



DUCHEсне COUNTY COMMISSION

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January 22, 2024

Submitted electronically at: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=65356>.

Director
Ecosystem Management Coordination
US Dept. of Agriculture, Forest Service
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

**RE: Land Management Plan Direction for
Old-Growth Forest Conditions Across the National Forest System**

Dear Director:

Duchesne County, a county in northeastern Utah with approximately 714,000 acres of U.S. Forest Service land constituting 34% of our land mass (“the County”), has reviewed the Department of Agriculture, U.S. Forest Service (“USFS”) Notice of Intent (“NOI”) to prepare an environmental impact statement¹ published in the Federal Register December 20, 2023. The proposal is to amend management plans for 128 units of the National Forest System to “include consistent direction to conserve and steward existing and recruit future old-growth forest conditions and to monitor their condition across the planning area” (hereinafter the “Proposed Plan Amendments”). The County encourages the responsible and appropriate development/use of natural resources to promote economic development for the benefit of its citizenry and to support the County’s Resource Management Plan (see: <https://utah-resource-management-planning-plpco.hub.arcgis.com/pages/county-management-plans>). As such, the County appreciates the opportunity to comment on the Proposed Plan Amendments, and accordingly submits the following comments and recommendations for the USFS’s review and consideration.

Coordination / Consistency Requirements of Forest Planning

The National Forest Management Act (“NFMA”) contains a requirement that U.S. Forest Service (“USFS”) Forest Plans be “coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.”²

¹ 88 FR 88042-88048.

² 16 U.S.C. §1604(a).

In the past, there were no state or local plans with which to ensure consistency. However, as of 2018, the State of Utah³ has adopted a State Resource Management Plan (“SRMP”) and all twenty-nine (29) counties in the State, including Duchesne County, have adopted County Resource Management Plans (“CRMPs”)⁴. The effort to adopt the SRMP and CRMPs “was a first-of-its-kind effort not only in Utah, but nationwide. The state and the counties frequently use their plans to coordinate management actions with the Bureau of Land Management and U.S. Forest Service.”⁵ All these plans include locally adopted objectives and policies for many aspects of not only federal land management but also include findings, provisions and policy relating to natural resource development and environmental quality.

While not a direct response to the USFS’s Proposed Plan Amendments, the County now specifically requests that under the Coordination and Consistency requirements discussed above, that any and all land-use actions that occur on federally managed land as a result of, or in cooperation with, the USFS’s Proposed Plan Amendments be consistent with the Utah SRMP and the Duchesne County CRMP.

In the environmental impact statement, the USFS must demonstrate consistency with the following objectives and policies of the Duchesne County Resource Management Plan:

Forest Management Objectives

1. Use active and adaptive forest management to improve forest health and support multiple use and sustained yield with emphasis on employment, forest product production, open space, wildlife habitat, forage, recreation, and other social and economic benefits.
2. Manage forest resources to reduce the risk of catastrophic fires, which cause unacceptable harm to resources and assets valued by society, including ecosystem and community health and resilience. In most cases, fires reach catastrophic levels largely as the result of human intervention, or lack thereof, on the land. Catastrophic wildfires are more intense than natural fires and kill practically all vegetation within the fire perimeter. They can also sterilize soils, resulting in difficult regeneration and depositions of ash and sediments in waterways. Catastrophic wildfires also have a higher probability of threatening private property and public infrastructure, and they can adversely affect public health and safety.
3. Encourage and support the expansion of the local forest product market at sustainable harvest levels.
4. Develop new markets for timber and forestry products that are available for harvest (e.g., use timber products for bracing in nearby coal mines or biofuels industry).

³ Utah State Resource Management Plan (“Utah SRMP”), pp. 1, *available at*: <https://rmp.utah.gov/state-of-utah-resource-management-plan/> (2018).

⁴ PLPCO, *Resource Management Plans by County*, Utah’s Public Lands Policy Coordinating Office, *available at*: <https://rmp.utah.gov/county-resource-plans/> (2021).

⁵ PLPCO, *Resource Management Plans*, Utah’s Public Lands Policy Coordinating Office, *available at*: <https://publiclands.utah.gov/current-projects/resource-management-plans/> (2021).

5. When sustainable and based on scientific knowledge and local data, increase grazing to historic levels (allotments, AUMs, or seasonal use) to reduce fuel loads, support local economies, and support rural lifestyles for county residents.
6. Manage forest watersheds for optimal yield without compromising other resources.
7. Seek opportunities to use and harvest forest products that have been affected by wildfire or pests (e.g., beetle).
8. Reduce time required for National Environmental Policy Act processes associated with timber harvests so that economic benefits can be maximized.

Forest Management Policies:

1. Timber resources shall be managed to achieve multiple benefits.
2. All forestlands shall be managed for multiple use and sustained yield.
3. Grazing access on national forest land should be tied to historic levels and healthy forest conditions. Public forest land management should be consistent to the greatest degree possible with the private forest land recommendations of the Utah State University Cooperative Extension Service.
4. Tree species selection, stocking levels, age class distribution, integrated pest management and fuel loading shall be addressed at some level within the forest planning process.
5. Forest risk assessments, monitoring and prevention tasks shall be completed. Areas of forest affected by processes or agents beyond the range of historic variation shall be identified.
6. Forest management plans shall be written and effective management techniques adopted to promote a stable forest economy and enhanced forest health, in accordance with the National Healthy Forest Initiative.
7. Opportunities for harvesting forest products shall be promoted, including the harvest of small diameter wood and biomass that can be used for energy, lumber, pellets, chips and other products. A study of the economic viability of forest restorative thinning projects on the Ashley National Forest should be launched.
8. Timber and non-timber products and habitats shall be identified for the forest. Long and short-term productive capacities and targets shall be established. Removal of forest products shall be viewed as achievable and sustainable provided that appropriate science and technology are used.
9. Management strategies shall protect timber resources from fire (in accordance with the National Fire Plan), insects, and disease. Such management strategies shall provide for proper vegetation

management practices so that excessive fuel loading and high intensity fires do not damage soil productivity.

10. Harvesting techniques shall be employed that will prevent waste of forest products.
11. Sound fuel load management techniques shall be used to minimize fire potential at the urban interface and prevent catastrophic events.
12. Forest management techniques shall be implemented that will increase watershed health and long-term water quantity yield and quality.
13. Management programs must provide opportunities for citizens to harvest forest products for personal needs, economic value and forest health. Sound economic approaches, considering both long and short-term goals shall be used when considering the harvesting of both wood and non-wood products and appropriate social values shall be considered.
14. The County shall be given an opportunity to participate as a Cooperating Agency in forest planning processes and assist in identifying areas where restoration treatments are needed on federal land.
15. The objectives and strategies identified in the 2016 Utah Forest Action Plan shall be supported.
16. Participate as a Cooperating Agency in the planning for and revision of USFS forest management plans and Bureau of Land Management resource management plans affecting forest management.
17. Encourage USFS to open appropriate areas for commercial timber harvest.
18. Encourage USFS to find commercial uses for timber and forest products affected by wildfire or pests.
19. When revising or updating a forest plan, USFS should engage with the county in developing alternative management strategies and management policies.
20. Collect and provide data to USFS regarding appropriate forest management methodologies. Data may include published scientific literature, local case studies, inventories, or other pertinent information.
21. USFS forest plans should address commercial tree species selection, stocking levels, age class distribution, integrated pest management, and fuel loading. Additionally, areas for timber and non-timber product harvest and wildlife habitats shall be identified for the forest. Long- and short-term productive capacities and targets shall be established.

I. The Proposed Plan Amendments

With this introductory information in mind, the County now turns to specific comments regarding the USFS's Proposed Plan Amendments.

A. Goal

The proposed plan *Goal* (Page 88047) should be amended to enable co-stewardship opportunities and consultation with sovereign states; not just federally recognized tribes. Under the Tenth Amendment to the United States Constitution, the State of Utah retains its authority as a sovereign, except where specifically superseded by powers granted by the Constitution to the federal government. The Tenth Amendment requires that the federal government treat the State of Utah as a sovereign entity – a separate government with unique and distinct powers to be consulted regarding matters pertaining to lands within its borders and affecting its citizens.

The revised *Goal* should read as follows:

Interpretation and implementation is grounded in recognition and respect of state sovereignty, tribal sovereignty, treaties, Indigenous Knowledge and the ethic of reciprocity and responsibility to future generations. Implementation should enable co-stewardship, including for cultural burning, prescribed fire, and other activities, and should occur in consultation with States, Tribes and Alaska Native Corporations to recognize their sovereignty and fulfill treaty obligations and general trust responsibilities.

To achieve consistency with the amended *Goal* above, the first bullet point in Section 1. (a) of the *Management Approach* section should be amended to read:

Effectively braid place-based Indigenous Knowledge, state and local Traditional Ecological Knowledge, and Western science to inform and prioritize the conservation and recruitment of old-growth forest conditions through proactive stewardship.

B. Conservation vs. Management and Stewardship

Throughout the NOI, there is reference to an “*Adaptive Strategy for Old-Growth Conservation*.” However, in the Plan Monitoring section, the NOI calls for an “*Adaptive Old-Growth Conservation and Management Strategy*.” The County suggests that the focus of this effort should be on forest management and stewardship; not forest conservation (as a “hands-off,” conservation approach will likely not produce the desired conditions). For this reason, the strategy should be re-named the “*Adaptive Strategy for Old-Growth Management and Stewardship*.” This terminology should be used in the *Management Approach*, *Objective*, *Guideline*, and *Plan Monitoring* plan amendment sections (Pages 88047 and 88048 of the NOI).

C. Standards for Management Actions

Section 3 of the *Standards for Management Actions Within Old-Growth Forest Conditions* plan component (Page 88047 of the NOI) states that:

“Vegetation management within old-growth forest conditions may not be for the primary purpose of growing, tending, harvesting, or regeneration of trees for economic reasons. Ecologically appropriate harvest is permitted in accordance with standards 1 and 2.”

This standard strays from the direction in The Organic Administration Act of 1897, under which most national forests were established. The Act states: *“No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States...”* This standard must be amended to allow for growing, tending, harvesting, or regeneration of trees for economic reasons where determined appropriate under the applicable forest plan.

An acceptable standard might read:

Vegetation management within old-growth forest conditions may be for the purpose of growing, tending, harvesting, or regeneration of trees for economic reasons if such management is deemed ecologically appropriate by the Forest Supervisor, in accordance with standards 1 and 2.

At the very least, this standard should be amended to clearly indicate that Forest Supervisors will determine what constitutes an “ecologically-appropriate harvest” given their knowledge of local conditions.

Amending this standard is critical since timber harvest on Forest Service lands has decreased substantially over time. Forest Service harvest volumes in the 1940s were around 1 to 3 billion board feet per year. Annual harvest volumes rose from the 1950s through the 1980s, sometimes exceeding 10 billion board feet. Annual harvested volumes decreased in the early 1990s and have remained between 2 and 3 billion board feet since FY2010 (see: <https://crsreports.congress.gov/product/pdf/R/R45688>).

Our country imported approximately \$48.5 billion worth of forest products in 2018 (see: https://www.usitc.gov/research_and_analysis/tradeshifts/2020/forest.htm). After drops in forest products imports during the COVID pandemic, the amount of forest products being imported is expected to increase as our nation’s population increases and timber production from our own forests continues to decrease.

The proposed rule should avoid exacerbating forest products supply issues in the U.S. since housing costs are increasing in many areas and high lumber prices are a critical component of building costs (see: <https://www.cnbc.com/2021/04/30/soaring-lumber-prices-add-36000-to-the-cost-of-a-new-home.html>).

D. Guidelines

Guideline 1 (a) (Page 88048 of the NOI) should be amended. It is currently proposed to read:

(a) To provide landscape-level redundancy and representation of old-growth conditions such that loss due to natural disturbance events does not result in a loss or isolation of the old-growth conditions at the landscape scale.

Natural disturbance events such as uncharacteristic wildfire, if such occurs within an old-growth forest, will certainly result in a net loss of old-growth conditions at a landscape scale. To address this reality, an acceptable alternative guideline would be:

(a) To provide landscape-level redundancy and representation of old-growth conditions such that loss due to natural disturbance events ~~does not result in a loss or isolation of the~~ can be mitigated by undisturbed old-growth conditions elsewhere, at the landscape scale.

II. Conclusions

In summation, the citizens of Duchesne County, the State of Utah, as well as the United States as a whole, will continue to benefit as the USFS fulfills its mission “to sustain the health, diversity, and productivity of the nation’s forests and grasslands to meet the needs of present and future generations.”⁶ As an overarching goal, “the County and the State of Utah support the wise use, conservation, and protection of public lands and their resources, including well-planned management prescriptions.”⁷

Thus, “it is the County’s and the State’s position that public lands be managed for multiple-uses, sustained yields, prevention of waste of natural resources, and to protect the health, safety, and welfare of the public. It is important to the County and State economies that public lands be properly managed for fish, wildlife, livestock production, timber harvest, recreation, energy production, mineral extraction, water resources, and the preservation of natural, scenic, scientific, and historical values.”⁸

Managing old-growth forests like a museum; the hands-off approach advocated by many

⁶ USFS, *Meet the Forest Service*, Forest Service – U.S. Department of Agriculture, available at: <https://www.fs.usda.gov/about-agency/meet-forest-service#:~:text=The%20mission%20of%20the%20Forest.of%20present%20and%20future%20generations.> (2023).

⁷ Utah SRMP at 8.

⁸ *Id.*

“conservationists,” is not the answer. Instead, the County encourages the USFS to focus on active forest management, forest stewardship and vegetation treatments, to produce the desired old-growth forest conditions and achieve the required consistency with the State SRMP and county CRMPs.

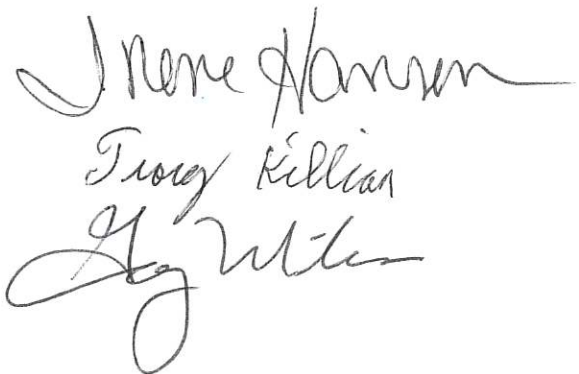
The County and the State of Utah have a significant amount of forest lands in various stages of maturity (see: <https://experience.arcgis.com/experience/37cb7e33db6949c79f1f87f87968e51a>). Mature and old growth forests should be managed for tree characteristics in lieu of designating specific areas or boundaries for mature and old growth forests. Mature and old growth forest characteristics should be considered when actively managing forest ecosystems, but should not impede the ability to actively manage and restore forest ecosystems. Ecosystem resiliency is in part dependent on having a range of various tree age classifications within a forested ecosystem.

The County opposes federal designations for mature and old growth forests based on specific boundaries rather than forest characteristics.

In sum, the cornerstone of proper management of this state’s resources is the coordination and cooperation between the County, the State and Federal land management agencies. Accordingly, we thank you for your consideration of the County’s comments. The County looks forward to working with the USDA and the USFS as this plan amendment process moves forward. The County accepts your invitation to participate in this effort as a Cooperating Agency. Please provide a draft Cooperating Agency MOU for our review in a timely manner. The County requests an opportunity to review and comment on an Administrative Draft of the EIS before it is released to the public for comment.

Sincerely,

DUCHESNE COUNTY COMMISSIONERS





Mike Hyde, AICP
Community Development Director