

Data Submitted (UTC 11): 3/11/2024 6:00:00 AM

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Comments: Reviewing Official for the Black Hills NF Spruce Vegetation Management Project Deputy Regional Forester

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Delivered electronically via: US Forest Service NEPA Projects Home (usda.gov)

Dear Reviewing Official,

Please find our Objections regarding the Black Hills National Forest Spruce Vegetation Management Project (SVMP) on the following pages.

We believe that our Objections are significant, and in them we catalogue some of what is at stake due to the unfortunate Regulatory Capture of the U.S. Forest Service, an agency which we believe has the important function of delivering exceptional management of the legendary Black Hills National Forest to the American public.

As always, we are appreciative of every opportunity for public involvement and your consideration for the concerns we are raising here.

Sincerely,

Mary Zimmerman, President

On behalf of the Norbeck Society

Norbeck Society Objections

Spruce Vegetation Management Project (SVMP)

Black Hills National Forest

Introduction:

We Object to the Spruce Vegetation Management Project (SVMP) and initiation or implementation of any part of it. The project and the analysis of its potential harms or benefits are deeply flawed because it is driven by politics and economics on behalf of one user interest and not for the best management of the Black Hills ecosystems and the millions of people that enjoy and own these federal lands. The U.S. Forest Service should abandon the SVMP and work to understand the current condition of the Black Hills National Forest and the plant and wildlife habitat it provides. The Forest is in dire need of restorative actions like prescribed burning, weed control, and small tree thinning. The U.S. Forest Service needs to work to build back public trust of the important regulatory agency that we expect to provide exceptional management of these public lands we call the Black Hills National Forest.

On the following pages are Objections related to these issues:

1. New issue: Inadequate disclosure of Cumulative Effects (page 2)
2. New issue: Maps show SVMP in ATPs with important plant and wildlife values (p. 3)
3. The BHNF Unsustainable Timber Program (p. 4)
4. Forest Plan Revision (p. 5)
5. High Potential for Loss of Ecological Integrity and habitat, destruction of edges, recruitment of Old Growth, noxious species (p. 6)
6. The Uncompelling Rationale of "Historically dominated by ponderosa pine and aspen" (p. 9)
7. Disturbance: Slash piles, Roads and their impacts, Damage to soils (p. 9)
8. Hydrology and Soils
9. Planting Pine (p. 9)

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1. We Object to the inadequate disclosure of cumulative effects and the non-factual and deceptive disclosures about the relationship of the Spruce Vegetation Management Project to the BHRL project and other projects. These disclosures were made by Forest Service after the last opportunity for us to comment.

The SVMP EA claims to disclose cumulative effects of the Black Hills Resilient Landscapes (BHRL) Project and the Spruce Vegetation Management Project. The analysis provided is inadequate, non-factual, and misleading. The map provided on pages 103 and 104 show where BHRL treatments were authorized and disclosed to the public. However, many cutting units that were sold and cut as if they were authorized and disclosed to the public when in truth, they were not. They were sold and cut illegally and not in compliance with NEPA. These units totaled thousands of acres and were mostly liberation cuts. Many of these units were in the SVMP area. Many of these units contained Spruce and mixed spruce ecosystems and potentially contained important habitat and connectivity elements for Region 2 Sensitive Species including but not limited to the Pacific Marten (*Martes caurina*)/American marten (*Martes martes*)/Pine marten, hereafter called Marten, and the American Goshawk (*Accipiter americana*). Forest Service use of multiple names in the SVMP documents is confusing to the public and the scientific community. So here on out, we'll use "Marten". This is one reason the documents for SVMP are flawed - Forest Service can't even seem to decide what to call this species.

The egregious circumstances of the BHRL Project implementation have had significant impacts to many aspects of the Black Hills National Forest that the Norbeck Society cares about: plant and wildlife habitat, cultural values, clean water, fire and insect risks, weeds, recreation, and even a sustainable timber program. The Forest Service must do a much better job of describing the cumulative impacts of all overlapping projects including BHRL on these aspects. The cumulative effects analysis must include the effects of the illegally cut units.

Exhibits A, B and C are provided as additional attachments:

Exhibit A. In June 2021, Forest Service was notified of problems with the BHRL project and were provided with this information.

Exhibit B. We did a follow up analysis just a few months later in September 2021 and catalogued units believed to be sold but not cut yet given their status on the BHRL Implementation website. This information was not shared with Forest Service at that time. We believe these units have been cut illegally under the guise of "BHRL"

Exhibit C. Memo from Deputy Chief Chris French to White House about BHNF/BHRL

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1. We Object to poor maps and SVMP treatments in areas where past projects showed ATPs (Areas To Protect)

with important plant and wildlife values.

The maps provided by Forest Service in scoping and the Draft Environmental Assessment were, small, showed only a few roads, and none of the non-Forest Service parcels making it impossible to locate exact areas of proposed treatments. In the current SVMP EA and SVMP Decision Notice and Finding of No Significant Impact, the maps are somewhat larger. Although some of the same deficits are present, with much effort, the public can figure out just about where proposed treatments are located.

Now, with the provision of somewhat better maps for SVMP, and finally able to find locations more specifically, we find that many of the SVMP units are in areas that were recently ATPs, areas that protected Marten corridors (please see Objection IV), nest sites, botanical habitat, archaeological values and the like.

For example, the SVMP unit farthest to the east is not only the only dense habitat in the area, during the time of the Cougar (BHRL) sale, it was an Area To Protect (ATP). Additionally, to make a point related to our first Objection, the unit directly north of it was cut illegally in the Cougar sale.

Another example is the Iceman (BHRL) timber sale (completed 2022). Plant habitat and marten corridors marked in that sale are marked for logging in the Spruce project.

Forest Plan Monitoring has not been conducted and impacts to many values on the forest are unknown. In an act of caution against harming or destroying important values on the Forest the Forest Service must eliminate such ATP sites from the SVMP project. The Forest Service must disclose the exact values at risk in stands that were once protected for any reason.

We attach Exhibits C, D and E as examples of some, but not all, instances of this: Exhibit D: Cougar logging map

Exhibit E: Viper logging map Exhibit F: Iceman logging map

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1. We Object to the BHNF Unsustainable Timber Program

Counter to Forest Service claims, this issue is within the scope of the project. We are concerned the Spruce Project will contribute to unsustainable logging in the Forest. We have expressed this concern with all recent projects, and each passing year's unsustainable sales rate validates this concern. BHNF FLRMP Goal 3: "Provide for sustained commodity uses in an environmentally acceptable manner." The Black Hills National Forest is not only ignoring this Forest Plan Goal, it is currently in violation of the Multiple Use Sustained Yields Act and the National Forest Management Act.

The National Forest Management Act (NFMA 1976) requires that the Forest Service limits "sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis" unless certain key criteria are met in determining and developing a departure.

The Forest Service must use the Best Available Science which is "A Scenario-Based Assessment to Inform Sustainable Ponderosa Pine Timber Harvest on the Black Hills National Forest" (RMRS- GTR-422), GTR information flyer updated with reconciliation report links updated.pdf(usda.gov), and the January 2021 Underhill report, Assessment of the National Forest Advisory Board Recommendation: fseprd949571.pdf (usda.gov) General Technical Report 422 says the current forest management plan is not sustainable."

Sustainability is a legal requirement, conditions on the Forest have significantly changed, these facts trigger a need to revise the plan under NFMA or a need to amend the current Forest Plan. The principle of non-declining even flow is intended to provide a steady and predictable supply of timber products from National Forest System lands that does not decline over time. It is further intended to ensure consistent long-term flow of timber products. Continuing to overharvest worsens the situation and makes the future even more unpredictable. Attempts have been made since 2005 to reduce the sales volume and industry folks have had plenty of time to adjust. Valid Data have shown depletion since 2011 - 13 years!

In the Spruce Project Silviculture Report on page 12, GTR 422 is quoted: "The sustainable level of pine from suitable lands ranges from 72,400 to 90,500 CCF per year (Graham 2021)." However, it is not mentioned that the authors state this is true if:

1. If mortality rates stay below 1.04%,
2. If all suitable timberlands are available for harvest.

They go on to say, "History shows that allowing the forest to recover after large disturbances provides opportunities to adjust future harvest levels. Also, tending of young forests can promote recovery and produce sawtimber volume more quickly."

In pdf 202401FONSIDDNx1SpruceVegManagement1x.pdf it is stated on page 4 that the expected duration of implementation is estimated to be 5 years. On page 172 of the SVMP EA, you state that 21,300 CCF volume from the SVMP would contribute to 2% of the ASQ. As you know the Forest Plan ASQ is not a promise, but a ceiling. We believe that if the Black Hills National Forest was meeting sustainability requirements spelled out by the National Forest Management Act and the Multiple Sustained Yields Act, you would be selling no more than 50,000 CCF during the stated 5 years of implementation. The volume in the SVMP then amounts to more than 8.5% of that volume.

If the BHNF and the timber industry are really interested in the potential for a larger harvest in the future, then you would sell only 45,000 CCF or less in the coming years until you saw a net growth in the standing live inventory. If that were the case, the SVMP would be providing 9.5% of the annual sales volume.

Additionally, we should remember that harvests of the past 20 years were possible in part due to the work the CCC did in the past. That type of long-view prep is not being done today. If BHNF and industry want a timber program long-term, investments will need to be made now. At last check (2020) BHNF had a backlog of 219,648 acres of Timber Stand Improvement. See page 20: fseprd733565.pdf (usda.gov) Since there is a shortfall of this type of activity, we expect that acreage has only increased.

In estimating sustainability, BHNF must also consider that not all trees are available for harvest because of parameters of the Forest Land Resource Management Plan which has restrictions due to soils, habitat, suitability, recreation, and more. It is very possible that, at this point already, there is nothing left to harvest. Please see our other Objections.

We would like to be provided with information about the volume the Forest Service has ready in projects to date and how they see that rolling out over the next five years. We have doubts that a truly sustainable timber program can accommodate the volume from the SVMP in the next five-year period and meet the other obligations Forest Service has to this Forest and the people who own it.

We want to see the Forest Service abide by limits to harvests as they relate to other values on the forest and honor the promises made to the American People regarding those values.

We suggest Forest Service abandon the SVMP.

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1. Forest Plan Revision

Counter to assertions the Forest Service has made by saying Forest Plan Revision is out of the scope of the SVMP, we continue to know it will short-circuit Forest Plan Revision, narrowing options for the future. In the Draft Forest Assessment "Ecological Integrity of Forested Ecosystems: Status and Trends," Need for Change is described:

The revised forest plan should:

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* Revisit the white spruce plan direction (239-LVD). This direction indicates to manage for 20,000 acres of spruce across the Forest using active management to achieve multiple-use objectives. There is a need to revisit desired conditions for white spruce and re-assess thresholds needed for species habitat. Current white spruce direction is simple and may need to be more nuanced in terms of how different types of spruce- dominate forest in different areas across the Forest is managed.

* Include monitoring of white spruce to keep track of what is happening to this species, given its uniqueness and vulnerability to climate change.

So, in the face of no monitoring, and knowing current Forest Plan direction on Spruce is in need of more nuance, and thresholds needed for species habitat need re-assessment, there is no amount of this "unique and vulnerable" habitat that is disposable.

The forest has undergone massive changed in the past 25 years. The for-now-untouched stands in the Spruce Project proposed action are like islands of biodiversity surrounded by logged over land.

Other examples of short-circuiting Forest Planning include: if it is decided that a finer mosaic of habitat structural stage objectives across the Forest is desired, then the spruce project would render that difficult to achieve in the next 70-100 years. Also, if it is decided to move towards more uneven-age management, the shelterwood establishment cuts in the Spruce proposal will have negated the possibility on 831 acres.

The Forest Service must delay decisions and actions on these acres until after Forest Plan Revision is complete. None of these areas have changes happening so quickly or pose dangers so grave that immediate actions are required. In fact, given these are mostly islands of ecological integrity in a ravaged forest, it is likely that these areas do a lot of good if left as they are right now. First do no harm.

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1. High Potential for Loss of Ecological Integrity and habitat, destruction of edges, recruitment of Old Growth, noxious species

Yes, first, do no harm. In this highly disturbed and abused Black Hills National Forest - unsustainably logged, impacts from fire and insects, compromised watersheds, NO RECENT MONITORING, OUTDATED DATA on habitat for plants and wildlife- the Forest Service must not implement projects that diminish the ecological integrity, habitat and potential habitat any further.

The SVMP includes logging in areas previously known as marten corridors. Please see Objection II on page 3.

We Object to logging in marten corridors and potential marten corridors.

The analysis of this species and its needs is currently inadequate. We Object to the use of Common Stands Exams from "2002 - 2019" and "walk-throughs" on less than 22% of the acres in question to determine the adequacy of marten habitat on the Black Hills National Forest.

The Forest Service has decided that the marten is a desirable species they will manage for, and the burden is on the Forest Service to not knowingly diminish its habitat if they are uncertain about the implications of management actions. The Forest Service as habitat manager is obligated to ensure the viability of the marten on the Black Hills National Forest and if surveys for woody debris, canopy cover and other habitat requirements are not done, if no track plates have been employed, then there is a great degree of uncertainty in play.

Currently, you are unable to authenticate on the ground where the marten habitat is. As habitat managers, you can't have diminished viability. The science and the historical accuracy still hold true until there's additional local best science to prove otherwise.

We point out again that the lack of Forest Monitoring required by the Forest Plan contributes to lack of knowledge about this and other species habitats.

Please refer to letter #3791956 sent to you by Art Carter in March 2022: [DownloadCommentFile\(usda.gov\)](#) which we incorporate herein by reference.

For detailed information about Region 2 Sensitive Species needs and supportive science, please incorporate herein by reference Exhibit G which is a comment letter on the 2021 Pine and Aspen Project from South Dakota Game, Fish & Parks, attached.

Please also review Region 2 documents pertaining to the marten. We incorporate the following three documents herein by reference:

[stelprdb5316052.pdf \(usda.gov\)](#)[fseprd1091228.pdf \(usda.gov\)](#)[stelprdb5318747.pdf \(usda.gov\)](#)

The burden is on the Forest Service to ensure that viability of other Region 2 Sensitive Species of plants and wildlife is not diminished. We have similar concerns about the 3-toed woodpecker, the American Goshawk, Snails and others. In GTR-339, Reynolds et. al., 2015, parts of the SVMP area has high rated American Goshawk nesting habitat. We have similar concerns about the plants like *Plantathera orbiculata* and others included on the R2 Sensitive Plant Species list, and plants like *Lycopodium annotinum* and others on the SOLC (Species of Local Concern) list. Please see Objection I. In terms of Cumulative Effects, the Forest Service has admittedly left out consideration for much logging that has been done illegally and the cumulative effects on habitat for Region 2 Sensitive Species of plants and wildlife.

Much of the plant survey data used is at least 10 years old, surrounding stands have been altered dramatically (by Mountain pine beetle and/or by logging). What we knew a decade ago has changed.

The SVMP Biological Evaluation for Plants, Botany Report states that noxious weed species are HIGH in and near the Project Area and that nearly all habitat ratings will have dropped to "Low" post project. Less than 5% will maintain a rating equal to their pre-project rating. We Object to proceeding with the SVMP not only because of detrimental effects to habitat, but also because of the guaranteed corruption of these area by noxious plant species. An excessive amount of disturbance (logging), and too little and/or ineffective mitigation of weeds on the forest to date prove that loss of ecological integrity and habitat is guaranteed in the SVMP. The SVMP Project

Botany and Wildlife reports clearly state the project will result in a decline in ecological integrity and a loss of important wildlife habitat. We Object to the damaging results for habitat and ecological integrity guaranteed by the SVMP.

We disagree with Forest Service when it's stated the SVMP will have no impact on the Black Fox Botanical Area. Botanical Areas were set up with no buffers except the existing multiple use forest surrounding them. The SVMP will have negative effects on the Botanical Area. Our ecosystems have limits to what they can recover from, and it seems the Forest Service is intent on finding those limits.

We Object to the consequences of the SVMP to Old Growth recruitment and Habitat Structural Stages. We want to know how compliance with Habitat Structural Stage Objectives will be impacted by this project given their importance relative to wildlife and plant habitat across the Forest.

The Forest Plan's Habitat Structural Stage Objectives are designed to ensure species viability. BHNFLRMP Goal 2: Provide for a variety of life through management of biologically diverse ecosystems.

Objectives 4.1-203, 5.1-204, 5.4- 206, 5.43-204, and 5.6-204: Meeting or moving towards Habitat Structural Stage Objectives has been an emphasized part of the FLRMP. Indeed, the Forest Service has legal obligations to the public regarding the provision of habitat for wildlife in its pact with the American public.

The Forest Land Resource Management Plan and Forest Plan Habitat Structural Stage Objectives are rooted in a court settlement. The Black Hills National Forest 1997 Revised Land and Resource Management Plan (1997 Revised Forest Plan) was approved on June 24, 1997. In 1999, Deputy Chief James A. Furnish signed a decision addressing several appeals of the 1997 Revised Forest Plan affirming most appeal points; however, he found that additional evaluation of the sufficiency of the plan in providing for the diversity of plant and animal communities and species viability was needed and thus, the Phase II amendment provided management direction to adequately provide for species diversity and viability. The Phase II amendment fulfilled components of a Settlement Agreement for Civil Action No. 99-N-2173 (U.S. District Court for the District of Colorado, September 2000).

A significant Forest plan amendment, Phase II ensures viable populations of native and desired non-native species are maintained by Goals and Objectives that protect habitat to sustain species viability and diversity. It also contains Standards and Guidelines for wildlife and plant species to ensure compliance with the requirements of the National Forest Management Act, its implementing regulations, and agency policy. Given Forest Service Habitat Structural Stage data for the SVMP and Forest Plan direction, can the Forest Service adhere to its commitment to ensuring a viable plant and wildlife populations in the SVMP area? While FS claims that project activities will not take place in late successional stage stands, all 4B and 4C are needed for recruitment into SS5 to meet Habitat Structural Stage Objectives in the Forest Plan.

We are concerned that projects on the forest have become unmoored from the Forest Land Resource Management Plan (FLRMP) and we Object to that.

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1. The Uncompelling Rationale of "Historically dominated by ponderosa pine and aspen"
2. Disturbance: Slash piles, Roads and their impacts, Damage to soils, Weeds
3. Hydrology and Soils
4. Planting Pine

We stand by the remarks we made on these topics and others last fall in our comments US ForestService NEPA Project Public Reading Room - View Letter ([usda.gov](https://www.usda.gov)) on the SVMP draft Environmental Assessment which we

incorporate herein by reference. However, we feel that our Objections I through V are more than adequate to justify completely dropping this project - frankly, if they don't convince the Reviewing Official, nothing will.

Conclusion:

We believe in and support the U.S. Forest Service mission, and yet we have serious regrets for what is happening on the Black Hills National Forest. It is common knowledge that the Forest Service actions are being driven by politics and economics and not for the betterment of the Black Hills ecosystems and the millions of people that enjoy and own these federal lands. While the public expects and often believes the Forest Service is a trusted steward of these lands, eventually there will be a reckoning. The public will see the sham. And unfortunately, the blame will be placed directly on the shoulders of the Forest Service, not the lobby-beholden politicians that drive Forest Service employees to do things they know are wrong. The Norbeck Society is in support of a sustainable timber program as long as it's in balance with other values on the Forest. Sadly, today it is not, and we are losing more than we even know. We urge the Forest Service to either cancel or put the Spruce Vegetation Management Project on hold.