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Comments: Dear Forest Supervisor Cochran:

Lawrence County Commissioners would like to offer the following comment for the Zeppelin EA. We appreciate the opportunity to be able to offer constructive comments. We were pleased to see that issues brought up by the Lawrence Co. NRC during scoping were addressed. We have found that new issues have emerged from actions proposed and described in the draft EA as described in comments below.

Introduction and Need for Action

Purpose and Need

It is important that the appropriate Purpose and Need be identified for NEPA Vegetative Projects. Regarding the Zeppelin Project, we agree with the Purpose and Need.

As your document states this project area is very heavily stocked with ponderosa pine making it highly susceptible to mountain pine beetle (56%) and severe wildfire (87%).

Corrections

Bullet point 4 on page 2. Suggest that on the USFS change phrase to " high or very high risk of severe wildfire".

There are several areas where the BHNH has used pine removal interchangeably with conifer removal. All references to pine removal from should be replaced with conifer removal.

Proposed Action

The Zeppelin EA did provide a higher measure of flexibility for commercial harvest of trees than previous projects, but stopped short of providing the same degree of flexibility that is allowed for Rx fire and thinning. While we appreciate the improved flexibility, the BHNH still needs to provide the same measure of flexibility as they do for other treatments. Especially when actual forest stand conditions are not well documented. The BHNH has provided no rationale for doing otherwise. To not provide flexibility results in lost opportunities to properly manage the land.

Commercial Thin

Would suggest changing current wording to (or an average of 24 feet to 30 feet between

....)

Timber Stand Improvement

Hopefully the BHNH understands that implementing 20 foot spacing for timber stand improvement severely understocks the site. The eventual commercial volume per acre difference for two stands of trees both averaging 4 inches in diameter, one spaced at 12 ft and the other at 20 ft after 20 years of growth are vastly different. The 12 ft spacing stand growing at 2.5 inches per decade would have 1362 cf/acre with ba of 134 sq. ft. and be ready for a commercial treatment with a 9" ave. diameter after 20 years of growth. The 20 ft spaced stand

growing at 3 inches per decade would have 772 cf/acre with ba of 59 sq. ft. after 20 years of growth. It would take another 15 years before this stand would need to be thinned. (approx. 120 ba).

#### Hardwood Enhancement

Would highly recommend avoiding ripping the ground around aspen roots to encourage sprouting. This treatment is very evasive creating deep disturbance on the ground and promoting heavy weed growth. We understand that NLEB restrictions are having impact on treating aspen but we want to state that.

#### Prescribe Fire

This section was well written.

#### Timber Harvest Methods

We applaud the BHNF for recognizing and then implementing lessons learned regarding steep ground logging with Cut to Length operations in Topaz into Zeppelin.

#### New Road Construction

Would recommend that the USFS work with logging contractors to help close roads by

spreading slash over the first 200 feet of the road. We are disappointed that the BHNF has chosen not to address escalating UTV issues within the Zeppelin Project Area.

This concern about UTV use in this area was brought up several times during our participation in the ID Team meetings and also during a field trip with BHNF personnel. There are currently 24.7 miles of user created roads that BHNF has inventoried and which we believe is conservative. In addition, many of the seasonal and permanently closed USFS roads are also being used outside of the allowed use period. The damage to the soils and existing USFS roads is extensive. The free for all use by UTVs on our the Black Hills National Forest is one of the most pressing problems that the BHNF has failed to adequately address. We believe that these individual projects provide a means to at least confront this problem locally. Unfortunately the BHNF has chosen to[middot]push this difficult issue "farther down the illegal road" so to speak.

#### Cumulative Effects

##### In General

Overall, the cumulative impacts were well done except for the cumulative effects of the expanding illegal UTV

use on Zeppelin on soil erosion and organic material, wildlife, hydrology, recreation, noxious weeds. Large scale, illegal OHV use is causing a large amount of rutting, churning of soil and disturbance to vegetation resulting in a major increase in bare ground and erosion. This is an ongoing use causing significant impacts that should be considered with the soil cumulative impacts. The impacts of the illegal OHV is clearly evident throughout much of the project area.

## Fire and Fuels

We are concerned about the small decrease of 87% to 66% in High to Very High Fire Hazard Rating under action Alternative B. Northern Hills District Ranger explained that it was due to the preponderance of small trees that will not be treated. While we understand how this rating was measured we question why the BHNH not taking steps to further reduce this rating to meet Forest Plan Objective of 10-01 of 50-75% low to moderate Fire Hazard Rating. The time to address this is now. We request that the BHNH explain why they are not taking a more robust approach to reducing this fire hazard rating.

## Timber

We wanted to recognize the useful information displayed in Table 7 and the significant decrease in mountain pine beetle risk. The LC Natural Resource Committee did bring up a concern that the project does not reduce the risk of "severe" wildfire significantly.

We question the assertion on page 20 that "Alternative B would meet Forest Plan Objective 10-01 and would address direction set forth by the 10-year wildfire crisis strategy, National Fire Plan, Healthy Forest Restoration Act, and the County Community Wildfire Protection Plans."

The narrative on page 40 on cumulative effects on no treatment on tree growth was well written.

We would request that the BHNH produce a Table for Cumulative Impacts on structural stages for the project similar to Table 8.

## Groundwater Dependent Ecosystems and Riparian Areas

The BHNH did not discuss any either BHLRMP goals or objectives that relate to improving water yield on this project.

Below are narratives from the "Plan" that discuss improving water yield.

## Water

5.1-101. Sustain or enhance water yield through timber management. OBJECTIVE

## Forest Communities

5.1-201. Manage tree stands to emphasize timber products, forage production, and water yield. GOAL

2409. For precommercial and commercial thinning:

a. Use thinning practices which consider genetic diversity and competition among the trees for water, nutrients and light. The frequency of thinning should depend upon the tree species, financial efficiency, and the site growing conditions (as commonly

measured by site index). GUIDELINE (Amended Regional Guide Silviculture Guideline)

The information below is quoted from Ecology, Silviculture and Management of Black Hills Ponderosa Pine. Sheppard and Battaglia.

The influence of forested landscapes on water yield has been investigated in the Black Hills in several studies (Orr 1968, 1972, 1975; Orr and VanderHeide 1973; Smith 1983). In general, water discharge increases after timber harvest or wildfire due to the decreased interception by the vegetation and a decrease in the evapotranspiration rate. Anderson (1980) reported an average increase of 2.24 inches (5.7 cm) after 25 percent of the timber volume was cut.

Orr (1968) investigated the soil-moisture patterns and trends after thinning and patch clearcutting in a dense 70-year-old, second-growth pine stand on limestone soil. Basal area was 193 ft<sup>2</sup> per acre (44.3 m<sup>2</sup> per hectare) for the control plot, 80 ft<sup>2</sup> per acre (18.4 m<sup>2</sup> per hectare) for the thinned plot, and 0 ft<sup>2</sup> per acre (0 m<sup>2</sup> per hectare) for the clearcut. Evapotranspiration was significantly lower on the thinned plot than on the densely stocked control plot, indicating more moisture was held in soil storage on the thinned plot. This was especially important during years of drought. During drought years, evapotranspiration was greater on the thinned plots, but there was more soil moisture available as well as higher seepage potential.

#### Threatened and Endangered Species Northern Long Eared Bat

We understand the need to protect maternity roosts and hibernacula of the northern long eared bat. We have serious concerns about the proposed BBNF design criteria CM-1 that shuts down all forest management activities on all acres between June 15- August 31. We agree with the BBNF statement on page 50. "Not all past or planned timber harvest or fuel reduction activities have negative impacts on bats. Past fuel

reduction activities combined with activities planned under Alternative B would have the additive effect of reducing the risk of a high severity wildfire, which could have widespread negative impacts on bat habitat. In addition, commercial and non[shy] commercial harvest in some areas, particularly where conifers are removed from aspen habitat, would improve foraging habitat for bats. Cumulative effects, both positive and negative, were considered when making a final determination for the northern long[shy] eared bat and tricolored bat. "

The US FWS interim consultation framework that was released on 4/8/24 has been referenced by the Northern Hills Ranger as the document that requires a shut down from June to Oct. We have reviewed this document and have found no specific language to this effect. The standing analysis completed for the framework did not consider the complete elimination of logging and forest activities for a four month period except near maternity roosts and hibernacula. In fact, the FWS Interim Consultation Framework Standing Analysis states: "Forest management and prescribed fire conducted outside known hibernacula may result in additional beneficial effects." Page 22. From all of our discussions between FWS and BBNF, it is clear that the BBNF is championing extreme measures and wants the US FWS to support them.

We have had several conversations with the SD Ecological Service Field Office of FWS in 2023 and 2024. We asked if large areas of the forest would be shut down during the entire active season of the bat and were told that the focus would be on hibernacula and maternity roosts. We had discussions about the importance of roosts and hibernacula with FWS. We asked if a summer through fall shut down of forest activities was likely but was told

the main concern was maternity roosts and hibernacula. For all of the reasons cited above, we believe CM-1 and CM-2 design features are extreme and unwarranted. The BHNH is choosing to implement the most restrictive measures possible to protect areas away from roosts and hibernacula where bats may or may not exist. We understand that the BHNH position is that these extreme measures are coming from US FWS but when asked who from FWS is making these statements to BHNH we were not provided with an answer.

The effects analysis discussion on page 22 of the FWS Interim consultation framework standing analysis states: Forest management and prescribed fire conducted outside known hibernacula may result in additional beneficial effects (US FWS 4/8/2024).

Implementing extreme measures as described in the Zeppelin EA compromises the standing analysis completed by FWS because they did not assume that large blocks of suitable habitat away from hibernacula and maternity roosts would be shut down for extended periods. It could in fact, jeopardize the bat's habitat by limiting the beneficial impacts of forest management activities that is cited by FWS in the standing analysis. Unmanaged stands of pine that are thickly stocked are more susceptible to severe wildfire, large scale outbreaks of insects and disease which would be detrimental to the NLE bat.

We find the language for design feature CM-2 to be confusing. It references saw timber in the first sentence but then states the design features applies only to hardwoods.

We are very concerned that economic impacts were not considered. Given the far reaching precedent set by the severely limiting NLE bat timing restriction as described in the design criteria CM-1 and CM-2, we were very surprised that the economic impact section is missing from the draft EA. This is required as described in 40 CFR 1508.8.

The economic impacts from the bat design criteria for this project will definitely have a measurable impact but more importantly, will set a precedent for future projects. We submit that there is an adverse direct, indirect and cumulative impact on the social and economic wellbeing of the local communities in the Black Hills region that would extend into the Black Hills of Wyoming as well. Because the BHNH is insisting that the design criteria CM-1 and CM-2 must be implemented, it is a reasonably foreseeable action creating a cumulative economic impact issue. A cumulative impact economic analysis must be completed that considers not only the Zeppelin project but other projects that have been proposed for future outyears. We understand that planning for FY 25 and 26 has been ongoing. At the very least, cumulative impacts through these years should be considered.

A key concern of local communities is the shortage of housing and high cost of living in the Black Hills area. Increased construction of affordable homes has been a concern and focus of many local officials, yet the BHNH is proposing actions that would cause a potential collapse of the forest products industry? How would this impact the supply chain for the construction industry? We submit that that the potential adverse economic impacts from implementation of CM-1 and CM-2 has created an issue which should be addressed in the NEPA analysis.

As discussed with the Northern Hills District Ranger, a four month shutdown of timber harvest and forest health treatments across a large portion of project areas will likely result in saw mill closures which in turn could result in the closure of the wood chip industry and a complete collapse of the Forest products industry in the Black Hills. The Black Hills Forest products industry is a highly interdependent system with different components of this system relying on each other. Most importantly the loss of timber harvest capacity, dramatically limits the ability to manage the forest to protect it from severe wildfire, disease and insects. If we lose this tool, the BHNH will never be able to come up with the funds to actively manage the forest.

We do not understand how the analysis of impacts to minority or disadvantaged populations was completed without understanding the economic impacts to these populations. There is a Hispanic population in the Black Hills that is highly involved in the logging industry. This population would be adversely impacted by the severe

restrictions and logging shut down that the BHNH is proposing. The impact sections that address these topics do not delve into details about impacts from this project but instead focus on describing current conditions.

The Shotgun forest and fuels project that was recently developed by the Bearlodge Ranger District under the US FWS interim consultation requirements does not require long term shut down of forest activities like the Zeppelin project does. In contrast to the Zeppelin project, it focuses design features on protection of hibernacula and maternity roosts sites consistent with the interim FWS consultation requirement.

In terms of forest management, the interim consultation frame from US FWS has not fundamentally changed since the Shotgun Project was developed. The framework was extended to continue the previous requirements from April 2024 to November 2024 by extending practices described in the original 4d rule. These practices limit disturbance around maternity roosts and hibernacula. There only changes we can determine from the previous interim framework is related to aerial pesticide applications and wind farms.

Thank you for careful consideration of our comments and would request that before the project is completed and signed that Lawrence County has the opportunity to visit with you regarding our concerns and comments.

Bob Ewing, Chairman