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Comments:



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October 30, 2017

BHRL Project  
Black Hills National Forest  
1019 North 5<sup>th</sup> Street  
Custer, SD 57730

Dear Ms. Davy,

Neiman Timber Company, LC would like to first thank you for the opportunity to provide comments on the Black Hills Resilient Landscape Project (BHRL) Draft Environmental Impact Statement (DEIS). We provide these comments within the comment period described in 82 FR 43359.

## **Purpose and Need:**

The project's purpose, as stated in the DEIS, is to reduce hazards, move forest structure and composition toward objectives, and increase resilience to disturbance. We agree with this purpose and the need for active vegetation management activities to meet Forest Plan objectives.

## **Plan Amendment:**

*1-We do not support the Forest Plan Amendment as proposed.*

**1** The DEIS states that the 2006 revision of the Regional Watershed Conservation Practices Handbook (WCPH) is the reason for the Forest Plan Amendment. However, the WCPH, as revised in 2006, changed its caption from "Standard" to "Management Measure". The rationale behind this revision is to provide flexibility.

*Deletes the term "standard" from the direction and replaces it with "management measure". Defines management measure as an environmental goal to be attained by using design criteria and that attainment of the management measure ensures compliance with applicable federal and state laws and regulations. Adds direction that alternative management measures can be used.*

*Adds direction that project level monitoring and restoration are guided by the Forest Plan or project level plans, not the WCP Handbook.*

The DEIS incorrectly refers to the WCPH Management Measure as a standard. Furthermore, the DEIS proposes to make this a Forest Plan Standard, which, seems to be in conflict with the intent of the WCPH. The way this amendment is proposed (incorporating the WCPH language as a Standard) also fails to incorporate the exceptions to the management measure as described in WCPH Management Measure 14.2.

### **Design Features:**

The success of the BHRL project to meet its purpose and need is dependent on the flexibility built into the vegetative treatments. We recommend that wording be changed in the design features (and elsewhere where appropriate for consistency) to increase the flexibility when conducting commercial treatments.

### Structural Stages

*1-We recommend the restrictive language concerning commercial treatments in SS4B/4C be removed from the DEIS and replaced with language that provides more flexibility.*

2 The BHRL DEIS targets stands with a structural stage (SS) of 4A, however, it is likely that on the ground conditions will sometimes vary from the mapped conditions used in this project. However, the DEIS does not provide the flexibility to carry out necessary commercial treatments when conditions differ on the ground. Page 38 and 68 both state that that SS 4B and SS4C would not be thinned or treated, and these stands are not potential commercial treatment areas (CTAs). An example where this will limit the ability to meet the purpose and need is if a stand has been identified as a SS 4A in the project. Upon field verification it is determined that due to advanced regeneration the canopy closure is greater than 40%. Therefore, the SS is changed to a 4B and now is not eligible for a shelterwood removal cut. However, if flexibility were to be built in to the project and treatment could still occur, then the stand could receive the necessary treatment without reducing the acres of SS 4B since they were not counted in the SS 4B to begin with.

*2-We recommend commercial treatments be allowed in SS 5 stands to meet the purpose and need of the project.*

3 Also, the project specifically restricts the use of commercial treatments in SS5 stands. This again unnecessarily limits the ability of the Forest Service to meet the purpose and need and is more restrictive than the Forest Plan. The Forest Plan specifically states that "Active management is allowed, and may be necessary, to provide desired late-successional characteristics in structural stage 5". The ability for commercial treatments to be carried out in SS 5 stands to create or maintain these stands must be incorporated into the DEIS. We have seen how these stands have succumbed to mountain pine beetle and wildfire, and active forest management in both the understory **and** the overstory is a way to increase the resiliency of these stands.

*3-We recommend that stands not be set aside as future SS 5 stands as described on page 39.*

- 4 The DEIS states in numerous places that the Forest does not have good data as to the number of acres currently meeting SS 5. Setting aside additional acres before better information is obtained as to the amount of SS 5 currently on the forest is irrational.

*4-We recommend not leaving reserve trees in overstory removal treatments.*

- 5 The DEIS states on page 25 "To mitigate visual effects, mature trees would be retained in groups of varying size". This is a very troubling statement to include in the DEIS. This statement boxes the Forest Service into a corner where overstory removals cannot be carried out completely adding to the problem of ubiquitous regeneration. I spoke with Elizabeth Krueger and she said that was a mistake and should not have been included in the DEIS. Please strike it from the DEIS to provide more flexibility to management activities.

*5- We recommend not restricting activities within immediate areas of noxious weeds as stated on page 38.*

- 6 Our timber sale contracts already have measures to limit the spread of noxious weeds and the DEIS is unnecessarily creating a more restrictive design criteria dealing with ground-disturbing and ground exposing activities in these areas. This gets back to unnecessarily reducing the flexibility for management activities to occur.

*6- We recommend that additional flexibility be built into the design criteria for timber harvest in AMZs not associated with fens by including the ability for consultation with hydrologists to approve landings within AMZ.*

- 7 The DEIS defines AMZs as the area within 100 feet of each side of a perennial and intermittent streams, 100 feet of wetlands, springs, and stream sinks, and 100 feet of each side of ephemeral streams for 500 feet from their intersection with perennial and intermittent streams. The DEIS goes on to restrict landings and skid trails within AMZs not associated with fens. Given the over-conservative approach we have seen to mapping draws as "stream courses" on the forest, flexibility needs to be added to paragraph e.i. on page 40. With an AMZ including 500 feet from its intersection with a perennial or intermittent stream and not allowing landings within an AMZ, timber sale layout will be difficult.

#### **Prescribed Fire:**

- 8 *1- We recommend that specific objectives and desired conditions associated with any proposed prescribed burning on the BHNF be described in detail to provide for adequate public comment opportunities and measurable metrics for Forest Monitoring.*

The DEIS fails to adequately discuss the cumulative effects of prescribed burning by simply stating, "Prior to implementation of each burn, fire managers would prepare a detailed prescribed burn plan.

*2- We recommend that prescribed fire be removed as an option in moderately dense to dense stands as part of the BHRL project and to also provide strict overstory mortality limits of less than five percent in all other stand structures.*

- 9 There is simply no reason to kill overstory trees with prescribed burning. These areas should be mechanically (commercially whenever possible) thinned before setting a prescribed fire that will kill the overstory trees.

**Roads:**

- 10 *1- We recommend clarifying what constitutes a new road and what specific restrictions, if any, exist on road building and maintenance activities as part of the proposed actions in oak, aspen, and grasslands.*

The DEIS arbitrarily restricts road construction as part of the management activities within oak, aspen, and grasslands. Flexibility needs to be added to this management activity as it relates to roads.

We see a lack of description with regards to road building activities. Often, when re-entering an area for a management activity, the existing road will be located in a draw bottom. We typically see roads being shifted upslope to protect resources. Will this be counted as new road construction or reconstruction? We recommend this be viewed as reconstruction and these definitions be included in the FEIS.

**Future Stand Structure:**

- 11 *1- We recommend the BBNF continue active forest management projects beyond the BHRL project to maintain the resiliency of the forest and reduce the risk of mountain pine beetle epidemics and catastrophic wildfires.*

It is stated within the DEIS that at least 40% of the forest will be at moderate to high forest density in 20 years. It is critical manage the vegetation on the forest to enhance its resiliency not only now, but continuously through time.

We appreciate the opportunity to comment on the BHRL DEIS and look forward to continuing to work with the BBNF on these critical issues.

Thank you,  
  
Paul Pierson  
Resource Forester