



January 29, 2024

Ms. Linda Walker  
Acting Director, Ecosystem Management Coordination  
USDA Forest Service  
201 14<sup>th</sup> Street, SW  
Mailstop 1108  
Washington, DC 20250—1124

Re: 88 FR 88042-2023-27875

Dear Acting Director Walker,

On behalf of the National Association of Counties (NACo) and the 3,069 counties, parishes and boroughs we represent, thank you for the opportunity to comment on the U.S. Forest Service's (the Service) notice of intent to prepare an environmental impact statement (EIS) for the Land Management Plan Direction for Old Growth Forest Conditions Across the National Forest System (Old Growth Rule). Counties appreciate the chance to offer our feedback on these issues affecting environmental health and the economies of national forest counties.

Implementation of new regulations and guidelines must follow the Service's existing multiple-use mandates and legal requirements to coordinate and cooperate with state, local and Tribal governments. These practices, when properly implemented, ensure better on-the-ground management decisions, sustainable resource use and healthy landscapes.

Unfortunately, the rule only calls for "State agencies and Federally recognized Tribes and Alaska Native Corporations" to participate as cooperating agencies. Surprisingly, the Service left out "local agency," despite the clear definition of "cooperating agency" under the National Environmental Policy Act (NEPA) as "any Federal, State, Tribal or local agency that has jurisdiction by law or special expertise with respect to any environmental impact."<sup>1</sup> Neglecting to invite counties to serve as cooperating agencies undermines intergovernmental relationships. The Service should swiftly correct this error and encourage all forest supervisors to meet with county officials to measure their interest in serving as cooperating agencies.

Additionally, the Old Growth Rule is a one-size-fits-all directive that will require massive changes to 128 existing forest management plans across the nation based on a national mandate that does not consider the great variance in forest systems around the country. This is the wrong approach to land management by the federal government. Rather than expecting federal forest managers to reinvent the wheel seemingly without the input of impacted counties, the Service should make greater use of existing data, including baseline socioeconomic data, current NEPA analyses, county resource management plans and the ability to leverage federal resources with intergovernmental partners and the private sector in determining how to invest the large amount of new federal funds available for landscape health projects.

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/COMPS-10352/pdf/COMPS-10352.pdf>

While Service personnel attempt to properly update and implement forest management plans, the average plan is more than twenty years old. The National Forest Management Act of 1976 mandates that plans be updated “at least every fifteen years.”<sup>2</sup> Since the Service is already well behind this legally established timeline, prioritizing one stage of forest succession will only inhibit the agency’s ability to update management plans and impede land managers from utilizing time and resources to remove hazard trees and other impediments to healthy forests.

Disrupting updates to forest management plans will also inhibit the ability of the Service to meet its multiple-use mission. The Service is more than lagging in the amount of timber sold and harvested from the national forests in the past thirty years. In FY 1990, more than 10.5 billion board feet were harvested from the national forests. In FY 2022, that number was just shy of 2.4 billion board feet.<sup>3</sup> The value of these harvests is also comparable in FY 2022 dollars to the early 1940s.<sup>4</sup> This has not only devastated the communities and economies of national forest counties, but also created an unprecedented wildfire threat to the landscape.

The Old Growth Rule is unnecessary because the Service indicates that 24.4 million acres of inventoried old growth forests already exist within the National Forest System (NFS), the majority of which are already in protected areas, including designated Wilderness Areas, Inventoried Roadless Areas or National Monuments.<sup>5</sup> This accounts for seventeen percent of the entire NFS. In addition, nearly a quarter of the Bureau of Land Management’s forestlands are categorized as old growth. These data are in addition to existing old growth forests and state, Tribal and private lands, which also encompass millions of acres. Old growth forests are in abundance in the United States and largely in protected areas, thus making this new rule excessive.

According to the briefing provided by the Service in November 2023, roughly 10,000 acres of old growth on the NFS have been cut in the last twenty years,<sup>6</sup> which averages out to about 500 acres per year. Considering the Service alone currently manages 24.4 million acres of old growth and 67.7 million acres of mature growth, the majority of which will be classified as old growth eventually due to the lack of forest management on federal lands, 500 acres annually is a miniscule amount. The amount of old growth cut on the NFS over the last twenty years is approximately the same amount of federal land located within the District of Columbia, while the catalogued amount of old growth stands within the NFS is larger than the State of Indiana.<sup>7</sup>

Counties believe a better approach would be to focus resources on reducing the cross-boundary stressors that negatively impact forest and grassland resilience and grow the economy instead of creating new, burdensome red tape from Washington, D.C. Investments in cross-jurisdictional partnerships with states, counties, Tribes and the private sector will increase the available resources to improve forest health. This must include coordinating with counties and their natural resource management plans when the Service updates forest management plans and offering counties the opportunity to serve as cooperating agencies at the beginning of the NEPA process.

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<sup>2</sup> <https://www.fs.usda.gov/emc/nfma/includes/NFMA1976.pdf>

<sup>3</sup> [https://www.fs.usda.gov/forestmanagement/documents/sold-harvest/reports/1990/1990\\_Q1-Q4\\_CandS\\_SW\\_Products.pdf](https://www.fs.usda.gov/forestmanagement/documents/sold-harvest/reports/1990/1990_Q1-Q4_CandS_SW_Products.pdf)

<sup>4</sup> <https://crsreports.congress.gov/product/pdf/R/R43872>

<sup>5</sup> <https://www.fs.usda.gov/sites/default/files/mature-and-old-growth-forests-tech.pdf>

<sup>6</sup> <https://vimeo.com/884159272>

<sup>7</sup> <https://crsreports.congress.gov/product/pdf/R/R42346/15>

Federal agencies should also make greater use of existing authorities for cross-boundary treatments, including the use of Good Neighbor Agreements with states, counties and Tribes. Furthermore, under the Bipartisan Infrastructure Law, the Service Chief now can appoint members of Resource Advisory Committees (RACs), rather than requiring the approval of the Secretary of Agriculture. The Service must utilize this authority that RACs can immediately start projects for watershed and landscape health, public lands infrastructure enhancement and improving public access. The current authority to use these millions of dollars in existing funds expires September 30, 2026, leaving a limited opportunity for RACs to conduct necessary forest management projects on federal lands.<sup>8</sup>

Counties appreciate the opportunity to comment on this substantial change to the way federal forests are managed. The Service must consult with intergovernmental partners, including counties, as any regulations that may impact the health of our national forests and local economies are developed and implemented. We encourage the Service to reduce red tape and focus on policies that promote locally driven solutions.

Sincerely,



Matthew D. Chase  
CEO/Executive Director

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<sup>8</sup> [16 U.S.C. Sec. 7218](#)