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October 24, 2017

Mr. Mark Van Every, Forest Supervisor
Attn: Project Management - B.H. Resilient Landscapes Project Draft D.E.I.S.
1019 North 5th Street
Custer, SD 57730

Re: B.H. Resilient Landscapes Project Draft D.E.I.S.

Dear Mr. Van Every:

Pursuant to invitation to comment Re: Black Hills Resilient Landscapes Project Draft D.E.I.S. ("BHRL Project"), Lawrence County submits the following comments concerning the Project. On behalf of the Lawrence County Commission and the Lawrence County Timber Committee, we appreciate the opportunity to offer comments and recommendations regarding the "BHRL Project" and express a desire that all such comments and recommendations will be given due weight and consideration. We also note and offer our appreciation to you and your staff members, Deputy Supervisor Krueger and NEPA Coordinator Krueger, for taking the time to attend the recent Timber Committee meeting. Your attendance at the meeting was very helpful.

Working Together

As you know, over half of the land area of Lawrence County is comprised of Black Hills National Forest (BHNF). Lawrence County's custom, culture, identity and economy is inextricably tied to the BHNF. The health of the forest is of vital concern to the citizens of the County and the many business enterprises that employ Lawrence County citizens through a wide-range of business activities to include: the timber, recreation and tourism and agricultural industries Accordingly, Lawrence County is a significant stakeholder in all matters associated with the BHNF.

The BHRL Project will have a significant impact on the forest for decades to come, directly affecting those who live, work and recreate in the forest. Lawrence County has been an important partner with the USFS in the planning process for a number of BHNF NEPA projects over the past 25 years. In fact, recently, during the MPB epidemic, Lawrence County was an important strategic partner, along with the State of South Dakota, the local timber industry, and others in

devoting substantial financial and administrative resources in fighting the mountain pine beetle in Lawrence County. The County was also an active participant in helping the BHNH in developing and implementing the Mountain Pine Beetle Response Project (PBR).

Historically, the Lawrence County Timber Committee has provided technical assistance to the Lawrence County Commission for purposes of review and development of comments for a given project.

The Lawrence County Commission prefers to begin its involvement and participation at the earliest stage. Early involvement and participation provides the County Commission, and the tens of thousands of citizens it directly represents, the best opportunity to offer meaningful and impactful input.

This opinion is also shared by the federal government and Western Governors' Association as represented in the development of the "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, 10 Year Implementation Strategy" (Collaborative Approach). One of the major points of this document was that in order for the strategy to take place, the federal government and its partners would have to practice "communication and collaboration across private and public lands, administrative boundaries, geographic regions and areas of interest." The document specifically refers to the "Conference Report for Fiscal Year 2001, Interior and Related Agencies Appropriations Act (Public Law 106-291):

"The Secretaries should also work with the Governors on a long-term strategy to deal with the wildland fire and hazardous fuels situation, as well as the needs for habitat restoration and rehabilitation in the Nation. The managers expect that a collaborative structure, with the states and local governments as full partners, will be the most efficient and effective way of implementing a long-term program.

The managers are very concerned that the agencies need to work closely with the affected states, including Governors, county officials, and other citizens. Successful implementation of this program will require close collaboration among citizens and governments at all levels... The managers direct the Secretaries to engage Governors in a collaborative structure to cooperatively develop a coordinated, National ten year comprehensive strategy with the states as full partners in the planning, decision-making, and implementation of the plan. Key decisions should be made at local levels."

This Collaborative Approach policy goes on to detail that at the local level, "Successful implementation will include stakeholder groups with broad representation, including Federal, State and local agencies, tribes and the public, collaborating with local line officers on decision making to establish priorities, cooperate on activities, and increase public awareness and

participation to reduce the risks to communities and environment.” It is important to note that this collaboration is not limited to only working with this stakeholder group.

1 It is apparent that the Black Hills National Forest has narrowly focused its collaborative efforts for BHRL primarily with Black Hills National Forest Advisory Board (NFAB). While we believe that this board could be helpful in providing comments and input for the BHNF, the collaboration should not be limited to NFAB. HFRA Section 104 specifically requires collaboration (BHRL, page 7) with state and local governments and Indian tribes, and participation of interested persons, during preparation of authorized projects. The NFAB board members are not elected government officials. It is important that elected local officials be involved in the process.

2 For example, the BHNF officially listed the Wyoming Division of Forestry as a “Cooperating Agency,” yet that agency has not specifically been invited to participate in any BHRL planning meetings or even invited to field tours. Likewise, the State of South Dakota was not asked to be a “Cooperating Agency” nor was it contacted specifically for input. We are also not aware of any county governments being specifically asked to “Collaborate.” Likewise, Lawrence County is not aware of receiving any notice of this Project. It appears that a reasonable and diligent effort to enlist collaborative input is lacking.

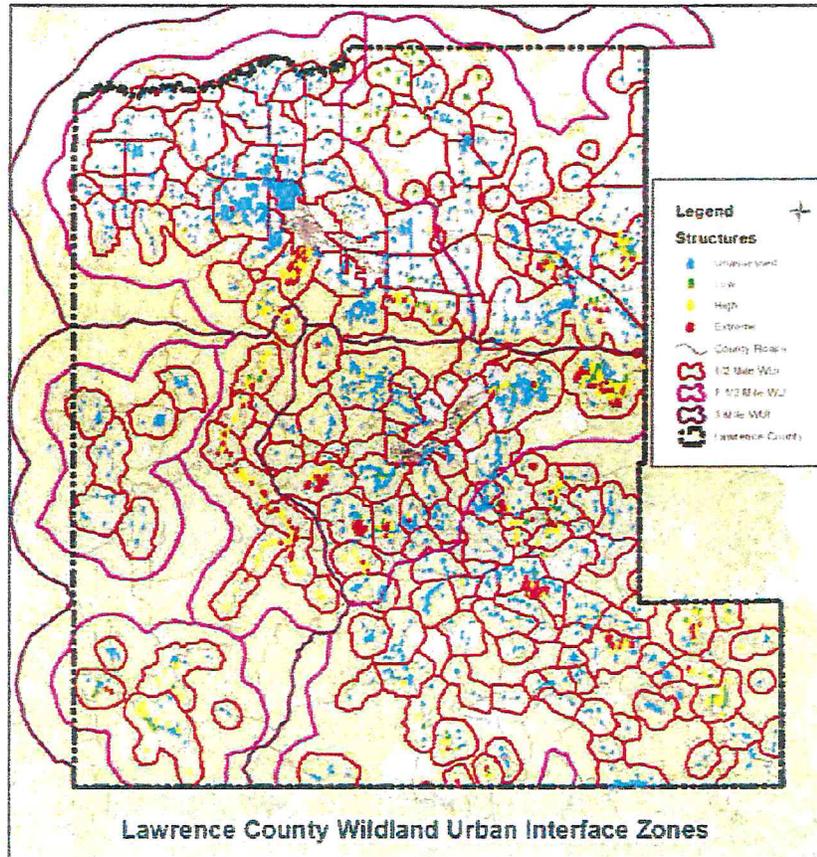
Fuel Treatments Around “At-Risk Communities”

3 The understanding and classification of “At-Risk Communities” is critical in defining the scope of this effort to reduce fire and fuel risks. (See page 18 and 76 “At-Risk Communities”). The BHNF identifies only 56 “At-Risk Communities” spread across 7 counties as “At-Risk,” including approximately 15 “At-Risk Communities” in Lawrence County. For example, while the Maurice area is identified, it has relatively limited residential development compared to significantly larger subdivisions like Elk Ridge, Terry Peak or Wilderness Estates which are not listed. It is unclear how this list was produced, but it appears to significantly underestimate the number of “At-Risk Communities” both in Lawrence County and within the BHNF, generally. Accordingly, it is evident that the parameters used to define an “At-Risk Community” for purposes of the Project were seriously flawed. To this point, the Federal Register list of “At-Risk Communities” was produced in 2001. In Lawrence County, for example, a tremendous amount of residential development has occurred in the past 16 years that this list does not capture. Compounding this issue is the fact that the description of what is an “At-Risk Community” has changed dramatically over time.

The Healthy Forest Restoration Act set the stage for counties to be able identify these “At-Risk Communities” and encouraged each county to develop a Community Wildfire Protection Plan (“CWPP”). It specified that each county should identify the developed areas of concern as “Wildland Urban Interface” areas (“WUI’s”). The CWPP has been used by the BHNF in the past to plan agency activities but does not appear that was done for the BHRL Project. In Lawrence County alone, there are over 104 WUIs located within the confines of the BHNF (see figure 1).

There are also over 400 subdivisions in Lawrence County with at least 6 building sites that the Lawrence County Commission has approved. Many of these subdivision communities have, or are organized to have, utility services and road maintenance.

Figure 1



Of critical importance is that the Project, as proposed, decreases the size of treatment areas around WUIs from 1.5 miles to one-half mile thereby effectively reducing the potential treatment acres by 89%. Compounding this concern is that to the extent treatment of these areas is identified, the where, what and how of any such treatments remains vague and largely left to the discretion of the agency.

Local government agencies are doing their part. Over the last 15 years significant changes in development regulations have occurred to address wildland fuels in new subdivisions. For example, both Lawrence County and Pennington County require new subdivisions to treat forest vegetation before final platting occurs.

“At Risk Communities” should be one of the highest treatment priorities based on the need to protect people and property.

The California fires are a recent example of what occurs when wildfires are allowed to become extreme and wildland fuels are not adequately addressed.

It is evident that the BHNF did not utilize the Lawrence County Community Wildfire Protection Plan in identifying the At-Risk WUI communities in Lawrence County. This critical information would have been readily available if the BHNF would have collaborated with Lawrence County. For these reasons it must be concluded that the Project is flawed and inadequately protects the actual existing "At-Risk Communities" in Lawrence County.

Commercial Treatments and Stand Typing

4 Historically, commercial timber harvesting has been an important component in the economic structure of Lawrence County and the Black Hills. Over the last 30 years, many sawmills have been closed due primarily to the reduced and unpredictable supply from the Black Hills National Forest. We want the USFS to know that it is very important the BHNF do whatever it can to insure that the current sawmill infrastructure stays intact.

5 Specifically, there is concern that the Project plan has unnecessarily limited the proposed commercial treatments to primarily 4A stands. This is a very similar approach that was implemented in the Mountain Pine Beetle Response Project (PBR) that severely limited the USFS' ability to adjust to on the ground conditions. Language should be included within the Project plan to allow the agency the opportunity to treat any, and all, stands that need to be managed. In situations where the stand typing mis-identifies 4A stands, the USFS should be able to decide - based on the actual existing structure - whether the stand should be treated.

7 For example, there are also many stands that have a heavy stocking of seedlings and saplings with a scattered overstory of sawtimber. These stands are most likely identified as 3C stands in this condition and should have the overstory removed. There are also many areas where 4C structural stage conditions exist that are not identified as 4C or even 4B. These stands should be considered for treatments due to a high level of severe wildfire and mpb risk. These are the same forest conditions that are supposed to be treated according to HFRA and "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, 10 Year Implementation Strategy."

We were pleased to learn from you when you met with the Timber Committee that you believe that the current Project plan contains the flexibility for this to occur. It would be reassuring if this flexibility was clearly explained in the Project plan.

Precommercial Thinning

9 There is great concern regarding the ongoing precommercial thinning practices on the BHNF. These practices are focused too much in the short term, and severely harm the future condition of the BHNF. This approach is reflected in the BHRL Project. The treatment direction is too general and should be related to the size of the regeneration and also should consider maintaining

the productivity of the land especially on 558,000 acres of Management 5.1 and 34,000 acres of Management 5.6 and 4.1 acres of Management Area 4.1. All of these Management Areas have resource production as a goal and reason for management.

The current instruction for precommercial thinning in the BHRL Project (See Pg. 27) provides:

“Saplings and poles ranging from one foot in height up to 8.9 inches DBH would be thinned to reduce stocking and concentrate growth in remaining trees. Stems and crowns would generally remain on site. This treatment would retain the largest pine of good form at a rate of approximately 130 to 300 trees per acre, depending on size of trees and whether objectives for the site focus primarily on timber production, fire hazard, or development of specific habitats. Spacing of leave trees would vary from approximately 12 to 24 feet.”

This direction allows the USFS to thin 1 foot tall seedlings to 24 foot spacing. This severe pre-commercial thinning practice will have the following significant impacts on tree development:

- Large branch size
- Low crown height
- High taper and shorten tree height
- Low site occupancy and fiber production (24 foot spacing would most likely result in reducing the fiber productivity by over 70% and 76 trees per acre would result in basal area of 34 square feet per acre when the trees reach commercial size of 9” dbh
- Minimal chance for these stands to grow into 3B and 3C structural stage
- No hiding cover for large herbivores such as elk and deer
- High crown torching risk due to ladder fuels
- Low quality timber

The reasons given by the BHNF for this strategy is that the agency has only 7 years after the project’s commercial treatments have been completed to spend KV funding, and the agency’s stated desire to precommercial thin once. The USFS’ challenges are acknowledged; however, this approach is extremely shortsighted given the long term impacts of these type of treatments.

First, it is recommended to precommercial thin seedlings only when they reach at least 10 feet in height and show that apical dominance has initiated. This is evidenced by dead branches and diminished branch growth in the lower 1/3 of the tree height. To help determine what the tree spacing should be, the USFS should consider using their own research papers that were authored by two of the most recognized tree researchers in the USFS, *Meyers and Van Deusen (1960)* and

Myers (1958). This research was summarized in *Silviculture of Ponderosa Pine in the Black Hills: The Status of Our Knowledge*, USDA Forest Service, Research Paper RM-124, June 1974.

Meyers and Van Deusen recommend that when there is only “one shot” at precommercial thinning, the following trees per acre guide should be used: “leave about 600 trees per acre for 1 inch trees, 400 trees per acre for 2-3 inch trees, and about 300 trees per acre for 5 inch trees”. This type stocking “will effectively control subsequent mortality, allow full utilization of the volume growth potential of “average” sites, concentrate increment on the better growing stock and stimulate improved rates of height and diameter growth for one or two decades.”

Structural Stage Goals

10 It appears that the main purpose for implementing the BHRL project is to try reduce the amount of 4A structural stage to the level specified in the 1997 Black Hills LMRP and Phase 2 Amendment. If so, then the Project is too narrowly focused on structural stage goals and should instead be more attentive to forest health issues as related to decreasing mountain pine beetle mortality and severe wildfire risk. There are significant concerns that the current inventory does not accurately portray the existing conditions.

12 In addition, structural stage goals should be spatially applied. It is not appropriate to use the overabundance of 4C areas in the Bearlodge to offset the lack of 4C in the Hell Canyon District. If there is an abundance of 4C on the Bearlodge District it should also be reduced to reflect the structural stage goals. The current wording in Project plan provides that SS 4B and 4C will not be treated since 4B is below LRMP goals. While we recognize the decision on 4B we do not understand why 4C will not be treated. 4C is mostly above LRMP goals in all management areas. In addition, if the USFS evaluated the structural stages spatially, there is most likely too much 4C and 4B on the Bearlodge District and possibly on the Northern Hills District.

13 The USFS also notes there is a shortage of 3C and 3B Structural Stages. As noted earlier, the current approach of over thinning the understory is preventing these areas from developing into these structural stages. The 3C and 3B structural stages have the potential to develop into 4B and 4C in the future. There should be no shortage of SS1 on the BHNF due to mpb and wildfire (See page 28 of the BHRL DEIS).

14 The BHRL DEIS indicates that SS5 is significantly short in all of the Management Areas. It is important to note that this was not true until the USFS redefined the definition of SS5 during the Phase 1 and 2 process. In addition, a significant amount of SS5 was lost during the last mpb epidemic because of high risk. SS5 is the most unstable structural stage and there is a high probability that the BHNF will never attain its goals. This was brought up during the Phase 2 discussions. In addition, much of the recognized SS5 is in tentatively suitable lands. The SS5 in

Late Successional Forest Landscape Management Areas (MA 5.7) like Sand Creek are not included in these numbers. Moreover, a large percentage of Sand Creek does not qualify for SS5 due to its age. There are also many acres of SS5 in areas like Spearfish Canyon that the USFS does not recognize as the old growth structure stage.

Prescribed Burning

15 Prescribed burning should not be a substitute for commercial timber harvesting. It was good to hear during our meeting that you agree on this point. The BHNF is planning on prescribed burning of 100,000 acres under the BHRL plan. This is a significant number of acres. There is concern that very little is known of where and what the objectives will be for these prescribed burns. The USFS has far too much discretion in planning these prescribed burns. Burn plans do not have public review process nor does the public have any access to provide comments regarding specific prescribed burns. The BHRL Project describes the anticipated prescribed burning in the following statement:

“Most fires in treated areas would burn on the surface at low to moderate severity with isolated pockets of trees burning. Fire hazard would generally decrease in treated areas. Proposed activities would increase resilience to future wildfires as compared to the No Action alternative.”

16 The Timber Committee expressed concern regarding the amount of overstory mortality that has occurred in some recent prescribed burns. In response, you noted that staff was instructed that the overstory mortality should not exceed 5% from prescribed burns. This limit should be included in all burn plans and should be audited. A complete review of prescribed burning should be done to assess the positive and negative impacts of the treatment.

17 A concern also exists concerning the use of prescribed burning to kill pine regeneration. Burning can be a good tool for this purpose, but is a poor tool for selectively killing trees. Serious consideration for saving the regeneration should be given when the prescribed burning occurs in areas where mountain pine beetle has killed all or most of the overstory. It is noted that these areas contain heavy amounts of dead and down trees fuels that are a concern for high severity wildfires and there will have to be some tradeoffs between reducing the fuels and protecting the regeneration. Even so, there is high potential that there will be some areas where all of the overstory seed sources have been killed by mpb and the regeneration will be killed by prescribed burning.

18 BHNF is proposing to plant 5000 acres of the Jasper fire area to pine. We support this. We do have serious concerns with the USFS' continued efforts to burn large parts of the Jasper fire to reduce wildland fuels. Past prescribed burns in the Jasper Fire area have killed thousands of young pine trees that sprouted after the fire and also some of the overstory that survived the

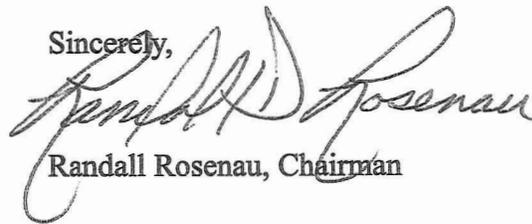
Jasper Fire. These seedlings and seed trees are extremely valuable and the USFS should be doing all it can do to protect them. In addition, we would also question the need to treat the Jasper dead and down fuels which have had the BTU capacity significantly reduced after 17 years of wood fiber deterioration.

19

A final point is the concern about the use of prescribed natural fire in the Black Hills. As you commented during the meeting with the Timber Committee, there should be very little of prescribed natural fire due to high risk involved in allowing it to occur.

Thank you again for this opportunity to comment. We welcome the opportunity to engage in further discussion concerning these comments and the Project in general.

Sincerely,

A handwritten signature in black ink that reads "Randall Rosenau". The signature is written in a cursive style with a large, sweeping initial "R".

Randall Rosenau, Chairman

cc:

Custer County Commission (w/enclos.)
Pennington County Commission (w/enclos.)
Fall River County Commission (w/enclos.)
Meade County Commission (w/enclos.)
Crook County Commission (w/enclos.)
Weston County Commission (w/enclos.)
Rep. Kristi Noem (w/enclos.)
Senator John Thune (w/enclos.)
Senator Mike Rounds (w/enclos.)
Governor Dugaard (w/enclos.)
Senator Bob Ewing (w/enclos.)
Rep. Timothy Johns (w/enclos.)
Rep. Charles Turbiville (w/enclos.)
State of South Dakota Division of Agriculture/Div. of Conservation and Forestry (w/enclos.)