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September 17, 2024

Mr. Thomas J. Vilsack
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

Submitted via Federal eRulemaking Portal

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

RE: United States Department of Agriculture Forest Service Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System Draft Environmental Impact Statement (Federal Register Vol.89 No. 120/Friday, June 21, 2024/Notices/Page 52039)

Dear Secretary Vilsack:

On behalf of the Weston County Board of Commissioners ("County"), please accept this letter as comments for the United States Forest Service (USFS) National Old-Growth Amendment (NOGA) Draft Environmental Impact Statement (DEIS). Weston County's economic viability is highly dependent on federally managed lands for timber production and harvest, energy development, livestock grazing, wildlife, tourism, and recreation and this plan amendment initiated by the Secretary of Agriculture through the Forest Service will have a significant impact on the socioeconomics, custom and culture of our County and State.

In Wyoming, counties serve as a legal arm of the state entrusted with conducting statutory and regulatory goals at the local level. County governments are actively engaged in the National Environmental Policy Act (NEPA) processes to assist our federal partners to create management plans that encourage productive and enjoyable harmony between man and his environment. 42 U.S.C. §4321. Weston County takes our responsibility as a local government seriously and strives to ensure our community is an economically vibrant, safe, and healthy place to live, work, and recreate. Wyo. Stat. § 18-5-208(b).

Weston County serves as a co-regulator and partner of thousands of acres of USFS federal surface that fall within our jurisdictional boundaries. Our County contains varying percentages of federal, state, and private land, which need thoughtful management at each jurisdictional level. USFS manages approximately 15% of the total land in Weston County and includes forest lands that are part of the Black Hills National Forest (BHNF) and Thunder Basin National Grasslands (TBNG). Approximately 6,257 acres of the Black Hills National Forest lie within Weston County. These resources are important for the livelihoods of residents and the attraction of those traveling through. The BHNF are included as affected areas and subject to this USFS plan amendment effort.

As co-regulators, Weston County has prepared the Weston County Natural Resource Management Plan to serve as the basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues. Wyo. Stat. § 18-5-208(b). Well managed forests are a crucial component to achieving our goals as local governments. Executive Order

14072 *"Strengthening the Nation's Forests, Communities and Local Economies"* (EO) recognizes this relationship and expressly connects local economies with forest management activities. Our plans, which the USFS should be consistent with, speak specifically about our local economy and the multiple uses within our federal, state, and private forested lands.

As partners, Weston County works diligently to support the work of our federal land managers to overcome shared challenges and achieve mutual goals. Our County actively participates with Wyoming USFS district offices and the regional office on National Environmental Policy Act (NEPA) projects, trainings and presentations, and special initiatives. Although NOGA is a substantially different planning effort than has ever been contemplated by the USFS, we have committed to participate as a cooperating agency with the USFS and have provided comments, where allowed – but we must do better in our coordination.

Weston County supports sustaining and protecting some appropriate amount of old growth forests in the national forest units in Wyoming through proactive stewardship. However, the failures in the NOGA NEPA process have created an unworkable and legally tenuous amendment for all of the national forest units across the country. Weston County does not support the USFS conducting nationwide forest planning to address old growth direction in the unique forests and communities across the country. Therefore, the only alternative that we can support is the No-Action alternative, which would allow individual forest units to revise or amend their forest plans as necessary to address contemporary challenges with old growth forests.

In response to the NOGA and DEIS, Weston County submits the following detailed comments for the USFSs consideration specific to this plan amendment:

I. General

- Wyoming County Commissioners Association (WCCA) – Weston County endorses, and incorporates by reference, comments submitted by WCCA.
- State of Wyoming – Weston County endorses, and incorporates by reference, comments submitted by the State of Wyoming.

II. USFS Should Abandon its Top-down One-sized Approach to Old Growth Forests

Weston County implores the USFS to set aside political objectives and focus on the actual ecological and management needs of individual forests. This would require the USFS to abandon its nationally driven NOGA planning effort and encourage and strengthen individual forests' ability to revise and amend their plans to address old growth forests. In Wyoming, there are three forest units that are already in the beginning stages of revision that could benefit from additional USFS resources. Unfortunately, the NOGA planning effort has redirected USFS personnel from the Mountain Planning Service Group, amongst other regional planning groups, to spend time and money on the NOGA.

Staying the course with NOGA as a top-down one-sized approach does not promote the best management for our distinctive forests or produce the best results for our unique communities. By the USFS's own admission in the preamble to the 2012 Planning Rule, "...more specific requirements were not included in the final rule, because these issues are best identified and determined at the forest or grassland level, reflecting ecosystems and plant and animal communities on the unit." The County agrees with this approach in the Planning Rule. A localized planning approach recognizes the vast differences between our national forests and the communities that live in and around them.

As the USFS knows, forest plans are required to balance a multitude of challenges, priorities, and interests on our forested lands. Existing plans were established in good faith with the cooperation, data, and input from counties and other cooperating agencies. Each of the forest units within the state of Wyoming have old growth direction in their existing plans. Forcing a national old growth agenda to layer on top of our existing plans does not strengthen them, it undermines them.

It is our request that any forest unit in Wyoming that is starting or is currently undergoing a plan revision process be excluded from the NOGA in its entirety. These forest units, namely the Bridger-Teton, Black Hills, and Medicine Bow-Routt, may, in consideration with cooperating agencies, and based on their own forest needs, incorporate whatever plan components they deem appropriate for that forest unit. A nationally led directive should not derail the work of our forest planning efforts.

As proposed, the NOGA will inevitably disrupt and negatively impact the revision processes being done across the forests in Wyoming and others around the country. Unlike the NOGA, our Forest Supervisors have been largely successful in communicating the upcoming process with cooperating agencies and the public. Forcing these forest units to also undergo the "required" optional

content to create an old growth strategy will take away necessary resources, time, and adds a layer of confusion that is completely unnecessary. None of the overarching goals of the NOGA are unable to be accomplished in an individual forest plan revision if that unit desires. Additionally, keeping any possible changes to old growth direction within a plan revision will ensure that old growth management is integrated with other plan components.

Beyond being required, this integration and consistency with other plan components will allow our forests to continue the necessary work of active management. Layering new plan components on to forests that have not evaluated them for consistency and have not integrated them into their plan, will create at best confusion and at worse substantial litigation for all ongoing projects.

In stark contrast to the NOGA, Weston County believes that the best forest policy decisions are accomplished through robust local engagement. A local planning approach recognizes the vast differences between our national forests and the communities that live in and around them.

Unfortunately, the NOGA process is far from the EO's goal of collaborative, locally led conservation. Instead of collaboration, it has cut local governments out of the conversation. Instead of being locally led, the NOGA is being driven from the Secretary of Agriculture, the highest bureaucratic position over the USFS and the furthest from the ground. Instead of a conservation solution, the NOGA creates more work for the USFS to address a perceived problem of harvest within old growth forests. Ultimately the NOGA is a solution in search of a problem that does not exist.

The comprehensive locally led approach to forest plan amendments envisioned by the 2012 Planning Rule helps maintain the multiple use and sustained yield mandate. Without the ability to integrate plan components, the NOGA's selective focus on old growth forests will be detrimental to other forest age classes and other uses including timber harvest, water, range, recreation, and wildlife.

III. The USFS has Failed to Meaningfully Engage with Weston County under the National Environmental Policy Act.

Weston County sought to actively engage with the USFS on the NOGA after the Notice of Intent (NOI) was released in December, 2023.¹ Our County has a history of supporting the USFS in developing, revising, and amending forest plans, providing special expertise on socioeconomic issues, including how amendments will affect jobs and the tax base. Our participation also assists the USFS comply with its requirement to coordinate its land management planning with local county land use plans.

Weston County has also enjoyed a long history of partnership with the USFS working together through on-the-ground projects and advisory groups to assist with plan implementation. Beyond cooperating agency work, our County has made substantial investments to strengthen the working relationships we enjoy with the Forest Service.

Weston County has also enjoyed a long history of partnership with the USFS working together through on-the-ground projects and advisory groups to assist with plan implementation. Beyond cooperating agency work, our County has made substantial investments to strengthen the working relationships we enjoy with the Forest Service. Weston County appreciates the relationship it has developed with the TBNG and BHNF and has worked directly with the Forest Service by engaging as a cooperating agency in the following ways:

- The County participated in the 2020 Thunder Basin National Grasslands Plan Amendment (Plan) as a TBNG Working Group member.
- The TBNG leadership team invited Weston County to engage with the Forest Service on the Inter Disciplinary Team (IDT) to *co-develop the alternatives for the environmental impact statement*.
- The County continues to participate in the TBNG Working Group meetings to engage in discussions and make recommendations to the Forest Service regarding implementation of the Plan.
- The County continues to receive regular updates from the TBNG Ranger District Office and the BHNF on issues related to the management of the area and sincerely work through challenges that arise.
- The County has engaged with both the TBNG and the BHNF representatives on NEPA training hosted by WCCA. This opportunity has allowed for both parties to better understand roles and responsibilities as it pertains to the land management planning processes along with discussing challenges and solutions for implementation.

¹ The USFS has clarified that it's removal of local governments from the list of entities encouraged to seek cooperating agency status was done in error.

- Weston County has participated in multiple tours hosted by both TBNG and BHNF to look at on-the-ground situations and jointly discuss implementation options for addressing current conditions.

Given the incredibly aggressive timeline the USFS set for itself to complete the NOGA, there needed to be an equally aggressive process to encourage early and meaningful local government participation in the development of the NOGA. Unfortunately, instead of early engagement and a robust cooperating agency process the USFS chose to completely skip cooperating agency work until after the Draft NOGA and Environmental Impact statement was already published in the Code of Federal Regulations on June 21, 2024.

Although the USFS has previously defended its cooperating agency process by listing every communication, public information style meeting, or conversation with our national or state county association – none of these meetings contained any cooperating agency work. Having meetings on a calendar does not constitute compliance with NEPA if those meetings failed to contain any of the expressed requirements for lead agencies. The Council on Environmental Quality (CEQ) has set the floor, not the ceiling, for what a lead agency shall do in a cooperating agency process in CFR § 1501.7(h) and (i). The USFS as Lead Agency with respect to cooperating agencies (counties, states, and tribes) shall:

- (1) Request the participation of each cooperating agency in the NEPA process at the earliest practicable time.
 - (2) Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent practicable.
 - (3) Meet with a cooperating agency at the latter's request.
 - (4) Determine the purpose and need, and alternatives in consultation with cooperating agency.
- (i) The lead agency shall develop a schedule, setting milestones for all environmental reviews and authorizations required for implementation of the action, in consultation with any applicant and all joint lead, cooperating, and participating agencies, as soon as practicable.

The Forest Service failed to meaningfully meet any of these requirements from CEQ. Prior to the release of the Draft NOGA, the USFS did not have any meeting with cooperating agencies to create a timeline, develop the purpose and need, create alternatives, or give cooperating agencies an opportunity to provide environmental or socioeconomic data or analysis.

In fact, prior to the public release of the NOGA the USFS did not share a single document or have a single discussion about any proposed language, analysis, or alternatives for the NOGA with cooperators. In other words, although the USFS finally met with cooperators two times before the publication of the NOGA, and even though the content of the NOGA had already been wholly developed by the USFS (without the assistance of any cooperators), the USFS decided not to discuss any of the NOGA draft content with cooperating agencies in these meetings.

The blatant disregard of anything that could even remotely resemble cooperation under the law before the publication of the Draft NOGA is unprecedented and a clear violation of the act. The USFS created its purpose and need alone. The USFS developed its range of alternatives alone. The USFS drafted all of its environmental and socioeconomic analysis alone. The USFS created the NOGA plan and drafted the EIS by itself while it had a host of cooperating agencies across the country seeking an opportunity to provide input for months.

After the train had completely left the station, the USFS finally got around to giving a boarding pass to Weston County. Weston County was given an MOU that the USFS said it could not amend or edit if it wanted to participate in the NOGA. The take-it or leave-it approach employed by the USFS with the MOUs was an act of bad faith to begin the "cooperation" with governments across the country. Unfortunately, even after MOUs were signed, the cooperation was non-existent. Since cooperators were not allowed to see or discuss any of the NOGA before the alternatives were already set in stone with the release of a public draft, there was no meaningful opportunity to work with the USFS on the NOGA.

Over the last few months, the USFS has aggressively met with cooperating agencies in a bid to clarify the intent of the NOGA. While occasionally insightful, these meetings do not reflect the responsibility outlined for a lead agency and do not include the substantive creative work intended to be completed by cooperating agencies. "NEPA should not become an after-the-fact process that justifies decisions that have already been made." 40 C.F.R. § 1502.2(g). This is clearly not how CEQ envisions the NEPA process operating.

Cooperators have repeatedly raised concerns that the process we were being invited to participate in was not appropriate. CEQ's own guidance warns: "Misuse of the NEPA process to justify decisions already made is counterproductive and can result in litigation that

could delay and ultimately prevent a proposed action from proceeding.” (Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act, CEQ, 2012).

The USFS assured cooperating agencies that they had every intent of creating a process where meaningful engagement was encouraged. To this end, the Forest Service chose to conduct a national amendment with an EIS versus the development of a rule, which likely would have still required an EIS. Unfortunately, even with the best intent, the USFS has failed to meet the intent or the letter of the law for meaningful cooperation with cooperating agencies under NEPA.

Surprisingly, the USFS provides in its very first sentence of the NOGA EIS, without any justification, “The Forest Service has prepared this environmental impact statement in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations.” Unfortunately, the Forest Service cannot simply assert compliance with NEPA, it is required to actually take action to comply with NEPA. The decision to elevate the NOGA decision to the secretarial level only further eliminates cooperating agencies and the public from the ability to file objections. As cooperating agencies, who have participated in countless compliant NEPA processes, we request this NEPA compliance sentence be removed from the document.

In summary, the Forest Service failed to comply with the requirements set out by CEQ for meaningful cooperation with local governments. This procedural flaw has hamstrung our participation in the development of the NOGA and the required analyses under NEPA.

IV. Consistency with Weston County Natural Resource Management Plan

Although the NOGA stands to impact hundreds of communities across the country, there is no indication in the DEIS that USFS was apprised of local land use plans and there is no description of how those plans were given consideration as required by the 2012 Planning Rule and NEPA. At a minimum, the USFS should have included a list of the local land use plans that are within the amendment boundary. However, even an impacted county list would not meet the requirements for coordination and consistency. For convenience, Weston County has attached its Weston County Natural Resource Management Plan, dated August of 2022, in its entirety for your consideration.

NEPA requires that the USFS include a discussion of all “possible conflicts between the proposed action and the objectives of Federal, regional, State, Tribal, and local land use plans, policies and controls for the area concerned.” 40 C.F.R. § 1502.16(a)(5). Further, where any inconsistency exists, the USFS is required to provide a statement describing “the extent to which the agency would reconcile its proposed action with the plan or law.” 40 C.F.R. § 1506.2(d). There is no discussion of any possible conflicts in any of the myriad of documents and reports that seemingly make up the NOGA’s analysis.

The DEIS acknowledges in section 1.11.6 on page 12 “Coordination with Other Planning Efforts” that “The 2012 Planning Rule (36 CFR 219.4(b)) requires the Forest Service to coordinate land management planning activities with federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments.” However, the DEIS simply claims that the USFS will “In the course of coordinating with other public planning efforts the Forest Service will consider ways the proposed old-growth amendment could contribute to common objectives, address impacts, resolve or reduce conflicts, and contribute to compatibility between Forest Service and other agencies’ plans.” This does not satisfy the USFSs requirement to coordinate with local governments nor does it clearly identify a detailed consistency review that ensures local plans were addressed adequately in the NEPA process and every effort was made to resolve outstanding management issues.

On page 12 of the EIS, the USFS stated that it “requested that each Cooperating Agency provide applicable planning documents or policies related to forest management and any information regarding specific areas of conflict between their plan or policy and the proposed National Old Growth Amendment, and suggestions to address those conflicts.” At the time the USFS requested possible conflicts with local plans or policy, the USFS had not yet shared any draft of the NOGA. Nevertheless, numerous cooperators sent in plan language, none of which made it into any portion of the EIS.

Now that the draft NOGA has been released to the public, and cooperators have been able to see the draft, there remains a substantial hurdle with identifying inconsistencies. The way the proposed NOGA is drafted puts the creation of substantive plan components into the hands of collaborative groups developing “Adaptive Strategies.” Therefore, it remains impossible to provide a complete list of inconsistencies until the Adaptive Strategies have been created. And by the time the Adaptive Strategies have been created, there will be no NEPA to require consistency with local plans.

For the USFSs convenience we have identified a few priority policy positions from our County Natural Resource Management Plan that are impacted by this DEIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

1.2.4.1 County Expectations Resource Management Objectives (Page 12):

- A. Weston County has an established relationship with local federal agencies in which the agencies regularly coordinate and allow the County to participate as a cooperating agency for any federal action as the County deems appropriate.
- B. The Weston County Natural Resource Management Plan (NRMP) is reviewed by the federal agencies while generating their land use plans to ensure that the proposed land use plan is coordinated with this NRMP to the greatest extent possible.
- C. The federal agencies conduct a consistency review with the Weston County Natural Resource Management Plan for every proposed National Environmental Policy Act decision the agency makes that may affect the County, the natural resources within the County, or its citizens.
- D. Federal agencies consider the economic well-being and custom and culture of Weston County and its citizens when making decisions affecting natural resources within the County.

1.2.4.2 County Expectations Priority Statements (Pages 12-13):

- 1. Federal agencies should inform Weston County of all proposed projects, decisions, and actions that may affect the County and allow the County to participate as a cooperating agency and coordinate with agencies at the earliest time in the planning process.
- 3. Federal agencies should achieve a sustainable land use balance between economic growth, energy development, recreation, agriculture, conservation use of lands, quality of life, Weston County's custom and culture, and the environment by coordinating with the County on all decisions.
- 4. Federal agencies should maintain the culture of open access, multiple use, agriculture, and rural communities within Weston County.
- 5. Federal agencies should promote projects that improve the health and sustainability of public lands within Weston County.
- 6. A full analysis of the impact each alternative and subsequent "decision" will have on the local economy should be conducted by the federal agencies. If it is determined that the alternative will have significant negative impact on the local economy, the alternative/decision is not supported.

1.3.1 Credible Data Resource Management Objective (Page 14):

- A. Credible data has a universal meaning for all federal agencies in Weston County and is the basis for all agency decisions within the County.

1.3.2 Credible Data Priority Statements (Page 14):

- 1. Federal and state agencies should use credible scientific data in all federal land use decisions made within Weston County.
- 2. Federal and state agencies should include quantitative data in land use planning processes that meet credible data criteria, even if the data were not produced by a federal agency.
- 3. Federal agencies should adopt a universal definition of credible data consistent with the Weston County Natural Resource Management Plan and federal law.
- 4. Federal and state agencies should only use and consider data that is legally collected and meets the minimum criteria described in their respective handbooks when making land management decisions unless other criteria are agreed upon between Weston County and federal agencies.

5. Federal agencies should work with cooperating agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple-interest users.

6. Federal agencies should be transparent in their decision-making and provide the source for all data and studies relied upon for all decisions. Any studies not available to the public should either be made available for public review or not relied upon.

3.1.6 Land Use Resource Management Objective (Page 29):

A. The basis for management of all public lands within Weston County is multiple-use management and the management limitations identified in the land management agencies' Resource Management Plan or Land Use Plan.

3.1.7 Land Use Priority Statements:

1. Federal agencies should conduct any National Environmental Policy Act analysis using multiple-use principles that take into consideration all resources.

2. Weston County shall be notified and allowed to participate as a cooperating agency on National Environmental Policy Act projects that may influence the economic stability of the County and its residents.

3. Federal agencies should support decisions that ensure the socioeconomic well-being of Weston County citizens, maintain the culture and customs of the constituents, and consider natural resource health.

4. Federal agencies should consider the effects their decisions will make to neighboring private and state lands within Weston County.

5. When an agency decision or proposed alternative will have a negative impact to the current use of neighboring lands, which proposed decision or alternative is not supported by Weston County.

7. Federal agencies should protect and enhance access for the enjoyment of federal and state managed lands in Weston County.

3.5.3 Forest/Rangeland/Grassland Management Resource Management Objective (Page 53):

A. Forest lands, rangelands, and grasslands within Weston County are managed under multiple use that promotes the timber industry, energy industry, grazing, fuels management, and recreation and benefits the economy of the County's communities.

Weston County believes that the USFS's approach of waiting until the final stage to address inconsistencies in the EIS is flawed. This delay prevents state and local government agencies from providing input during the drafting phase prior to the DEIS being issued, which could have led to substantive comments that might alter the project's components and subsequent analyses. Additionally, a federal agency should not address consistency solely by responding to concerns raised through comments or cooperating agency meetings. Instead, the development of the Purpose and Need statement and the alternatives should have taken an active approach in identifying inconsistencies and addressing them concurrently. It is clear that the process by which USFS included a thorough consistency review of the Weston County natural resource plan fell far short of adequate consideration of our local plan, which is a significant omission in the DEIS and this process.

V. The USFS has Not Articulated a Need for Changing the Black Hills National Forest Unit Plan

The USFS has not articulated a need for "consistent" management of old growth forests across the United States nor has the USFS specifically articulated a need for change of the existing old growth direction in the Black Hills National Forest. The 2012 Planning Rule requires the USFS to identify its need for change on a new assessment, monitoring report, or other documentation, changed conditions, or changed circumstances. 36 C.F.R. § 219.12(b)(1). Unfortunately, the threat assessment associated with the NOGA effort was released after the NOI and clearly after the NOGA had already been drafted.

Furthermore, the threat assessment identifies fire, insect and disease as the primary threats to old growth, yet the NOGA focuses on restricting old growth harvest through the creation of standards and guidelines. Ironically, and unfortunately, substantial portions of the old growth forests across the forest unit system are already within designations that extremely limit or prevent active management, namely Roadless Areas, Wilderness Areas, and National Monuments. Regardless of the new standards and guidelines the NOGA will foist upon local forests plans, these areas will continue to not be managed.

Additionally, although Appendix C could lead the public to believe that all but 18 of the existing forest management plans across the country are substantially lacking in old growth direction, this is simply inaccurate. It is unclear what, if anything the USFS did to evaluate existing plans to create Appendix C. For example, Category 3 is supposed to be a unit that has desired conditions, "but does not have standards/guidelines that constrain management activities in old growth – or these do not apply forest-wide or are not as restrictive as the proposed NOGA standards." Yet, as just one example, the Bighorn National Forest in Wyoming, which is rated a Category 3 has extensive old growth direction in its existing management plan. In the plan's biological Diversity section, it provides Standards and Guidelines to:

Manage for late-successional (old growth) forested resources according to the following criteria. An old-growth inventory will be kept on file at the Supervisor's Office.

- a. Within a geographic area (9 total on Forest), maintain 10% of existing forest cover types (except for spruce-fir) in old growth, and maintain 15% of the spruce-fir cover type in old growth. In half the acres, meet both the standard and quality (higher value) attributes identified in Mehl (1992).
- b. Use the Mehl (1992) definitions of old growth to identify and manage stands. Use remote sensing correlated to Mehl (1992) to designate old growth stands where field inventories have not been completed.
- c. Emphasize retention of larger, functional blocks of old growth with minimum stand size of 100 acres. Include stands that are remote (difficult to access), on north slopes, or in riparian areas.
- d. Identify recruitment areas if old growth requirements cannot be met under current conditions. Favor stands without past logging treatments, and unsuited acres.
- e. Old growth may rotate on the landscape in response to disturbances (natural and management induced) and should occur in proportion to the existing slope classes occurring in the area.
- f. Use mechanical or prescribed fire vegetation treatments to foster old growth conditions as appropriate by community type structure and as referenced by Mehl (1992).

Bighorn National Forest, Revised Land and Resource Management Plan, Forest wide Direction, Chapter 1, page 27-28.

If the Bighorn National Forest, that contains substantial direction for old growth management, is a Category 3, it strains credulity that the USFS evaluated the existing plans it hopes to amend. If Appendix C is simply a table illustrating that existing plans do not contain the exact same direction as the NOGA, then it is sufficient. However, to the extent that Appendix C is supposed to identify which plans have existing direction it needs to be updated. The USFS should include actual references to old growth direction from these plans so that the public is aware what NOGA is being layered onto.

3.5.3 Forest/Rangeland/Grassland Management Resource Management Objective (Page 53):

A. Forest lands, rangelands, and grasslands within Weston County are managed under multiple use that promotes the timber industry, energy industry, grazing, fuels management, and recreation and benefits the economy of the County's communities.

3.5.4 Forest/Rangeland/Grassland Management Priority Statements (Page 53-54):

1. Weston County encourages federal agency policies that support and allow for the timber industry's continued economic benefit to the citizens of Weston County. Access to forest, rangeland, and grassland products on public lands shall be ongoing and access to these sites shall be through an open road and a cross-country travel system.
2. Federal agencies should support salvage harvest when necessary due to insect/disease epidemic, blowdown, or post-fire situations using appropriate categorical exclusions.
3. Federal agencies should notify and coordinate forestland, rangeland, and grassland management projects with Weston County, state and local agencies, and private landowners.
5. Federal land managers should continue to plant and develop a wide variety of trees, shrubs, and seedlings to the vegetation community for windbreaks and shelterbelts for aesthetic, wildlife, and agricultural value.

6. Federal agencies should support excluding the maximum area of land possible from single-use or restrictive-use designations, so that excluded land is available for active and sound management.

9. Federal agencies should coordinate with Weston County in the development of plans to reduce fuel loads in forest, rangeland, and grassland areas that are already insect-infested and manage the remaining forested areas to minimize further infestation.

VI. NOGA's Use of Optional Plan Content Violates the 2012 Planning Rule

A Forest Plan is the guiding document for actions and projects within a forest unit boundary. They are developed and amended with the help of cooperating agencies, as well as the public, through the NEPA process as set forth in the Council of Environmental Quality's regulations for implementing NEPA.

The proposed NOGA contains new plan components that would be added to all forest plans as well as "optional content" that it is requiring forest units to create. Understanding the variety of forest types across the National Forest System, differing characteristics of ecosystems and species, and that the threats to old growth forests differ in regions and geographies, the NOGA is requiring that each national forest unit develop an "Adaptive Strategy for Old-Growth Forest Conservation" within 2 years.

Under the 2012 Planning Rule, all forest plans have required content, often referred to as plan components. Plan component categories are terms of art with specific definitions and detailed content requirements. Plan components are used to address the resources within the forest unit and require analysis under NEPA. Plan components include goals, desired conditions, objectives, standards, guidelines, suitability and monitoring.

Under the 2012 Planning Rule, the USFS may also include optional content in its forest plans. "A plan may include additional content, such as potential **management approaches** or **strategies** and partnership opportunities or coordination activities." 36 CFR § 219.7(f)(2). However, the Forest Service's Planning Handbook clarifies and admonishes that optional content should never be worded to suggest they are plan components. Further, the Planning Handbook provides that any optional content may be changed administratively, without going through NEPA.

The NOGA includes two layers of optional content, by writing a "management approach" that requires the creation of a "strategy" in the next two years. At its heart, the management approach forces the USFS to create a strategy that will change a plan's desired conditions and where plan components are implemented. Specifically, Management Approach 1.a (v) requires the USFS to *identify and prioritize areas* for recruitment, retention, and promotion of old growth forests. On Page 117, the USFS also states that "The purpose of amendment is to establish a baseline for OG management, not dictate which areas are managed. These are determined through local definitions and Adaptive Strategies."

Proposed Guideline 1 then requires that "In areas that have been identified in the Adaptive Strategy for Old-Growth Forest Conservation as compatible with and prioritized for the development of future old growth forest, vegetation management projects should be for the purpose of developing those conditions." In other words, the strategy is designed to change how and where projects will be prioritized and implemented.

Not only does this Adaptive Strategy fall outside of the 2012 Planning Rule and the Planning Handbook because it is being treated as a requirement, but this optional content, which would ordinarily not require NEPA analysis, would necessarily require additional NEPA. The planning rule clearly states that "...a plan amendment is required to add, modify, or remove one or more plan components, **or to change how or where one or more plan components apply to all or part of the plan area (including management areas or geographic areas).**" 36 C.F.R. § 219.13(a).

Since the NOGA Adaptive Strategies are designed to change "where plan components will apply" by identifying and prioritizing areas for old growth forests, the USFS would be required to complete an additional amendment process and comply with NEPA. The NOGA does not contemplate additional NEPA taking place in its Management Approach 1.a.

This approach bypasses the required forest plan amendment process including plan integration, NEPA analysis, co-creation of alternatives with cooperating agencies, and public input. Additionally, since optional content can be changed administratively, any forest supervisor can by themselves completely change the strategy at will.

The optional content strategy opens a substantial threat to litigation for current and proposed projects. Since strategies are not plan components under the 2012 Planning Rule, they should not require project or activity consistency. However, since the NOGA strategies are clearly designed to change the location and purpose of projects then project and activity consistency would be required. Every national forest has a host of ongoing projects, projects in the works, and projects in the early developmental stages. Beyond initial uncertainty, this could immediately halt projects, create a significant effect on new project development (waiting 2 years to create and comply with a strategy), and open up every existing project to litigation.

This is especially concerning considering the substantial investment being made and the important work being done with Good Neighbor Authority (GNA). Beyond the importance of these projects to our communities, stopping work "mid-stream" would be devastating, in terms of accomplishing on-the-ground work as well as the relationship between the USFS and the states.

For these reasons and more, Weston County urges the USFS to identify the No-Action Alternative as the preferred alternative and allow the process to play out through the proper legal and regulatory channels.

VII. Private Property Rights

As stated earlier, Weston County is rich in federal resources such as timber harvesting and production, farming, ranching, energy development, tourism and recreation, which all contribute heavily to the heritage of the County. Rangeland used by livestock and agricultural producers continues to be the dominant land use and federal agencies should consider the effects their decisions will have on neighboring private lands.

Furthermore, access to, or restrictions from, crossing federal, state, or county managed lands should not entail encumbrances or constraints on private property. Private property rights are the cornerstone of our County and must be protected to ensure that our continued customs and culture remain intact. When an agency decision or proposed action will have a negative impact to the current use of neighboring private lands, that federal undertaking may not be supported by the County.

For the USFSs convenience we have identified a few priority policy positions from our County Natural Resource Management Plan that are impacted by this DEIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

3.1.7 Land Use Priority Statements (Page 29):

3. Federal agencies should support decisions that ensure the socioeconomic well-being of Weston County citizens, maintain the culture and customs of the constituents, and consider natural resource health.
4. Federal agencies should consider the effects their decisions will have on neighboring private and state lands within Weston County.
5. When an agency decision or proposed alternative will have a negative impact to the current use of neighboring lands, which proposed decision or alternative is not supported by Weston County.
6. Federal agencies should coordinate with and accommodate reclamation needs of neighboring landowners whenever a project will affect adjacent lands.
9. Ensure there is no net loss of private lands in Weston County, which shall be measured in acreage and fair market value.

3.2.3 Transportation and Access Resource Management Objective (Page 34):

- C. Private property rights are protected in Weston County while facilitating rights of access.

3.2.4 Transportation and Access Priority Statements (Page 34):

3. Legal public access to the federal lands for all beneficial uses should be supported as long as it does not infringe on private property rights.

3.3.4 Special Management Areas Priority Statements (Page 41):

12. Weston County supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.

Changing circumstances in management prescriptions can impact surrounding non-federal property which can impact authorized multiple uses. The USFS should acknowledge and analyze the cumulative effects the management restrictions to access would have to adjacent private and state lands along with and socioeconomic to our communities. The USFSs socioeconomic analysis should describe the human interests and values shaping public lands management, identifying effects of proposed actions on communities and economies, and promote the economic and social sustainability of communities near public lands.

VIII. Socioeconomics

Economic impacts do matter. Access to federally administered lands and resources are critical to ensure the socioeconomic well-being, custom, culture and stability of our communities. In Weston County, lands under federal or state control and decisions made for public land management agencies can directly impact the service and non-service industries, public accessibility, and the demographics of an area. Effective coordination and consultation between the County, federal and state agencies is critical to ensuring that land management agencies thoroughly consider the effects that proposed actions have on custom, culture, and economic stability, conservation and use of the environment and natural resources in the County along with multiple use. Counties receive revenue from federal lands in many ways including mineral leasing and development, agriculture, recreation, travel and tourism, etc. Any curtailment of access to public lands will directly impact the socioeconomics of the County.

For the USFSs convenience we have identified a few priority policy positions from our County Natural Resource Management Plan that are impacted by this DEIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

3.2.3 Transportation and Access Resource Management Objective (Page 34):

- A. There is full and open access to and across Weston County federal lands for local purposes such as safety, health, economic use, and use of recreation is maintained and expanded where possible.
- B. Access to public lands within Weston County is maintained and expanded where possible.
- C. Private property rights are protected in Weston County while facilitating rights of access.

3.2.4 Transportation and Access Priority Statements (Page 34):

1. Weston County supports the designation of all currently open motorized and nonmotorized trails, rights of way, and roads as open transportation networks.
2. No road, trail, or RS 2477 right of way within Weston County shall be closed unless public safety or health demands its closing and the proper analysis and disclosure, in consultation with the County and private property owners, is completed prior to closure.
3. Legal public access to the federal lands for all beneficial uses should be supported as long as it does not infringe on private property rights.
4. All formally established BLM and USFS public roads and rights of way in Weston County shall be considered valid unless formally abandoned, even if not presently maintained. Public trails shall be considered "public roads and highways".
5. Weston County should be notified of any temporary road closures.
6. Weston County considers any long-term (greater than one year) road closure a major federal action that significantly affects the quality of the human environment. Thus, a road on federal lands may not be closed until a full NEPA analysis has been completed including public review and coordination with Weston County. Should the agency believe that a road closure falls under a categorical exemption, the County shall be consulted.

8. Weston County requests that any planning process or activity that restricts, eliminates, or increases access to federal lands first notify and allow the County to initiate coordination and cooperation to resolve any potential conflicts with the County's objectives, principles, and policies, prior to taking action.

10. Restrictive management of roadless areas is discouraged by Weston County and multiple uses should instead be allowed.

3.4.3 Wildfire Management Resource Management Objectives (Page 46):

A. Fire suppression efforts are implemented effectively as appropriately determined through full coordination, communication, and cooperation between federal, state, and local fire-suppression units.

B. Wildfire, fuels, and fire rehabilitation are managed promptly and effectively and proactively using credible data in coordination with the Weston County Community Wildfire Protection Plan.

3.4.4 Wildfire Management Priority Statements (Page 46-47):

1. Federal agencies shall coordinate with local fire agencies on wildfire planning, management, and suppression in both urban and rural areas of Weston County.

2. In addition to aiding state and local rural fire prevention and control programs, the Secretaries of Agriculture and Interior shall provide prompt and adequate assistance whenever a rural fire emergency overwhelms or threatens to overwhelm the firefighting capability of the affected state and rural area.

3. Federal agencies shall incorporate local fire association plans into their fire suppression and control plans.

4. Federal agencies should support and renew existing Master Good Neighbor Agreements and, where they do not exist, develop a Master Good Neighbor Agreement between federal, state, and local fire-suppression units within 1-year of the adoption of this plan.

5. Federal agencies should coordinate and communicate temporary fire restrictions based on fire hazard designations to minimize the potential for human caused wildfires.

6. Federal agencies should promote the prompt rehabilitation of harvested areas and areas affected by wildfire, including the use of salvage logging operations.

7. Federal agencies should consult and coordinate with Weston County on proposed changes and updates to Fire Management Plans on federal lands.

8. Federal agencies should participate in consideration of limited and judicious use of wildfire, rather than favoring a "let it burn" policy, in areas where invading and expanding shrubs and trees are reducing the value of rangeland resources.

9. Post-fire objectives shall be consistent with site potential as defined in approved Desired Future Conditions or Ecological Site Descriptions.

10. Federal agencies should rehabilitate forests and rangelands damaged by wildfires as soon as possible for habitat, wildlife, and to reduce the potential for erosion and introduction of invasive or noxious weeds.

11. Weston County encourages fire suppression in areas where fire would endanger human safety, private property or valuable vegetation that supports and expands multiple uses and/or provides critical habitat for sensitive species.

12. Federal agencies should coordinate with State and local agencies to implement fire control tools such as insecticide and herbicide treatments, chemical and mechanical controls, livestock grazing, biomass fuel removal, slash pile burning, prescribed burning, and encourage knowledgeable and prepared practices to create defensible space around buildings.

13. Should grazing on federal lands be temporarily suspended due to fire, grazing should be recommended based on monitoring and site-specific rangeland health determinations rather than predetermined timelines.
14. Livestock grazing AUMs should return to pre-fire levels when post-fire monitoring data shows established objectives have been met or have been achieved to an extent allowed by site potential.
15. Initial post-fire monitoring data should be collected within two growing seasons of the fire and can be collected outside the agency if the appropriate monitoring protocols and credible data criteria are followed.
16. Federal agencies should allow for adaptive grazing management practices and include these practices in term permits to allow for flexible management practices that will decrease fine fuel loads on the landscape, particularly in areas with heavy grass understory.
17. When planning prescribed burns, where feasible, market timber resources while reserving desirable seed trees, before burning.
18. Fire should not replace timber harvest and other extractive uses as a primary forest management tool.

3.5.3 Forest/Rangeland/Grassland Management Resource Management Objective (Page 53):

A. Forest lands, rangelands, and grasslands within Weston County are managed under multiple use that promotes the timber industry, energy industry, grazing, fuels management, and recreation and benefits the economy of the County's communities.

3.5.4 Forest/Rangeland/Grassland Management Priority Statements (Page 53-54):

1. Weston County encourages federal agency policies that support and allow for the timber industry's continued economic benefit to the citizens of Weston County. Access to forest, rangeland, and grassland products on public lands shall be ongoing and access to these sites shall be through an open road and a cross-country travel system.
2. Federal agencies should support salvage harvest when necessary due to insect/disease epidemic, blowdown, or post-fire situations using appropriate categorical exclusions.
3. Federal agencies should notify and coordinate forestland, rangeland, and grassland management projects with Weston County, state and local agencies, and private landowners.
4. Federal agencies should maintain and restore watershed health by demonstrating active forestland, rangeland, and grassland management.
5. Federal land managers should continue to plant and develop a wide variety of trees, shrubs, and seedlings to the vegetation community for windbreaks and shelterbelts for aesthetic, wildlife, and agricultural value.
6. Federal agencies should support excluding the maximum area of land possible from single-use or restrictive-use designations, so that excluded land is available for active and sound management.
7. Federal agencies should ensure that rangeland health assessments identify all the causal factors when there is a failure to meet the 1997 Wyoming Standards for Healthy Rangelands and that livestock grazing uses are not reduced to compensate for or mitigate the impacts of other causal factors.
8. Federal agencies should explore and use vegetation management and harvest methods, where applicable, that enhance wildlife habitat through vigorous new growth and a natural mosaic that reduces fuel loads.
9. Federal agencies should coordinate with Weston County in the development of plans to reduce fuel loads in forest, rangeland, and grassland areas that are already insect-infested and manage the remaining forested areas to minimize further infestation.

4.3.4 Mining and Mineral Resources Priority Statements (Page 67-68):

1. Weston County supports the open filing of mining claims and exploration for and development of locatable minerals, except for land withdrawn from mineral location.
2. Federal agency proposals to withdraw lands from mineral exploration or extraction shall be coordinated with Weston County prior to a decision to consider the impact of such withdrawal on the County's economic viability.
3. Federal agency decisions pertaining to mining and energy resources within Weston County affect the health, safety, and welfare of its citizens and the County requests to be notified and allowed to join as a cooperating agency for any proposed decision affecting mining and mineral resources as early in the process as is allowed by federal law.
4. Federal agency land use and management plans shall contain a thorough discussion and evaluation of energy and mineral development, including the implications such development may have on surface land uses and the Weston County economy.
5. Weston County encourages simultaneous or sequential mineral development with other resource uses in accordance with multiple use management principles in Weston County, weighing and balancing established mineral rights with other multiple uses in the development and coordination process.

4.4.1.3 Oil and Gas Resource Management Objectives (Page 74):

- A. Oil and gas extraction is managed in a responsible way that promotes Weston County's economic viability along with the health of both ecosystems and the citizens of the County.

4.4.1.4 Oil and Gas Priority Statements (Pages 74-75):

1. Weston County should be informed of all potential uses of county roads and resources from oil and gas activities and associated impacts to those resources on an annual basis.
2. Weston County encourages and supports the nomination of more state and federal oil and gas leases for sale.
10. All federal agency plans or management recommendations shall include an economic impact description that addresses the effects on energy and mining development in Weston County.

7.1.3 Tourism and Recreation Resource Management Objectives (Page 129):

- A. Recreational resources are managed to promote access and availability to the public for both tourism and recreational uses, while maintaining benefit to Weston County's economy across important industries including agriculture, mineral development, and tourism.

7.1.4 Tourism and Recreation Priority Statements (Pages 129-130):

1. Weston County shall be notified and be given the opportunity to participate as a cooperating agency at the earliest time possible for proposed federal agency actions or decisions affecting recreational and tourism opportunities in Weston County.
2. Federal agencies should coordinate with Weston County to identify and promote recreational opportunities that do not conflict with adjacent property owners or create undue burden on the limited county resources to support them.
3. Federal agencies should support access to recreational opportunities on public lands within Weston County.
5. Federal agencies should encourage a year-round multiple use management approach for use on public lands as a means of continuing and enhancing recreation opportunities within Weston County while supporting other approved uses and associated private land rights.
7. Federal agencies should coordinate and consult with Weston County to manage tourist and recreational activities based on the ability of natural resources to sustainably handle the level of impact.
10. Federal agencies should encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of Weston County.

11. Federal agencies should encourage recreational activities on the lands in Weston County that increase the capacity for federal and state land resources to provide more economic return to the County.

7.4.3 Economic and Socioeconomic Resource Management Objectives (Page 143):

A. The socioeconomic and economic viability of Weston County is prioritized, protected, and enhanced in all federal actions or decisions.

B. Weston County is included early in the scoping process whenever an agency action or decision may impact the economic or socioeconomic viability of the County.

7.4.4 Economic and Socioeconomic Priority Statements (Page 143-144):

1. Weston County requires consultation and coordination from federal agencies at the earliest time possible for any proposed action, change of existing activities, newly permitted activities, or changes in regulations that may affect the economic basis of the County.

2. Federal agencies should support continued access to natural resources development/use on federal lands to maintain economically viable communities in Weston County.

3. Weston County supports “no net loss” in the County economic base due to federal agency decisions.

4. Federal agencies should include Weston County in all discussions regarding mitigation, if necessary, to protect the economic base of the County.

5. Federal agencies should support the analysis of social and economic factors at the lowest possible level, such as on a County-wide basis, in addition to consideration on a statewide or national scale.

6. Federal agencies should promote the economic and socioeconomic growth of Weston County and engage in consultation and coordination between federal agencies and the County regarding any issues and activities on public land that affect or influence the County’s economic and socioeconomic viability.

8. Weston County supports the achievement of a sustainable balance between economic, recreational, and conservation use of lands for economic growth and quality of life.

11. Weston County requires a full analysis by the federal agencies of the impact each proposed decision or federal action will have on the local economy. If it is determined that the decision will have significant negative impact on the local economy, the alternative/decision is not supported.

8.1.3 Agricultural Production Resource Management Objectives (Page 145-146):

A. Agricultural production is maintained as a viable and major component of the economy, custom, and culture of Weston County.

B. Federal actions affecting agriculture are made in consultation with Weston County.

C. The agriculture custom and culture – value opportunities, resources, and communities are preserved within Weston County.

8.1.4 Agricultural Production Priority Statements (Page 145-147):

1. Federal agencies should support development of all plans and policies that directly or indirectly affect agriculture with the intent of increasing the stability and expansion of the industry as well as encourage innovative techniques that improve the efficiency of crop and livestock production.

2. Federal agencies should quickly process permits on federal lands for the construction, maintenance, or expansion of water distribution systems to private lands, and allow maintenance where those rights already exist through a range improvement agreement.

3. Federal agency actions should be consistent with Right to Farm laws, to the extent applicable.
5. Federal agencies should support production agriculture and the responsible use of natural resources to sustain agricultural enterprises.
6. Any agricultural property damage or crop loss caused by an escaped prescribed burn, fire suppression efforts, or damage caused by government agency action, resulting in economic loss in the County shall be considered justification for economic compensation and restoration by the responsible agency to the property owner at current market values.
11. Federal agencies should encourage agricultural operations within Weston County and promote their sustainability.
12. In conjunction with ranch owners/managers, local, state and federal planning partners, develop economically sustainable strategies to maintain working ranches.
14. Federal planning-level and project-level National Environmental Policy Act documents should properly characterize and analyze the area, recognizing the benefit of ecosystem services provided by working ranches to adjacent or nearby public lands.
15. Federal agencies should notify those impacted by a National Environmental Policy Act decision and allow them to participate in the scoping process.

8.2.3 Livestock Grazing Resource Management Objective (Page 152):

- A. Livestock grazing is maintained as a viable major component of the economy, custom, and culture of Weston County.
- B. Weston County is consulted early in the scoping process whenever a proposed decision will impact grazing, local agriculture producers, or the economy.
- C. The full amount of animal unit months on Bureau of Land Management and U.S. Forest Service Lands within Weston County are available.

8.2.4 Livestock Grazing Priority Statements (Pages 152-154):

2. Federal agencies should support the recognition and protection of the right to graze livestock on public lands through legal recognition of grazing preference rights.
4. Federal agencies should recognize locally led and coordinated resource management planning to resolve management conflicts and to ensure involvement of all interests.
6. Federal agencies should manage rangelands to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation, and livestock grazing.
7. Federal agencies should comply with all applicable state and federal rangeland and livestock grazing laws, with state law being applied when there is no clear federal preemption.
9. Federal agencies should utilize rangeland standards and guidelines that are scientifically proven and peer reviewed.
10. Federal agencies should facilitate range improvement projects and enhancement of habitat to benefit rangeland, soil, water, livestock, and wildlife.
13. Federal agencies should work cooperatively with the local ranchers and other interested parties to address resource concerns on a site-specific basis.

14. Federal agencies should facilitate the use of prescribed fire and other approved methods to manage sagebrush, control weeds and tree encroachment, and to enhance, maintain, or increase current grazing levels.
18. Weston County requests cooperating agency status with respect to amendments or revisions of land use plans, activity plans, or allotment management plans.
19. Livestock grazing management decisions shall be made based on the best available scientific information that is applicable to the rangeland resources in Weston County.
22. Federal agencies should support livestock grazing where appropriate on federally owned and operated lands as an integral part of habitat management.
23. Full site-specific economic and resource analysis of suspending grazing for allotment closures should be completed within one-year of closure.
25. The reduction of domestic livestock grazing animal unit months to provide additional forage for another species or strictly for conservation purposes is not supported by Weston County.
31. Federal agencies should review and incorporate legal and credible data collected by a permittee, contractors or subcontractors of a permittee, qualified team, or local government for use in management decisions.
33. Grazing rest prescriptions related to either wildfires or prescribed burns should be determined on a site-specific basis. Post-fire grazing will not be limited when unbiased post-fire monitoring and evaluation produces relevant, accurate data demonstrating that grazing will not unduly harm the range.
34. Livestock grazing should return to pre-fire levels when post-fire monitoring data shows established objectives have been met or have been achieved to an extent allowed by the site potential. Require the use of credible data as previously defined to make these determinations.

The County cannot state clearly enough the importance of our ability to access federal lands to drive vibrant economic communities. The USFS significantly undervalued and under-analyzed the mineral and timber contributions to the counties and state in the socioeconomic section. The USFS must include a robust socioeconomic analysis clearly demonstrating the differences between management prescriptions in the Alternatives, which includes impacts to the tax base (royalties, rents or bonus bids, severance taxes, ad valorem taxes, sales and use tax employment income, and direct and indirect employment.)

Additionally, Weston County remains concerned that NOGA's identification process for old growth forests (and individual trees) will ultimately be treated as a form of designation. The designation of wilderness, roadless areas and now old growth in our national forests will have significant impacts on our ability to access those federal lands; thereby impacting the economics of our communities. The USFS must also consider the cumulative impacts of existing and proposed management restrictions on the local economics, custom and culture. For example, while the County does support proactive stewardship of our forests, management decisions must be balanced with other resource uses and generally the County does not support overly restrictive management directives such as these.

For the USFSs convenience we have identified a few priority policy positions from our County Natural Resource Management Plan that are impacted by this DEIS. This is not a comprehensive list and USFS is encouraged to review the entirety of the County Plan for more details:

3.3.4 Special Management Areas Resource Management Objective (Page 41):

- A. Designation of new areas and management of current special designation or management lands are coordinated with Weston County and adjacent landowners and allow for multiple use.
- B. No new special designation or management areas are created in Weston County without approval from the County.

3.3.4 Special Management Areas Priority Statements (Pages 41-42):

1. Weston County should be a cooperating agency on any action to designate any special management or designation areas.

2. Federal agencies shall consult and coordinate with Weston County as early as possible when considering the designation of new special designation areas and should be consistent with the Weston County Natural Resource Management Plan to the maximum extent possible.
3. Any proposed special management area designation shall undergo analysis of the economic and environmental cumulative impact to Weston County's custom, culture, and economy.
5. Weston County does not support future designations of new special management or designation areas in the County, including, Wild and Scenic Rivers, Wilderness, or Wilderness Study Areas, lands with wilderness characteristics, Areas of Critical Environmental Concern, Roadless Areas. Any proposed designation shall be coordinated with the County and undergo analysis of the impact to Weston County's economy including a pre-existing condition analysis.
7. Federal agencies should consult with Weston County when evaluating whether lands and the multiple uses on them qualify as "conserved lands" under 30x30.
8. Protecting private property rights should be the greatest priority when attempting to fulfill the 30x30 goals outlined in Executive Order 14008.
10. Weston County opposes the America the Beautiful (30x30) program, including its objective of permanently preserving 30% of the Nation's lands in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of Weston County's lands.
11. Weston County opposes the designation of lands in Weston County for the purposes as expressed in the America the Beautiful (30x30) program which may restrict public access to such land and which may prevent the development of and productive use of the resources on or within such lands.
12. Weston County supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.
16. Unless lands or waters are given a special management or designation in a respective agency's planning document, all public lands in Weston County should be managed for multiple use as outlined in the Multiple Use Sustained Yield Act and Federal Land Policy Management Act.

The "Draft Social, Economic and Cultural Impacts Analysis Report for the Draft EIS for Amendments to LMPs to Address Old-Growth Forests Across the NFS" lacks appropriate details in the socioeconomic analysis needed to determine impacts of this landscape scale planning amendment. The USFS must analyze for the cumulative impacts to counties specific to the management decisions under each Alternative and how they will affect local and state economic well-being along with impacts to state and private adjacent lands. In addition, the analysis should consider increased costs to state and local communities associated with a higher risk for fire management, disease and insects due to limited management direction for Old Growth areas. The County can assist in providing the most up-to-date information available for the Forest Service analysis.

IX. Conclusion

In conclusion, the decision by the USFS to hastily push this national plan amendment through the NEPA process in a condensed timeframe that excluded counties as cooperating agencies in a crucial part of the planning process will result in a failed end product. For reasons outlined in this letter, the Weston County implores the Secretary and the USFS to select the "No Action Alternative" for the Final EIS and Record of Decision. That decision will allow old growth forest direction to be appropriately crafted in local planning efforts as envisioned by the 2012 Planning Rule.

Weston County remains committed to continuing our engagement as a cooperating agency to assist the USFS to work through these important issues. Should you have questions or require additional information, do not hesitate to contact me at dtaylor@westongov.com or our natural resource policy advisor Dru Palmer at dru@wyoming.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'Don Taylor', with a long horizontal line extending to the right.

Don Taylor, Chairman
Weston County Commissioner

CC: The Honorable Governor Mark Gordon
 The Honorable United States Senator John Barrasso
 The Honorable United States Senator Cynthia Lummis
 The Honorable United States Congressman Harriet Hageman
 Jerimiah Reiman, Wyoming County Commissioners Association

