



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

Rocky Mountain Region / Black Hills National Forest

October 2023

Land Status, Ownership, Use, and Access Patterns

Comments and Responses on Draft Assessment



Black Hills National Forest

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Introduction: Assessment Response to Comments

The Black Hills National Forest received a variety of public comments on draft assessments published in June 2022. Some commenters have expressed support for the draft assessments, while others have expressed concerns.

Those who express concern about the draft assessments often state that they believe the assessments do not go far enough in addressing the challenges facing the Black Hills; do not address the needs of local communities; or do not utilize the best available scientific information. Those that support the draft assessments often state that they are pleased with the level of detail and analysis that went into the assessments. They believe it will provide a good foundation for the need to revise the land management plan.

The Forest Service has reviewed all public comment received on the draft assessments and used this feedback to revise assessments where appropriate. The table below is a detailed summary of public comment received related to land status, ownership, use, and access patterns as well as the agency's response to each item. Many responses indicate where the revised assessment has been modified to better explain each item, or incorporate new information as provided by cooperators or the public.

Each comment and response table is provided not as a matter of regulatory compliance, but as an effort to demonstrate the Black Hills National Forest's commitment to transparency early in the plan revision process. Some comments below have been generalized or combined with similar comments to provide a more efficient response. No attempt has been made to retain a link between each comment and individual, organization, or entity that provided it.

Response to Comments

| Comment | Responses |
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| <p>County Comprehensive Plans for Weston and Crook County should be included in the document. Wyoming Conservation Districts with Land Use Plans overlapping Black Hills National Forest should be included.</p> | <p>Thank you for the recommendation. The US Forest Service (FS) considers conditions beyond the plan area and how they might influence resources within the plan area as well as how actions on the National Forests might affect resources and communities outside of the plan area. The 2014 Crook County Comprehensive Land Use Plan and the 2022 Draft Weston County Natural Resource Management Plan are now included in Land Status, Ownership, Use, and Access Patterns section of the Assessment.</p> |
| <p>p. 14 Landownership Adjustment and ROW. Assessment should consider potential impacts to permittees when land disposal occurs.</p> | <p>The USFS considers conditions beyond the plan area and how they might influence resources within the plan area as well as how actions on the National Forests might affect resources and communities outside of the plan area. However, management strategies and potential impacts will be considered during the planning and environmental analysis phases of the planning process. For the assessment phase, efforts focus on evaluation of existing information about relevant ecological, economic, and social conditions, trends, and sustainability.</p> |
| <p>Assessment should recognize county and city governments (not the federal government) have the power and responsibility to do their part in not allowing development where it shouldn't (zoning) be and when it does occur, to ensure building codes that maximize resistance to loss from wildfire.</p> | <p>The USFS considers conditions beyond the plan area and how they might influence resources within the plan area as well as how actions on the National Forests might affect resources and communities outside of the plan area. This Assessment focuses on the evaluation of existing information about relevant ecological, economic, and social conditions, trends, and sustainability for topics specific to management of national forest lands and resources. While the assessment and planning processes will consider other entities plans, discussion of management or resources outside of national forest lands would be outside of the USFS jurisdiction.</p> |
| <p>The Crook County Natural Resource Management Plan (dated December 2,2020, Photo Book 617, page 198-199, 211-212) includes the following and the Forest Service should be as consistent with their management prescriptions as allowed by law:</p> | <p>The USFS considers conditions beyond the plan area and how they might influence resources within the plan area as well as how actions on the National Forests might affect resources and communities outside of the plan area. The 2014 Crook County Comprehensive Land Use Plan is now included in Land Status, Ownership, Use, and Access Patterns section of the Assessment.</p> |

| Comment | Responses |
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| <p>(Continued from previous page)</p> <p>Priority #1 (page 198) - Federal agencies should support designation of all currently open motorized and nonmotorized trails, rights-of-way, and roads as open transportation networks.</p> <p>Priority #4 (page 198) - Federal agencies should support legal public access to the federal lands for all beneficial uses if it does not infringe on private property rights.</p> <p>Priority #10 - (page 198) - Federal agencies should expedite beneficial land exchanges that seek to provide public access to landlocked federal lands.</p> <p>Priority #1 (page 211) - Federal agencies should proactively identify potential land exchanges and conduct analysis on lands for disposal that will consolidate land ownership type and reduce federal land from being isolated from other public lands.</p> <p>Priority #2 (page 211) - Federal agencies should prioritize land exchanges in areas where there may be resource or management conflicts between the federal managers and the neighboring private or state landowners.</p> <p>Priority #3 (page 211) - Voluntary land exchanges and/or other similar programs should be pursued as a primary way to encourage access to landlocked federal public lands as opposed to the use of eminent domain or other involuntary methods.</p> <p>Priority #4 (page 212) - Federal agencies should attempt to consolidate and combine land exchanges, when possible, to reduce overall costs. However, such consolidations should not be at the expense of causing undue delay on smaller land exchange proposals.</p> | <p>(Continued from previous page)</p> |

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| <p>Identified as a significant barrier to maintaining hunting and angling participants, access to public land plays a critical role in ensuring the future of our hunting heritage (Eliason 2020). Rocky Mountain Elk Foundation (RMEF) recommends consideration of public land access needs in USFS planning efforts, including close collaboration with state wildlife agencies to create or maintain access points to USFS lands that are important for managing wildlife. In addition, RMEF recommends inclusion of relevant components within Executive Order 13443 on facilitation of hunting heritage and wildlife conservation (2007), the John D. Dingell, Jr. Conservation, Management, and Recreation Act (2019), and the Great American Outdoors Act (2020).</p> | <p>The Forest strives to collaborate with partners, cooperators, stakeholders, and other agencies during all phases of the planning process. Recommendations about desired conditions or objectives should be brought up during the plan development phase.</p> |
| <p>RMEF recommends inclusion of plan components that seek opportunities to improve road and trail rights-of-way for access to hunting, fishing, and other recreational opportunities.</p> | <p>Plan components will be considered during the plan development phase of the planning process. We look forward to hearing from RMEF about plan component recommendations during that phase.</p> |
| <p>RMEF supports plan components recognizing that acquisition or land ownership adjustments should improve management of USFS lands by consolidating land ownership, providing public access to public lands, and conserving and enhancing resources.</p> | <p>Plan components will be considered during the plan development phase of the planning process. We look forward to hearing from RMEF about plan component recommendations during that phase.</p> |
| <p>RMEF recommends inclusion of plan components that seek opportunities to maintain or increase public land connectivity across USFS lands through land acquisitions, land transfers, etc. and prioritize such actions based on increasing public access, habitat connectivity, wildlife corridors, enhancement of recreational opportunities, etc.</p> | <p>Plan components will be considered during the plan development phase of the planning process. We look forward to hearing from RMEF about plan component recommendations during that phase.</p> |

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| <p>As a long-term partner in lands/realty, RMEF supports continued use of land acquisitions and conservation easements to conserve critical habitat for big game and other wildlife across these field offices.</p> | <p>This assessment focuses on the evaluation of existing information about relevant ecological, economic, and social conditions, trends, and sustainability for topics specific to management of national forest lands and resources. In general, the Land Management Plan will provide strategic & programmatic guidance and management direction rather than specific actions such as land or easement acquisitions. The plan can include a list of potential actions so consider recommending this during the plan development phase.</p> |
| <p>Chapter 1 and Chapter 2: Continual reference to funds or lack of funds. This is an assessment not a request for funding. Besides the USFS Chief’s office may have a different position on funding and did anyone ask? Or are the locals continuing to use the past habits regarding budget. If the author takes this platform during the assessment we then must as reviewers.</p> | <p>Land management planning efforts need to be approached within known budget constraints. Reference to this requirement is included in the discussion about importance and framework of the assessment. No funding is being requested as part of the assessment.</p> |
| <p>In the Current conditions there is no reference to the “exemption area” of BLM land surrounding Lead and Deadwood.</p> | <p>Thank you for the recommendation. We added clarifying language to Chapter 2 - Current Condition section related to Land Status and Ownership.</p> |
| <p>Chapter 2 refers to recreation throughout and other activities but does not use the term “Multiple Use”. This infers what local staff preach, which is the Black Hills National Forest will be only a recreation forest. This is not objective analysis and should be revisited.</p> | <p>Thank you for the recommendation. We added clarifying language to Chapter 2 – Use Trends section that includes information about the 1960 Multiple Use and Sustained Yield Act.</p> |
| <p>The Conservation Easements figure on page 3 does not cite the source and does not include the recent Della Vechia Conservation Easement (900+ Acres) and does not mention the Lawrence County Conservation easement in Little Spearfish Creek (54+ acres).</p> | <p>Thank you for the recommendation. We reviewed our geospatial data and records for more information about these easements. Our information does not show either of these conservation easements within the administrative boundary of the Forest.</p> |

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| Under Land Access there is not mention of FS2447 roads. | Geospatial data and information for all National Forest System roads was included in preparation of the assessment. The section about access mentions secondary U.S. and State Highways, as well as “numerous county roads, National Forest System (NFS) roads, and trails” and goes on to mention that numerous forest system roads are accessed by the main roads. The assessment does not list all forest roads individually. |
| Also, Table 2 indicates 104 miles of county road. This figure does not appear to be correct since Lawrence County has 400 miles of roads with over 50 percent of the county being in the NFS boundary. This Table also does not include the dozens of Road Districts in Lawrence County, Meade County, Custer County and Pennington County. These are government agencies and have jurisdiction of roads within the NFS. | The geospatial data and information for road that was used for the assessment shows different information. Roads within the administrative boundary of the Forest could be under the jurisdiction of NFS, county, city, private, or other. |
| Land Status and Ownership Trends: Missing the 1500 lots underway along Highway 85, Terry Summit, Dear Mountain, Powder House Pass, Buena Vista (all with USFS/BLM lands contiguous or within the NFS). | Thank you for the information. These properties are not within the administrative boundary of the Forest. While the information is helpful for landscape context, they are not included under ownership trends for the assessment. |
| Land Status and Ownership Trends: Paragraph 2 Page 6. Lawrence County Requires Fire Mitigation Plans in all new developments. Numerous Plans exist and there is no reference to this effort as if the author is unaware of the data available. (Similar to the road districts, Sanitary Districts, Seven Fire Districts). | Thank you for the information. This information is pertinent to other topical areas of the assessment rather than to land status, ownership, use, and access. Increased development is included in this section. |
| Page 7 first graph: No source Cited. | Thank you. The citation was added to the table. |
| Access Trends Table 2 Miles of Roads... What is the difference between Highway Legal and Open to All? | This table was removed from the assessment because information regarding types and allowances of road and trail access are found primarily in two companion assessments: Recreation Settings, Opportunities, and Scenic Character and Infrastructure. |

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| Use Trends Page 9 What is the source of this goal and who determined the goal? | Thank you. The citation was added. |
| Chapter 4. Conclusions the Heading should not be used. Maybe Summaries would be more appropriate to the assessments. The word “conclusions” is not appropriate in this document. | Thank you for the consideration. No change to be made. |
| Prioritize opportunities to enhance public access to contiguous and isolated blocks of NFS with regards to augmenting access across private lands for hunting and fishing. | This assessment focuses on the evaluation of existing information about relevant ecological, economic, and social conditions, trends, and sustainability for topics specific to management of national forest lands and resources. In general, the Land Management Plan will provide strategic & programmatic guidance and management direction rather than specific actions. The plan can include a list of potential actions so consider recommending this during the plan development phase. |
| Land use plans for the South Dakota counties encompassed within the boundary of the Black Hills National Forest are referenced; however, the land use plans of both Crook and Weston Counties in Wyoming are omitted. Both of which have sections related to wildlife. | Thank you for the recommendation. The 2014 Crook County Comprehensive Land Use Plan and the 2022 Draft Weston County Natural Resource Management Plan are now included in Land Status, Ownership, Use, and Access Patterns section of the assessment. |
| The Department recommends that the revised forest plan prioritize opportunities to enhance public access to contiguous and isolated blocks of the Black Hills National Forest, especially with regards to augmenting access across private lands for hunting and fishing in order to foster management of game species and increase recreational opportunities. | This assessment focuses on the evaluation of existing information about relevant ecological, economic, and social conditions, trends, and sustainability for topics specific to management of national forest lands and resources. In general, the Land Management Plan will provide strategic & programmatic guidance and management direction rather than specific actions. |

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| <p>In referring to the Forest Service's National Visitor Use Monitoring Survey and the estimated 620,000 annual visits to the Black Hills National Forest in 2019, this quantitative look at visitor activities across the Black Hills National Forest notes that "... 58 percent of visitors cited viewing wildlife as another reason for visiting forest." However, it omits any reference to participation in hunting, which is a significant seasonal activity/use.</p> | <p>Broader information about visitation and recreation use is found in the Recreation Settings, Opportunities, and Scenic Character Assessment.</p> |