

From: Bob Burns, President

On Behalf of the Norbeck Society
P. O. Box 9730 Rapid City, SD 57709
robert.burns.sd@gmail.com
605-787-4783
cell 605-390-6037



Submitted per Federal Register instructions to:
Public participation portal at
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Norbeck Society Comments on Proposed Changes to USDA Forest Service National Environmental Policy Act (NEPA) Regulations
Comments due by: August 12, 2019

The Norbeck Society is a non-profit citizen organization created in 2005 in South Dakota with the mission:

“Friends and neighbors as advocates for stewardship, restoration and enjoyment of public lands, ensuring a conservation legacy for future generations.”

Because of the Forest Service’s existing NEPA regulations, we have been and remain very active participants in the development of projects and programs proposed for Black Hills National Forest. We do not have a staff of paid analysts to dissect all the details outlined in the Federal Register Notice of June 13, 2019. Below are our comments based on the concept of the changes proposed and how we envision they will negatively impact our ability to continue to advocate for stewardship of Black Hills National Forest within a field of multiple users, including those with large corporate backing (e.g. commercial timber harvest, livestock grazing and mining).

We agree with the need explained in the Federal Register Notice for desired revisions. It is a sad summary of the state of multiple uses and environmental stewardship and management that: “The Forest Service is not fully meeting agency expectations, nor the expectations of the public, partners, and stakeholders, to improve the health and resilience of forests and grasslands, create jobs, and provide economic and recreational benefits.”

Our experience with management of Black Hills National Forest in the last 15 years does not allow us to agree, however, with the assertion in the Notice that the Forest Service currently is honoring a commitment to scientifically-based, high-quality analysis. Nor do we foresee that with the proposed changes in NEPA regulations, “The Agency will continue to hold true to its commitment to deliver to decision-makers scientifically based, high-quality analysis that honors its environmental stewardship while maintaining robust public participation.”

What the Norbeck Society sees in our recent dealings with Black Hills National Forest is:

- 1) A steady, erosional loss of scientific/technical staff positions and people in them who understand, research, analyze and communicate within and outside the Agency;
- 2) A loss of leadership positions and loss of leadership ability in remaining positions to balance political pressure (from private industry to inside-Agency agendas at regional and national levels) with scientific conclusions in short-term project planning and long-term planning;

- 3) Constant efforts to reduce transparency to the public regarding input from private industries and their role in shaping project plans;
- 4) Attempts to streamline and speed up project development using sequential special orders and acts that stack projects (especially commercial timber harvest) on the same piece of ground, with no acknowledgement or analysis of cumulative impacts.

The Federal Register Notice notes that Forest Plan documents exist that set out valid goals and objectives to guide project development. We note that Black Hills National Forest current Forest Plan (aka Land and Resource Management Plan) was written in 1997 with an Amendment in 2006. Black Hills National Forest is a very different place and set of resources than it was 20 years ago. A new Forest Plan is overdue by at least 5 years, yet no document is in development nor is there a schedule or funding for a Forest Plan anytime in the future. How can there be agreement between the Forest Service and concerned parties for speeding up designated Forest activities without any reasonably-current documentation of overall direction for Black Hills National Forest? We bring this up as an example because Black Hills National Forest is what we know and are dealing with. Other National Forests vary in their situations.

To give a quick outline of an example – consider the Black Hills Resilient Landscape Project 2018 (BHRL), put forward under the umbrella of the Healthy Forests Restoration Act.

Much of this large, undefined project area was also part of the large, undefined project area harvested for commercial timber under the Mountain Pine Beetle Response (MPBR) Project of 2012. Actions from the MPBR Project are still being carried out; conclusions of goals achieved are not reported and were not explained in the BHRL Project. BHRL is hardly under way and Black Hills NF recently released a Federal Register scoping notice for a Categorical Exclusion for Teepee Canyon commercial timber harvest in a project area included within the BHRL area. The scoping description provides no information regarding how the Teepee Canyon project relates to BHRL or MPBR projects and states that impacts fall within the level of Categorical Exclusion under NEPA. Norbeck Society has provided input for all NEPA processes involving these projects and has standing as formal Objector to the BHRL Project – and still we are confused about what is happening where, when and why.

These projects are occurring within the context of several years of Forest Inventory Analysis (FIA) results showing that Black Hills ponderosa pine tree growth to mortality ratio in 2018 is 1:10-12. This is a significant depletion trend. The Black Hills National Forest Supervisor recently released information that FY20 timber sales volume will be 197,000 cubic feet, up from the final timber volume removed in FY19 of 183,000 cubic feet. Additionally, there is a requirement in the design of timber sales that includes regeneration of 150-450 or more trees per acre within 5 years of vegetation treatment. This does not set the stage for a healthy, resilient forest but rather another mountain pine beetle epidemic or wildfire catastrophe.

Given this example, we trust you see that it is impossible for Norbeck Society to agree that the Forest Service is currently using scientifically based, high-quality analysis to design projects for the greatest public good in the Black Hills National Forest. The public has had to work very hard under the current Forest Service NEPA regulations to have any chance of understanding how and why projects developed, how they have been or will be implemented, and how they relate to additional activities occurring over time in the same location. The public will have more difficulties and less chance of understanding under the proposed NEPA regulations. Perhaps Black Hills National Forest is actually already applying the new NEPA regulation philosophy – that is, setting up larger projects on undefined lands, overlapping project areas, making unspecified applications of “condition-based management” and “adaptive management”, with bottom-line outcomes supporting commercial interests, no matter what scientific data/analyses show.

Negative highlights we see of the Forest Service's proposed changes for NEPA regulations are:

- Less public input for most environmental reviews, at the discretion of local Forest Service officials
- New projects piggy-backed on environmental processes for other, older projects (not recognizing differences)
- More activities qualifying under Categorical Exclusion, with little or no environmental review
- New categories for Categorical Exclusions that favor development and impact sensitive species, especially related to mining
- Speedier (but not necessarily more accurate) handling of large projects
- Shorter and less complete Environmental Assessments
- No Environmental Impact Statements for mining operations expanded less than 640 acres

These changes are proposed in the name of increasing efficiency. However, it is more important to us that the proposed changes significantly reduce the public's right under NEPA to understand, to participate, and to have input into environmental reviews and project development. Our experience in Black Hills National Forest over the last 15 years is that public scrutiny and input by Norbeck Society (and other local groups and individuals) have been key to development and implementation of a balance of projects having a greater likelihood of widespread ecological stewardship, thus leading to a healthy, resilient forest.

We are fortunate to have, in the Black Hills National Forest and National Forests across the country, such a grand resource from which so many people draw a multitude of benefits. The cultural, recreational, commercial (timber, forage, minerals), spiritual, watershed protection, and other benefits have enriched us in many ways and for a long time. The Norbeck Society's purpose is to ensure these benefits flow perpetually to those who come after us. Generations of people in the future will need the country's National Forests, too.

It does not appear to us that the Forest Service proposed revisions to its NEPA regulations appropriately recognize and address issues regarding inadequate NEPA compliance.

Thank you for the opportunity to comment. We never take our ability to participate for granted.