Data Submitted (UTC 11): 4/29/2025 6:00:00 AM
First name: Nancy
Last name: Hilding
Organization: Prairie Hills Audubon Society
Title: President of Prairie Hills Audubon Society
Comments: Dear Forest Service Staff,

North Sand Forest Management Project Objection -

Project #65540 and Draft Decision Notice

Issued by Shawn Cochran, Black Hills National Forest

All of our objectors established standing by commenting on the Draft EA. Prairie Hills Audubon Society, Western Watersheds Project and Native Ecosystems Council sent a joint comment letter together on February 20th, 2025. Nancy Hilding sent a letter by herself alone on February 20th, 2025. Nancy Hilding and Prairie Hills Audubon Society also commented with a joint scoping letter on April 29th, 2024. We will base this objection on our comments made in those letters.

We submit this objection pursuant to Forest Services objection rules found at 36 CFR 218.9 and to the Administrative Procedures Act.

The Forest Service persists in cutting the Forest at a not-sustainable rate and that violates the Multiple Use Sustained Yield Act and sustainability is not just sustaining timber wood supply, but also the sustainability of other resources on the forest.

The BHNF has been selling and allowing cutting of its' trees at a not sustainable rate and has thus been in violation of the Multiple Use Sustained Yields Act (MUSYA) and the National Forest Management Act (NFMA) and the Black Hills Land and Resource Management Plan 1997 Revision with 2006 Phase II Amendment (Forest Plan). The Forest Service is required by the National Forest Management Act to manage its timber for long-term sustainability.

The Forest Service should be guided by the data of "A Scenario-Based Assessment to Inform Sustainable Ponderosa Pine Timber Harvest on the Black Hills National Forest" (RMRS-GTR-422), and the January 2021 Underhill report, Assessment of the National Forest Advisory Board Recommendation: fseprd949571.pdf (usda.gov). Ongoing logging at a yearly rate above 60,000 CCF are a violation of various laws (Multiple Use Sustained Yields Act and the National Forest Management Act).

These reports have been the best available science sustainable logging at this point. We don't think a report on the new LiDAR data is yet completed. However here are some quotes about the LiDAR study from SD Searchlight article by Dave Mertz:

"LiDAR uses lasers deployed from aircraft to provide an extremely accurate representation of the forest. Concurrent to the LiDAR flights, over 1,600 field plots were studied on the ground. This field data collection was accomplished in partnership with the Wyoming State Forestry Division, South Dakota State Forestry and Pennington County staff. The plots are used to "ground truth" the LiDAR data. In January, the ground-level field plot data was released after an external audit by the University of Wyoming.

The field plot data included some interesting statistics.

It showed that for pine trees greater than 5 inches in diameter, there were an average of 90 trees per acre. This indicates that the forest is very open.

The average spacing of 90 trees per acre is about 22 feet between trees. For reference, when the Forest Service plants trees, it plants about 430 per acre at a spacing of 10 feet between trees.

Yes, there are still some dense stands out there, but on average, it is a very open forest.

The field plot data also revealed that the average diameter of pine trees greater than 5 inches is 9.8 inches. For reference, the lower cutoff for sawtimber (trees suitable to cut into lumber) is 9 inches. This shows that the forest is now, on average, a very young forest. It will take decades to turn this around."

Here is a chart about timber sales in BHNF provided in a SD Searchlight article:

[see attachment for figures and images]

The above graph & quotes are from article "Politicians can demand more logging in the Black Hills, but they can't make trees grow faster"- found at link: https://southdakotasearchlight.com/2025/03/07/politicians-can-demand-more-logging-in-the-black-hills-but-they-cant-make-trees-grow-faster/

It seems that in 2024 the Black Hills National Forest got close to the objective of 60,000 CCF. However President Trump has issued an executive order for increased logging in the USA, so we doubt this lower level will persist.

We believe that logging even as low as 60,000 CCF will violate the Black Hills National Forest Land and Resource Management Plan's various standards and guidelines and goals/objectives. It may also violate other laws such as the Endangered Species Act, by not adequately protecting at risk species and perhaps leading to extirpation of some species from the Forest.

We especially fear extirpation of the black-backed woodpecker, which needs dense stands of mature trees, that are then killed by wildfire. The small, isolated Oregon Cascades/California and Black Hills populations of the Black-backed Woodpecker were each recognized in the scientific literature as genetically distinct from the larger, contiguous, northern boreal population, and in both cases this genetic distinction is sufficiently large that it is consistent with distinction at the level of subspecies. Black Hills black-backed woodpecker was petitoned for listing under the ESA as a Distinct Population Segment but the 12 month finding failed to list it in 2017, during the last Trump administration.

Reducing logging forest wide to 60,000 CCF is needed to stop non-sustainable timber cutting, but does not address meeting all the various standards, guidelines, goals and objectives and laws/rules that exist to manage for sustainability of the other multiple uses besides timber on the Forest. Nor does it address the need to meet cumulation of mean annual increment, when logging for timber purposes. North Sand will contribute to the Black Hills National Forest's violation of these laws and violation of the Forest Plan.

We believe the logging in North Sand will contribute to the unsustainable management of Black Hills National Forest resources.

Relief Requested: No logging in HSS 4 and HSS 5 stands. No logging in stands with rare plant communities.

Lack of Old Growth and Dense Stands

The North Sand Forest Management Project is proposing harvest treatments that will involve the alteration of Habitat Structural Stages (HSS) that continue to divert structural stages away from the percentages stated in the Forest Plan Goals & Objectives. There is very little old growth left in the forest at large, we have seen the figures of less than 1% -- i.e.: .5 or .6 percent of old growth (HSS 5) forest wide.

This has come about in part, because the Forest Service, during timber sale planning, repeatedly looked at small subsets of forest & then cut down the old growth greater to the minimum 5%, transforming the stands to more open or younger stands in each small subset of forest. Thus in small areas rich in dense stands, it will reduce the percentage down to the minimum, but most areas lack old growth or dense older stands and it can't magically increase the percentage in areas already lacking in old dense stands, as it has to patiently wait for them to grow.

It needs to identify the best stands of HSS 4C and 4B, that will most quickly become HSS 5 & save them as replacement old growth, where ever they are in the Forest. Areas like North Stand likely have some very old large diameter trees left, existing in denser stands, that should be saved, until the Forest, as a whole, recovers more old growth. Not having enough HSS 5 is violating Forest Plan goals or objectives.

We doubt that 10 large diameter trees per acre was typical of historic old growth stand and think that the average distribution of large diameter trees, in such stands, was much greater than 10/acre.We believe allowing stands with just 10 large diameter trees per acre to be called "old growth" is not consistent with and a violation of the Forest Plan's definitions.

You provide a one page chart of "Effects on Pine Structural Stage (SS) in Management Areas with SS Objectives". MA 5.4 current condition is .6% old growth (HSS 5)and MA 5.6 current condition is 2% old growth (HSS 5). In the modified proposed action these will stay the same (you can't increase old growth except with time and patience). In MA 5.4 you change 12.8% HSS 4C to 12.6% -- adding a few tenths of a percent to HSS 4B (22.4% > 22.6%)and in MA 5.6 you reduce HSS 4C by 1% (13.9%> 12.9%) and increase HSS 4B by 9 tenths of a percent(30.1% >31.0%) & HSS 4A by a tenth of a percent (39.9%>40%).

Relief Requested: No logging in HSS 4 and HSS 5 stands. No logging in stands with rare plant communities.

Old Growth Pine and Management Area 3.7

The project area contains 1,380 acres of old growth pine, including 244 acres in management area 3.7. Variable density commercial thin is proposed on 88 acres of old growth in management area 3.7. In other management areas, commercial thin is proposed on 171 acres of old growth. Thinning prescriptions in old growth would focus on removing trees from the lower crown classes to favor the larger, dominant trees. These stands are currently vulnerable to stand-replacing fire due to uncharacteristically high density and the presence of tall, crowded pine saplings, juniper, and accumulations of dead and down fuels."

The Forest Plan's Management Area Standards and Guidelines for Management Area 3.7 says: "3.7-2102. Tentatively suitable lands within these areas, including the "suitable-not scheduled" lands in the Sand Creek area, do not contribute to the allowable sale quantity and are not part of the suitable timber land base. STANDARD"

Relief requested: No harvest in mature structural stages (SS4 and SS5). Insure areas designated as HSS 5 actually meet the definition in the Forest Plan for "late succession" or HSS 5.

Protecting Goshawks

The Forest Service is obligated to provide habitat for the Northern Goshawk and its prey. It needs to insure the species is not extirpated from the Forest and conserve habitat so it does not become listed under the Endangered Species Act. Habitats, and specifically nesting habitat, for Northern Goshawk have been and are declining in availability.

Habitats, and specifically nesting habitat, for Northern Goshawk have been and are declining in availability in the Black Hills National Forest. 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 may be moving away from management objectives established to ensure Goshawk population viability.

In "South Dakota Wildlife Action Plan Explorer" Wildlife of South Dakota Final Technical Report Link: T-84bruggemankennedyfinaltechnicalreportnortherngoshawk.pdf it is stated: "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 may be 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

Resolution: No harvest in mature structural stages (SS4 and SS5).

Oak Tree/Shrub Harvest

We object to harvesting of oak shrubs so as to maximize pine regrowth. We enjoy the diversity of other trees/shrubs on the forest. Oak are more resistant to wildfire than pine and oak and aspen/birch should be maximized in the WUI as more resistant to fire. The visual diversity of tree species is visually appealing and adds to scenic attractiveness. Oaks provides acorns for wildlife. We however don't think the larger oak trees are your enemy for stopping pine regrowth so we request you don't cut larger oak trees.

Relief requested: No harvest of larger oak trees, that are bigger/taller than shrub size. Retain more oak shrubs especially in the WUI. Reduce your plans for getting rid of oak shrubs.

Rare Plants and Rare Plant Habitat.

The project area includes some of the most botanically and ecologically important lands in Black Hill National Forest. It is part of a roughly 15-mile by 15-mile area in the northern Black Hills NF where there are 4 designated 3.1 Management Area Botanical Areas (BA) (Dugout Gulch BA, Bear/Beaver Gluches BA, Higgins Gulch BA and Upper Sand Creek BA). The area also encircles the north half of Sand Creek Roadless Area. Much of this area was part of the Sand Creek Rare Two Roadless Area, that was protected from logging impacts much longer than the rest of the Forest. The designations in force today show recognition by Black Hills NF that there are unique botanical, hydrological and other values throughout the project area and its broader landscape.

New invasive species will be introduced and existing ones will spread and intensify. New ground disturbance risks spread of class A-C weeds to pristine areas. The EA does not provide for fighting the spread of class C noxious weeds, which already exist on the project area.

You must comply with Forest Plan Standards on weeds. Forest Plan Standards say: - 4301. *For all proposed projects or activities, determine the risk of noxious weed introduction or spread, and implement appropriate mitigation measures and treatment. STANDARD

4309. *Monitor weed treatments used at R2 sensitive and species of local concern plant occurrences and re-treat as needed during the season. STANDARD

You must comply with Forest Plan Standards to protect Botanical Areas:

3.1-1001. *Protect the unique biological, geological, historical, paleontological, or additional botanical values that may continue to be discovered, along with the botanical values for which the botanical area was designated. No new mineral material permits will be issued for this area. STANDARD

3.1-2101. Allow logging and wood gathering activities only when necessary to maintain, restore or enhance values for which the botanical area was designated. STANDARD

3.1-2503. *Restrict access of domestic livestock to protect the R2 sensitive and species of local concern plant occurrences in designated botanical areas. STANDARD

Relief Requested: Only implement activities when and where Black Hills NF can manage the increased invasive plant species load. No logging in HSS 4 and HSS 5 stands or any virgin/pristine tree/shurb stands that do not appear to have past logging/disturbance. Avoid logging in the 3.1 Management Area. Please provide a Botany Specialist Report for the project. Please provide for monitoring of effects on rare plant communities. Please protect against class C weeds. Please provide plan to manage livestock impacts to rare plants that may be aggravated/increased by the Project. Please review climate change risks to vulnerable places like the northern Black Hills boreal refugia in the Project.

Weeds

In your Noxious Weeds Analysis at page 5, you indicate that Canada Thistle - has an estimated 750 acres, that are not mapped and that they are widespread and it occurs throughout the planning area. They are also a class C species. Nancy Hilding, who is writing this comment letter, has seen large thistle thickets that look like they are on what was once a log landing or other disturbed places. We are not sure how your plan at page 11, is going to handle large patches of Canada thistle (which are a class C species, not a class A or B species) and prevent them from spreading and becoming established in new areas of disturbance. All your mitigation on page 11 are for class A and class B weeds.

The EA at page 11 says:

"1) Where ground-disturbing activities occur in areas infested with Class A or B noxious weeds (see Appendix A of Weed Report), treat weeds prior to project implementation, where feasible, to reduce seed source, future spread, and additional establishment. Monitor and treat weeds post-disturbance. 2) If any substantial (more than 0.25 acre) ground disturbance occurs within or in the immediate vicinity of known infestations of Class A or B species, treat and/or monitor these areas for three to seven years post-disturbance to mitigate weed spread and establishment ....." etc.

In the Noxious Weeds Analysis it says "Noxious weeds are divided in 3 different classes as defined by the Black Hills Invasive Plant Partnership (Appendix A): .... Class C: Invasive plants that are established in the region. Containment of established areas and suppress smaller isolated patches through integrated management tactics (herbicide, mechanical, biological control)."

You must comply with Forest Plan Standards on weeds.

4301. *For all proposed projects or activities, determine the risk of noxiousweed introduction or spread, and implement appropriate mitigation measures and treatment. STANDARD

Relief requested:

We want to know what your plan for class C weed species specific to this project are. If you are just giving up on them in North Sand Project or allowing them to spread with each timber sale, this must be disclosed as a serious harm and perhaps a cumulative impact forest wide from many logging proposals and a FONSI will not be justfied, especially with the rare plant communities in the area. It is also a violation of the Forest Plan standard and guidelines:

Public Comment

Biden Administration's Phase 2 rewrite of CEQ regualtions states "[sect] 1501.5 Environmental assessments. ... (e) If an agency publishes a draft environmental assessment, the agency shall invite public comment and consider those comments in preparing the final environmental assessment. "(emphasis added). The Final EA does a very cursory job of reviewing and responding to public comments.

Relief Requested.

Do a much more thorough job of identifyiing and responding to public comments.

Nancy Hilding

President

Prairie Hills Audubon Society

Acting as lead objector

Signing for

Nancy Hilding, Individual

Erik Molvar, Western Watersheds Project

Sara Johnson, Native Ecosystems Council