

Speech I prepared for Joint Appropriations on SB 21, but I did not give in entirety due to audio difficulties in Microsoft teams.

=====

I am Nancy Hilding. I am president and lobbyist for Prairie Hills Audubon Society. Thanks for letting me testify remotely.

At 6:30 am MT today I sent a letter to Committee's e-mail with suggested amendments to SB 21. Later, between 6:44 am - 7 am MT I also sent the same letter directly to the Committee member's e-mails. I will figure out how to post the e-mail to our web site later.

We oppose this bill as currently written. We suggest amendments related to 3 concepts. I will break up testimony into 3 sections.

1. Segment 1 - Please include Tribes – in Section 1

The first change requested is that federally recognized Native American tribes in SD with historic ties to the Black Hills would be eligible to apply for the one-to-one matching grants. We believe this is about fairness. The Supreme Court recognized that the Black Hills was stolen from the tribes via treaty violations and Court wanted to award fiscal damages which the tribes refuse to accept. They have a strong love of and commitment to the Black Hills and they should have the ability to apply for some of the matching funds. Our amendments insert the language adding the tribes to 4 places in the first section of the bill.

2. Segment # 2 – Please fund other state agencies.

The second of our amendment concepts is to amend Section 2 of SB 21 to give the Dept of Agriculture & Natural Resources, the option to provide money and staffing for other departments of SD government; Departments with expertise on forest planning issues that the Forestry Department may not have. This could be funds to DANR to study on mining and water quality/quantity issues, funds to SD Game, Fish and Parks on wildlife habitat and rare plants & outdoor recreation, funds to Tourism Department on needs of tourism & its' importance and also funds to State Historic Preservation Office on cultural properties.

Folks should be aware that 18% of the Black Hills is currently held in mining claims, that is almost 20% (or almost 1 in 5 acres) is under a mining claim. The 1872 federal mining law does not allow the FS to say no to mines. Folks are concerned about water quality and quantity issues. Timber management is not the only controversy & concern on the Black Hills.

3. Segment 3 – Please give transparency on Resource Conservation & Forestry agency positions

Our third amendment concept is to provide for greater transparency and public involvement by the State's Resource Conservation & Forestry agency during the Plan Revision and especially with groups/individuals that don't agree with some of the Forestry Departments past stated positions on the Forest Plan Revision – especially their concerns about the FS's data and conclusions in the General Technical Report (GTR). The requested amendments would also limit

the ability to use funds from SB 21 for administrative appeal/litigation without legislative approval.

Our concern here is if a not-sustainable cut is allowed, the timber industry will eventually die -- when there are no trees of saw timber size left to cut. With a not-sustainable cut, the mill owners may get short term return on their investments, but this does not insure a sustainable & viable timber industry into the future. An overly aggressive cut will also negatively impact other resources.

CCF is 100 cubic feet of wood and there is debate about how much volume of wood remains on the forest and how fast trees will die naturally or grow back.

I attach a NRE/ Forest Service Briefing Paper from August 19th, 2021

In which paper, Chris French, Deputy Chief, National Forest System says:

"The Rocky Mountain Research Station released GTR 422 in April 2021, which suggested a sustainable annual sawtimber harvest level of 72,400 to 90,500 CCF appeared to be the best option based on multiple scenarios of standing volume, projected growth, and mortality. Other scenarios analyzed in GTR 422 considered a sustainable level of up to 126,700 CCF." (Emphasis added)

In April 2021 the Forest Service released the final version of the Timber Growth and Yield. The General Technical Report (GTR 422) says:

"Taking these factors into consideration, our results indicated that sawtimber harvest levels of 72,400 to 90,500 CCF/yr appear to meet sustainability when only the available timber resource within the suitable timberlands is considered without including other resource needs."

(Emphasis added)

Link to the GTR

<https://www.fs.usda.gov/rmrs/science-spotlights/sustainable-timber-harvest-black-hills-national-forest>

This says with this annual volume cut, they are just managing for sustainability of timber, not for sustainability of other resources. If they considered constraints on harvest needed to meet needs and legal requirements for other resources, the allowed harvest levels would have to be even lower.

Quote from Abstract of the March 2020 draft TGYDGTR:

"If the current (2019) annual sawtimber harvest of 153,534 CCF per year (CCF = 64 100 cubic feet) were to continue, the live sawtimber volume will be depleted in the next several decades. To meet the current allowable sale quantity (ASQ) of 181,000 CCF as described in the BHNH Plan, a standing live sawtimber volume of approximately 12 million CCF would be required. However, current standing live sawtimber volume is approximately 5.9 million CCF.

Link to download the Timber Growth and Yield **Draft** General Technical Report:

<https://forestpolicy.com/2020/04/01/black-hills-timber-growth-and-yield-draft-general-technical-report-including-stakeholders-tribes-public-in-peer-review/>

In 2021 the State Forester Josten, requested the FS to respond to the support by the Black Hills National Forest Advisory Board (NFAB) for annual sawtimber harvest level of 181,000 CCF. (The ASQ for current 1997 Forest Plan). That was a not a unanimous recommendation of NFAB members.

The Deputy Chief US FS - Chris French briefing report dated August 19 2021 says:

“Timber industry advocates have stated any reduction below 175,000 CCF will result in further impacts to industry (closure was announced on a mill in Hill City, South Dakota, in summer 2021). The views of the State Foresters of South Dakota and Wyoming are aligned with that of the timber industry. Environmental advocates support significant reductions in the BKNF timber program. “ (Emphasis added)

The volume of timber cut on the Forest over the last year (2022) has trended somewhat towards more sustainable levels, declining in Fiscal Year 2022 to 123,600 CCF, from 172,600 CCF in Fiscal Year 2021.

The volume of timber sold has also decreased somewhat (down from 173,100 CCF sold in FY 2019 to 112,900 CCF in 2022).

However, the Rocky Mountain Research Station’s 2021 report on sustainable logging on the Black Hills, General Technical Report (GTR) 422, makes clear that logging at these levels is still unsustainable over the long term.

Conclusion to Segment 3

A controversy exists. The state has been disagreeing with FS and asking for an annual cut the Forest Service believes to be unsustainable. We thus ask for transparency in written comments to the Forest Service by the Department and also that people can get those documents for free from the State, without having to submit a FOIA to the Forest Service. We ask for public meetings by the Agriculture & Natural Resources Department on their Plan Revision efforts and for stakeholder meeting between Department and interested stakeholders. We ask that funds from SB 21 not be used for litigation or administrative appeal without legislative approval

Nancy Hilding
President
Prairie Hills Audubon Society