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Title:

Comments:

Spruce Environmental Assessment Comments from Lawrence County Natural Resource Committee to Black Hills National Forest

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The Lawrence County Natural Resource Committee is providing the following comments based on our review of the Spruce Environmental Assessment. Unfortunately, the Lawrence County Natural Resource Committee was not adequately engaged, which resulted in no coordination and very little input throughout the planning process. We believe that the lack of coordination has resulted in numerous deficiencies in the Spruce EA. We request that the EA be revised to address the comments and issues that we have brought forward.

Comment 1:

We appreciate that a summary of changes was provided to describe what has changed since scoping and completion of the EA.

Comment 2:

The need to increase the occurrence of ponderosa pine and aspen in mixed conifer stands that are now dominated by spruce is not adequately addressed in the Spruce Environmental Assessment (EA).

There are many areas where pine was once the dominant overstory tree and spruce over time has become the dominant understory species due to the lack of fire. You could describe this condition as pine being the seral species. In many of these stands the USFS has commercially harvested most of the ponderosa pine and has left the noncommercial spruce to take over these sites. Additionally, mountain pine beetle has also speeded up this transition to spruce climax by killing most of the overstory pine during the last epidemic period 2000-2016. These sites still have some residual pine left in them but spruce will continue to increase its presence unless commercially or noncommercially removed.

This same scenario has and is occurring in the aspen stands. Aspen is the seral species and spruce is encroaching into the stands and now dominates the understory. In both cases timber harvesting should be used to remove the commercial spruce trees followed by noncommercial treatments that remove the spruce regeneration.

Issue 1: Allowing spruce to continue to encroach into pine and aspen significantly increases the risk of severe wildfire damage to the landscape due to high fire intensity. We believe this should be the primary goal for this project. The original proposed action best addresses this issue and should remain the proposed action. The modified proposed action does not treat sufficient acres to make any meaningful difference in terms of fuel reduction. Note that many areas with spruce/pine were avoided in the Chimera EA because of wildlife or sensitive plant concerns. Allowing dense stands of spruce and pine to remain in areas that were historically only pine undermines the intent to manage for a resilient forest which is a major focus described in the purpose and need section of the Spruce EA.

Comment 3:

The impact of limiting forest treatments in spruce/pine, spruce/aspen and pure spruce stands was not properly evaluated as a cumulative impact in the Chimera EA and decision because other planned or reasonable foreseeable projects were not considered. The Chimera project is an ongoing project within the same cumulative impact area as the Spruce EA in terms of fire risk. The combined impacts of both projects when considered together is important to evaluate as a cumulative impact in the Spruce EA as both projects are limiting or avoiding treatments in these stands. These impacts should be disclosed even if treatments were avoided or limited in these stands for legitimate wildlife concerns. The public needs to know the risks of active management compared to a hands-off approach. Thus, the original proposed action should be evaluated for direct, indirect and cumulative impacts as well. Simply listing the Chimera project at the end of the Spruce EA as a reasonably foreseeable project is not an adequate cumulative impact analysis.

Comment 4:

BHNF has estimated that white spruce occupies 54,282 acres. Are these stands identified in the forest veg. layer as spruce stands? Are the mixed conifer stands contained in this estimate. What is the structural stage breakdown for these acres? This is not clear and should be disclosed in the EA. There are a lot of mixed conifer acres to the east and north of this project that also need to be treated to return them to seral ponderosa pine stand or hardwood stands. Spruce succession in these mixed stands is significant and a major forest management problem. Project should have been expanded to cover more of the mixed conifer stands. Treatments in the scattered units are going to be very challenging to implement due to the economic viability. Low volume per acre and small units that are very scattered.

Comment 5:

The modified proposed action would not implement the current Forest Plan direction related to management of spruce. The EA notes a major difference between desired conditions and actual conditions in terms of acres of spruce and the amount of spruce occurring in sites normally dominated by pine or aspen. Despite this finding, the modified proposed action scaled back treatments to an insignificant level.

Issue 2: The decision to reduce treatments from 25,000 acres down to 3,600 acres is a decision to deviate from the direction regarding spruce in the current Forest Plan as amended. The proposed action should not override the direction in the Forest Plan. If it does, the environmental review should be a Forest Plan amendment not a project level EA. The rationale for this issue is as follows:

The 2006 Black Hills NF Forest Plan amendment (239-LVD) states that the Forest would manage for 20,000 acres of spruce. The proposed modified action changes treatment from up to 25,000 acres down to 3,600 acres. Reducing treatments to 3,600 acres is only a token effort and fails to make any meaningful progress to implement the current Forest Plan direction for spruce management.

The rationale for the major reduction in treated acres is based on numerous public comments that are included in the EA. Many of which are vague, spurious comments such as: 1) Why manage spruce; why now? 2) Concern that the project scale is too large. 3) Forest Plan revision is occurring. Furthermore, the modified proposed action is scaled back to the degree that it does not meet the purpose and need to "increase the structural heterogeneity of spruce stands that are lacking age and size class diversity nor does it result in meaningful progress toward the purpose and need statement to re-establish ponderosa pine and aspen in areas that are now dominated by spruce. "

Comment 6:

The Forest dismissed the original proposed action with rationale that a high number of comments against the project were received. NEPA and its implementing regulations and guidance do not require an agency to tally the number of comments or letters for or against a project. It requires that all comments that disclose a

substantive issue be discussed, and the issue be addressed. The discussion in the scoping section of the EA places high merit on the number of comments against the project rather than substantial comments.

Comment 7:

In the EA, over 32,000 acres have been removed as pine marten habitat or connectivity habitat. There were nearly 4,000 acres removed because of rare snails. There does not appear to be full consideration of the benefits provided by the design features (mitigation) described in Appendix E to limit the impacts to these species. The screening process that all areas must be evaluated as either "go" or "no go" areas is still occurring with BHNF project level environmental assessments with limited effort being made to consider how potential impacts can be mitigated. In the Spruce EA, there is no documentation that site specific mitigation and design features were considered before an area was considered off limits.

Issue 4: The Forest dismissed the original proposed action with no evaluation of its impacts and no in-depth consideration of design features described in Appendix E to reduce impacts to high resource values or sensitive species. The original proposed action with design features to address impacts to species of concern should be evaluated as an alternative as originally planned. We fail to understand how the proposed action could be dropped from consideration when the impacts were not evaluated.

Comment 8:

The failure to cooperate in good faith with Lawrence County as a cooperating agency is in direct conflict with USFS policy and the Cooperating Agency MOU established between the County and BHNF in 2019.

Part C of the MOU reads as follows:

Both Parties Shall:

"The parties agree to participate in good faith and make all reasonable efforts to resolve disagreements...."

In addition, the BHNF did not engage the County, provided only vague details about the project and the County was unable to provide any meaningful input until after the environmental assessment was complete.

Specifically, Parts IV of the MOU under the heading, Forest Service Shall: Part C: "Use the environmental analysis or proposals for Cooperating Agency with special jurisdiction by law or special expertise to the maximum extent possible consistent with its responsibility lead agency."

Issue 5: Failure to operate in good faith has been an on-going problem that is a planning issue relevant to the Spruce EA as this problem has resulted in major changes with no meaningful coordination or input from the County, no disclosure of the impacts of the change, and no attempt to mitigate the impacts of the original proposed action which was designed to implement the current Forest Plan direction.

The Lawrence County Natural Resource Committee requested to be involved as a cooperating agency through e-mail correspondence to the Forest dated January 10th, 2022. Despite this outreach, the County was not involved, except for public scoping and a general map of the treatment areas. The County was not involved or notified of Interdisciplinary team meetings or planning milestones and had no idea a major shift in the project direction was occurring until the EA was released for public review in August of this year. When Forest staff were asked, we were told that the project was pending but there was no attempt to update the Resource Committee about any of the specifics of the project. When asked, the main response received back from the BHNF staff was they had no specifics but would be working on the project in the near future. During this period, Forest IDT meetings were convened, discussion occurred, GIS analysis was completed, and the County was in the dark as the NEPA planning process unfolded.

During planning for the Chimera project, Lawrence County Committee members were told by the BHNF Deputy Forest Supervisor that concerns about the high levels of spruce in the Chimera project area would be addressed in the Spruce project. Now we are finding out that the Spruce plan is scaled back to an inconsequential level. It is difficult to cooperate in this type of climate where major last-minute surprises are the norm, projects are played

off of each other, and we have only vague details about what is going on.

Comment 9:

It is critical to maintain some degree of flexibility in project level plans. Especially when actual conditions are not well documented. We encourage the forest to keep the specific type of treatment options open for each treatment areas until actual conditions in the field are determined.

Comment 10:

The 41 miles of road construction to access the treatment areas as described in the modified proposed action is not worth the ecological or economic benefits provided by treating small, isolated areas. This is not addressed in the EA sufficiently. The original proposed action would better implement the current Forest plan and result in a wiser use of public funds and effort. It would be hard for the Forest to justify the expenditure of funds necessary for the small benefit obtained from modified proposed action. The modified proposed action should be considered an alternative considered but not selected for these reasons.