



September 20, 2024

Director, Ecosystem Management Coordination
201 14th St SW, Mailstop 1108
Washington, DC 20250-1124

Re: Amendments to land Management Plans to Address Old-Growth Forests Across the National Forest System, Draft Environmental Impact Statement

"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..." (1897, Organic Administration Act)

Baker County, Oregon spans 3,089 square miles (1,976,960 acres), making Baker County larger than Rhode Island or Delaware. Federal agencies manage approximately 51.5% of the land in Baker County, comprising a total of 1,016,511 acres. Approximately 33% of the County is managed by the US Forest Service (USFS), 18.5% is managed by the Bureau of Land Management (BLM), and an additional 10,067 acres, or 0.5% of Baker County, is managed by the State of Oregon. The remaining 48% of the land in the county, approximately 950,382 acres, is privately owned. The citizens of Baker County rely on *both* public and private land for natural resources, recreation, and the ability to continue our way of life, especially agriculture and livestock grazing, mining, timber harvest, and tourism; therefore, all decisions affecting public lands affect Baker County's economy, customs, culture, and enjoyment of the land.

The County supports the responsible development and use of natural resources to promote economic development for the health, safety, and welfare of our communities. As such, the County appreciates the opportunity to comment on the Old Growth DEIS and submits the following comments and recommendations for the USFS's review and consideration.

Baker County supports Alternative 1, the No Action Alternative. In addition, the County believes the proposed changes are unnecessary and therefore the Amendment should be withdrawn. The 2012 Planning Rule already has the directives that promote land management plans where old growth is identified, managed, and/or protected, planned for, and valued. It is based on locally developed and locally driven forest planning, with significant input and participation from stakeholders. The proposed Amendment eliminates the ability for local planning and local public participation in the development of old-growth management.

Public Input

Section 219.4(a) of the Planning Rule requires the USFS to consider, “the accessibility of the process, opportunities, and information” to allow meaningful public participation (36 CFR §219.4(a)). Publication in local newspapers is critical to ensuring that interested and affected public are made aware of the proposed changes. By only publishing the notice in the Federal Register, the USFS failed to provide notice to most citizens. Especially in rural areas, such as Baker County, community members do not read the Federal Register, and many do not know that it exists. The USFS’s failure to provide local notice of the proposed Amendment violates the Planning Rule and shows that the USFS’s improper, national approach to plan Amendments unlawfully undermined public notice and review.

NEPA requires agencies to “[c]onsider what methods of outreach and notification are necessary and appropriate based on the likely affected entities and persons; the scope, scale, and complexity of the proposed action and alternatives; the degree of public interest; and other relevant factors.” (40 CFR §1501.9(c)) As explained above, the USFS failed to provide notification of the DEIS by publishing the notice in local newspapers. USFS’s failure to provide notice through local newspapers is therefore inadequate to satisfy NEPA’s public notification requirements.

Top-Down Approach

The proposed Amendment’s disconnect between the stated goal of encouraging active management and the definite effect of burdening active management comes from the unprecedented scale of the proposed Amendment. It is impossible, unfeasible, and unfathomable that policy makers at the national level would propose a single Amendment designed to address forest threats through active management across 155 National Forests, all of which differ and have unique challenges.

Baker County disagrees with the scope and scale of the proposed Amendment and believes that the course proposed by the USFS represents a clear violation of Section 219.2 of the Planning Rule. (See 36 CFR §219.2). Section 219.2(b) states that “development, Amendment, or revision of a land management plan” is the result of NFS unit planning. The USFS does not address the departure from the Planning Rule’s directives regarding levels of planning, other than to assert the need for “consistent framework” across the entire National Forest System. Section 219.2 does not provide a “consistent framework” exception to the rule that land management plan Amendments must occur at the National Forest System level. The proposed Amendment would amend 122 of 128 National Forest System Plans, thus, the Amendment must be done through local, NFS unit-level planning and not at a national scale. The USFS’s unlawful, improper approach circumvents this process and is detrimental to ensuring meaningful involvement of underrepresented, economically disadvantaged, natural resource dependent rural communities such as Baker County.

Threat Assessment

The Threat Assessment was published only one week prior to the publication of the DEIS. It confirmed that wildfire, insects, and disease have caused the highest loss of old-growth forest over the past twenty years and continue to pose the most significant future threat to those forests. It also indicates that old-growth and mature forest loss was greater in areas restricted from timber

harvest, including Congressionally designated Wilderness, Inventoried Roadless Areas, National Monuments, and other set-asides, compared to areas where timber harvest is permitted. In fact, while the amount of old-growth decreased in reserved areas, it increased by 7.8% in areas where harvest is permitted. The Threat Assessment noted that these results suggest that strictly reserving old-growth forest may not ensure that they are protected from future losses.

Baker County believes that the USFS leadership and practitioners know these truths and believe that active forest management, including timber harvest and fuels reduction is important to sustaining old-growth forest conditions, but chose to take a top-down approach anyways. Had the USFS acknowledged that old-growth conditions are improving in areas where timber harvest is allowed and encouraged, it should have focused on changing current regulations that restrict timber harvest and active management, especially in Wilderness, Inventoried Roadless Areas, and other set-asides.

Contrary to the Threat Assessment's findings, the USFS proposed an Amendment that will cause detrimental old-growth loss by making timber harvesting and other active management, such as fuels reduction, in old-growth forests more difficult. USFS's own data contradicts their proposed plan.

Need for Change

Section 219.13(b)(1) of the Planning Rule directs the Forest Service to, "base an Amendment on a preliminary identification of the need to change the plan" (36 CFR §219.13(b)(1)). The preliminary need for change (in the NOI) was to "create a consistent set of national plan components and direction for the development of geographically informed adaptive implementation strategies for the long-term persistence, distribution, and recruitment of old-growth forest conditions across the National Forest System." This statement does not indicate a "need to change", instead, the statement was a declaration of what the USFS intended to do. The USFS irrationally inserted this need for change in the NOI without first completing the Threat Assessment required to inform them and the public what changes, if any, are needed.

The USFS did not communicate the need for "consistency" across the entire National Forest System regarding the management of old-growth. Contrary to the stated need to change, the Threat Assessment and portions of the DEIS show that the USFS fully understands that mandating "consistent" management framework for ecologically diverse landscapes across the entire National Forest System will be impractical and counterproductive. This is backed-up by the DEIS that states, "there are differences in threats and conditions in different regions and ecosystems across the NFS." The DEIS also states that each region "recognizes important ecological variation by defining unique old-growth criteria for different vegetation types." This information does not substantiate a need for change or for "consistency" in old-growth management policy across the NFS. The poor timing of the Threat Assessment and the failure to consider existing barriers to old-growth management contributes to the failure of this unlawful Amendment.

Socioeconomic Impacts

Baker County's economy is based on the use and enjoyment of natural resources. The County, once a thriving timber-based economy, was decimated in the 1990's through the implementation

of forest restrictions that led to significantly reduced timber harvests and the businesses that served them.

In the DEIS, the USFS fails to take a hard look at the Amendment's effects to socioeconomic impacts on further reductions on timber harvests. Lands that are currently designated for long-term sustained yield timber production will be relegated as quasi-reserves where permanent old-growth recruitment replaces timber production objectives. These kinds of alterations will have significant effects on timber supply and fuel loads that the DEIS fails to acknowledge or evaluate.

Although all three Alternatives are limited in scope, the DEIS says that only Alternative 3 would have a measurable impact to the timber industry, restoration-based economy, and rural communities. Specifically, the DEIS states that "no economic effects to the timber industry outside of Alaska are anticipated because there will be no change in forest Allowable Sale Quantity (ASQ), Projected Timber Sale Quantity (PTSQ) or land suitability." The DEIS failed to accurately evaluate how the Amendment would affect PTSQ, or the effects of reduced timber harvest levels on ecological and socioeconomic conditions, including increase in fuel loads and risks to forests and communities. A truthful analysis would find that the Amendment would severely impact timber industry jobs, further reducing critical revenue in rural areas, such as Baker County, and will therefore harm public services and create other significant socioeconomic effects. The USFS has failed to take a hard look at the Amendment's socioeconomic impacts in violation of NEPA.

ESA

The USFS failed to consult with the US Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the ESA. It is required that the USFS, at a minimum, prepare a biological assessment, given that listed species or critical habitat may be present in over 193 million acres of national forest lands covered by the proposed Amendment. To fulfill the consultation requirement, the USFS should have requested information from the Department of the Interior about whether listed species or critical habitat could be present in the area of the proposed action.

The USFS inaccurately concluded that that "reasonable certainty of effects to species does not exist because of the national scale and programmatic nature of the old-growth Amendment." Given that the Amendment covers at least 193 million acres, listed species and critical habitat is definitely present. The agency's contention that the national scope of the Amendment relieves the agency of its ESA requirements has no legal support. The ESA does not allow for the wait and see approach. Rather it prohibits "Federal agencies from 'steamrolling' activity in order to secure completion of the [proposed actions] regardless of their impact on endangered species."

In conclusion, wildfires, insects, and diseases are the greatest threats to Baker County's forests, wildlife and communities. Policies to accelerate forest thinning, fuels reduction and other management activities must be implemented, not complicated with outlandish policies that the old-growth Amendment would provide. Common sense must prevail. Extra bureaucracy will not save the forests, but good stewardship will. This top-down approach ignores the fact that each

National Forest is different and must have a tailored management plan that has public involvement in its development.

Thank you for the opportunity to comment on the Amendments to land Management Plans to Address Old-Growth Forests Across the National Forest System, Draft Environmental Impact Statement. Baker County asks that the proposed Amendment be withdrawn. However, the County does not believe that the USFS will do that, so the County supports Alternative 1, the No Action alternative.

Sincerely,



Christina Witham
Baker Co Commissioner

Thank you,



Doni Bruland
Baker Co Natural Res/Parks Coord.