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Organization: Norbeck Society

Title:

Comments: April 28, 2025

Shawn Cochran, Forest Supervisor

Black Hills National Forest

1019 North 5th Street

Custer, SD 57730

Re: Objections to North Sand Forest Management Project #65540

Dear Shawn Cochran,

We have reviewed the Environmental Analysis and Decision Notice for the North Sand Forest Management Project, and our Objections are on the following pages.

We remain dedicated to supporting a management approach for the Black Hills National Forest (BHNF) that recognizes the imperative of protecting and strengthening the biocomplexity and resilience of our Black Hills National Forest ecosystems.

As always, we appreciate the authority provided to us by the National Environmental Policy Act for engagement with Forest management; we value the process and consider our participation not only a privilege but a responsibility.

Sincerely,

Mary Zimmerman, President

On behalf of the Norbeck Society

P.O. Box 9730

Rapid City, SD 57709

info@norbecksociety.com cc: Shawn Cochran, Toni Strauss, Wendy Schuyler, Elizabeth Krueger

Norbeck Society Objections

to the North Sand Forest Management Project and Draft Decision Notice

Issued by Shawn Cochran, Black Hills National Forest

April 28, 2025

The Norbeck Society submitted detailed and thoughtful comments regarding the North Sand Forest Management Project, first during Scoping (April 2024), and again for the Preliminary Environmental Analysis (February 2025).

The Norbeck Society is not satisfied that the Forest has put forth an authentic effort to address species viability for species dependent on mature structural stages in exchange for over-delivering on ASQ.

1. The Norbeck Society Objects to Commercial Timber Harvest of stands that are mature.

Several groups and individuals administratively appealed the Regional Forester's decision to adopt the 1997 Revised Land Resource Management Plan (LRMP). On October 12, 1999, Deputy Chief James R. Furnish, the reviewing officer for the Chief of the Forest Service, issued his 1999 Appeal Decision on three of the appeals. Shortly after the Chief's Appeal Decision in November 1999, several individuals and groups filed suit against the Forest Service to block the implementation of the Veteran Salvage Timber Sale within the Beaver Park Roadless Area. The lawsuit cited several deficiencies identified in the Chief's Appeal Decision and claimed the 1997 Revised LRMP direction was inadequate to protect certain resources in the timber sale area. Negotiations were initiated to settle the lawsuit, and in September 2000 a Settlement Agreement was signed and issued by the parties (U.S. District Court for the District of Colorado 2000). In signing the Settlement, the Forest agreed to undertake the Phase I and Phase II Forest Plan Amendments. Further, the Forest agreed to consider several specific items in the Phase II effort including: 1) the analysis of candidate areas for RNAs on the Forest; 2) completion of any designation process as a part of the Phase II Amendment; and 3) further evaluation of the viability of management indicator species (MIS), and the northern goshawk.

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. We strongly believe the vegetation treatments as described, would be in clear violation of the National Forest Management Act of 1976 and MUSY of 1960.

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

2. The Norbeck Objects to continued treatment of stands that fails to consider species viability of the American (Northern) Goshawk.

The Black Hills National Forest is legally obligated to ensure that ample habitat will be conserved to minimize the potential for federal listing of this species, meaning that the Forest Service is obligated to provide habitat for the Northern Goshawk and its prey. The Bearlodge Ranger District has historically contained high quality nesting habitat for the Northern Goshawk. A recent study validates what Black Hills National Forest nest-site monitoring data and related studies have previously concluded regarding forest changes within the past 30-40 years. Habitats, and specifically nesting habitat, for Northern Goshawk have been and are declining in availability. This study confirms that the most significant Goshawk habitat losses have occurred in the past 15 years. In "South Dakota Wildlife Action Plan Explorer" Wildlife of South Dakota Final Technical Report Link: T-

84_bruggeman_kennedy_final_technical_report_northern_goshawk.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

Without full disclosure of existing structural stages within the project area and across the district, we can only assume that mature HSS is limited across the project area and that the district is unable to provide refuge for Northern Goshawks if disturbances such as logging, recreation, insect & disease, or wildfire continue to dwindle the mature forests within the project area and across the district. The district has a responsibility under the National Forest Management Act (NFMA) to assure species viability. This project and the cumulative impacts from past timber harvests have put into question the species viability of the Northern Goshawk across the entirety of the Black Hills National Forest.

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

3. The Norbeck Society objects to contributing any mature structural stage stands to ASQ

Multiple-Use Sustained-Yield Act of 1960 (MUSYA). This statute directs the Forest Service to balance multiple uses of their lands and ensure a sustained yield of those uses in perpetuity. Congress, through the National Forest Management Act (NFMA), has directed the Forest Service to engage in long-term land use and resource management planning. In the case of timber, they describe where timber harvesting may occur and include measures of sustainable timber harvest levels, known as allowable sale quantity (ASQ), the measure of timber that can be removed annually without impairing future yield. In the past, this sustained-yield provision was seen as an all-purpose safeguard of sustainability. The restriction on timber harvest to the level that could be sustained in perpetuity would ensure that the forest was not plundered. An even flow of timber was seen as ensuring economic and social sustainability through contributions to community stability.

Theoretically, a non-declining even flow policy provides for a continuous flow of timber in perpetuity - that is, no more timber may be sold now than can be sold at any time in the future. The NFMA requires non-declining even flow as a general rule unless departures are needed to meet "overall multiple-use objectives." We know departures were not requested from the Regional Office at any time since the signing of Phase II. This project is felt to violate NFMA and MUSYA.

Resolution: Complete a plan amendment that recalculates ASQ before any more commercial harvest in mature structural stages.

4. The Norbeck Society objects to the Cumulative Effects Analysis

The Council on Environmental Quality's (CEQ) NEPA | National Environmental Policy Act - Cumulative Effects regulations (40 CFR 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 et seq.), define cumulative effects as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes

such other actions (40 CFR ~ 1508.7).

"Evidence is increasing that the most devastating environmental effects may result not from the direct effects of a particular action but from the combination of individually minor effects of multiple actions over time." The two primary concerns for devastating environmental effects are 1) How changes in HSS will affect the Northern Goshawk and its prey. NFMA mandates actions to assure species viability, specifically for Northern Goshawk: disclose the intertwined relationship of MIS and current/modified HSS; and 2) Logging disturbance effects on watersheds. NFMA mandates that a site's productive capacity must be protected on federally managed lands. The Soil and Water Resources Conservation Act (RCA) of 1977 requires the USFS to minimize soil erosion and protect water resources during forest management activities. With so many repeat treatments occurring across the project area and district over the last 10 to 15 years, has the area been allowed to "rest" and recover important watershed and soil functions?

The project analysis violates NEPA by lacking full disclosure of cumulative effects in the intertwined effects disclosure, most specifically related to species viability for the American Goshawk and the structural stages present and proposed for modification.

Resolution: We look forward to discussing this and the other three issues with you and, as always, we appreciate the opportunities provided to participate in the management of our public lands.