to spruce. However, BHFRA questions whether leaving ponderosa pine will promote long-term management of pure spruce stands as pure spruce, given the propensity for ponderosa pine to regenerate following treatment. We recommend the BHNF only retain ponderosa pine when doing so aligns with long-term management goals for particular stands. We also recommend the BHNF to not constrain themselves by structural stage classifications when describing where these treatments will occur. We believe that will help limit undesirable outcomes such as issues seen during implementation of the BHRL project regarding seedling/sapling heights.

Pure Spruce Treatments Outside WUI [ndash] The scoping document describes a potential treatment method of group selection with reserves, retaining at least 50 percent canopy closure. Although this type of treatment may not effectively reduce wildfire hazards, we recognize that may not be the goal outside of WUI areas. This treatment will, however, likely meet the purpose of [rdquo]increase the structural heterogeneity in those stands that were always spruce dominated.[rdquo] We recommend clarifying the purpose for treatments in these stands to reduce any confusion in planning or implementation regarding which acres of treatment apply to which objectives and purposes.

Treatments for Mixed Conifer Stands [ndash] The scoping package indicates treatments in this forest type will constitute the majority of treatments in the project and BHFRA supports that as a priority as these stands were more likely to not have contained spruce historically. The scoping document describes management objectives for acres of spruce and also aspen. Moreover, the scoping document indicates the BHNF is not accomplishing the objective for acres of aspen on the landscape. Because of that, we question the retention of ponderosa pine in all treatment areas versus on a case-by-case basis. We believe this project may present opportunities in some areas to increase acres of aspen stands while reducing the acres of spruce by removing the spruce and ponderosa pine. We recommend describing this action in the NEPA analysis and looking for opportunities to remove ponderosa pine where aspen can be promoted/improved within treatment areas.

All Treatment Areas [ndash] Although sawtimber size spruce requires special milling, different from ponderosa pine, at an increased time and cost to purchasers there remains a market for this type of product. There also remains strong demand for post and pole (<9[rdquo]) material from purchasers in the Black Hills. However, the opportunities for commercial utilization of timber less than 9[rdquo] may be more limited in the Black Hills due to tree form and utilization of spruce. Because of this, we strongly encourage the BHNF to reach out to purchasers to discuss treatment options for trees less than 9[rdquo] DBH, including the recognition that treating those trees may best be described as service work.

The scoping document states, [rdquo]that there are approximately 30,000 acres of pure spruce and mixed conifer stands, both within and outside of the wildland urban interface (WUI), that would be assessed for management designed to align current conditions with forest plan direction.[rdquo] (pg 5). We recommend raising the potential

treatment acres from 25,000 acres (as stated on pg 6) to 30,000 acres to give maximum potential of the project meeting the stated purpose. The BHNF is not bound to treat 30,000 acres, but would provide additional allowances to meet the objectives of the SVMP.

#### Other Issues

Resource Concerns: Although modern forestry equipment is surprisingly light on the land, concerns for various resources (such as access, slopes, soils, potential plants, etc) sometimes arise in the course of planning or implementing a project. We strongly recommend the BHNF to not remove areas of resource concern from potential treatment and to work with forest products companies to find solutions to address any concerns.

Goshawk: If concerns arise regarding treatment of goshawk areas, we recommend the BHNF to utilize the most recent scientific findings specific to goshawks in the Black Hills findings in Graham et al (2015). There, Graham with Reynolds, write:

[ldquo]Also, Reynolds and others (1992) recognized that high forest canopy cover was an essential component of goshawk habitat, especially in the older structures. As such, their canopy recommendations only applied to older vegetative structures, which, at fine scale, could be less than 0.25 acres (.01 ha) in size. This is an important concept when designing ponderosa pine forest conditions that are resilient to mountain pine beetle activity and yet capable of supporting goshawks and their prey.[rdquo]

Graham (2015) goes on to recommend a silvicultural system that, [ldquo]Using Reynolds and others (1992) as a template,[hellip] create[s] and maintain[s] forest conditions for the goshawk and its prey[hellip][rdquo] Importantly, over a period of 100 years, the stand conditions associated with that recommendation never exceed 80 sq. ft. basal area (BA).

Structural Stages [ndash] We strongly recommend the BHNF not tie treatments to specific structural stages in the SVMP. This has created undesirable outcomes implementing the BHRL project and restricts the BHNF from treatments that better meet objectives of projects.

Regarding any and all resource concerns, we recommend the BHNF look at potential effects on water quality, soil health, wildlife habitat, atmospheric carbon contributions, etc resulting from a catastrophic fire in the analysis area when considering any potential resource concerns relating to planning and implementation of the SVMP.

We appreciate the opportunity to comment on the SVMP and look forward to working with the BHNF to care for the forests.

Thank you,

Ben Wudtke

Executive Director