



September 20, 2024

Thomas J. Vilsack, Secretary of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

Submitted electronically via: CARA

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

Dear Secretary of Agriculture Vilsack,

The Saratoga-Encampment-Rawlins Conservation District (SER CD or District) appreciates the opportunity to provide comments on the National Old-Growth Plan Amendment (NOGA) and associated Draft Environmental Impact Statement (DEIS). Our comments respond to the notice of availability, EIS No. 20240110, from the United States Department of Agriculture (USDA), Forest Service.

We understand the intent of the NOGA is to amend all land management plans for units of the National Forest System (NFS), include consistent direction to conserve and steward existing old-growth forests, recruit future old-growth forest conditions, and monitor their condition across planning areas of NFS.

The SER CD's comments are specific to our mission as a local government entity with special expertise pertaining to the Proposed Plan: "develop and direct programs to promote long-term conservation and enhancement of our natural resources while contributing to the economic stability of the district and its residents." Wyoming conservation districts have state statutory authority related to the conservation of soil and water resources, control and prevention of erosion, conservation, development, utilization and disposal of water, to stabilize the ranching or farming industry; preserve natural resources, protect the tax base, control floods, preserve wildlife, protect the public lands and protect and promote the health, safety and general welfare of the people of the State.¹ As this Draft Proposal impacts the conservation of our natural resources and the stability of the district and residents, we believe it is important you continue to inform us of proposed actions and decisions.

SER CD comments are based upon the [Long Range Land Use and Natural Resource Management Plan for SER CD 2022-2026](#) (SER CD NRM Plan)² that includes policy statements developed, open for public comment, adopted by the SER CD Board of Supervisors, and filed with the Carbon County Clerk. Please accept the following comments on the Draft Proposal.

Our Local Forest Partner – Medicine Bow-Routt National Forests & Thunder Basin National Grassland

The following information on the Medicine Bow-Routt National Forests & Thunder Basin National Grassland is provided to assist in the SER CD's justification of why a single NOGA for the entire NFS is not appropriate to address old-growth forest management within one forest, not to mention across the entire NFS.

The Medicine Bow-Routt National Forests & Thunder Basin National Grassland spans nearly 2.9 million acres in two states and over a dozen counties. While the Region 2 Medicine Bow and Routt forests are lumped together into one National Forest Administratively and as listed in the NOGA, Appendix B, Table 2, they are considered in

¹ Wyoming Statutes § 11-16-103(b)

² <https://sercd.org/on-going-land-use-planning/>

separate planning areas. They each have a separate Forest Plan. Additionally, the Thunder Basin National Grassland has a separate land use plan. The landscapes and ecosystems are vastly different, requiring different management approaches and is a perfect example of how a one-size-fits-all approach results in a one-size-fits-none outcome.

The Medicine Bow portion of the Forest is in Wyoming and still lies in five counties in non-contiguous blocks. The Forest includes approximately 1.1 million acres and is the only national forest in southeast Wyoming. The Medicine Bow National Forest includes four units in three distinct mountain ranges. The Medicine Bow portion of the Central Rockies includes the northern extension of the Colorado Front Range, which divides to include the Laramie Range on the east (the southern extension is known as the Sherman Mountains) and the Snowy Range of the Medicine Bow Mountains on the west. The Sierra Madre Mountains, which are the northern part of the Parks Range, occupy the westernmost portion of the Forest.

The Continental Divide bisects the Sierra Madres. The major river drainages flow from the Continental Divide: the Green River Basin flows west into the Colorado River system, and the western Dakota sub-Basin and Platte River Basin flow east. All of the Medicine Bow National Forest is mountainous. Elevations range from 5,050 feet above sea level in the Laramie Range to 12,013 feet at Medicine Bow Peak in the Snowy Range of the Medicine Bow Mountains.

The SER CD includes the western portion of the Snowy Range and eastern portion of the Sierra Madre. In the mountains, temperatures can range from highs near 89°F to lows of -50°F. Precipitation in the District averages about 10" annually. In the higher elevations of the Sierra Madre Mountains the precipitation averages over 52" annually.

The SER CD has partnered with planning and vegetation management projects on the Medicine Bow National Forest (Med Bow NF) for decades. The SER CD was a cooperating agency when the current 2003 forest plan was developed and has continued with active participation during its ongoing implementation. The cooperation to provide a working relationship during the implementation of the 2003 Medicine Bow National Forest Land and Resource Management Plan (Med Bow Plan) between the Forest Service, Medicine Bow-Routt National Forests and Thunder Basin National Grassland and the Southeastern Wyoming Conservation Districts was formalized in the recently reauthorized 2023 Memorandum of Understanding. The SER CD is also a cooperating agency for the Landscape Vegetation Analysis (LaVA) project spanning multiple ranger districts and 483,107 treatment opportunity acres with 288,000 maximum acres to be treated over a 15-year period. The LaVA project was designed for multiple-benefit, active management on a landscape scale. Currently, there isn't a good mechanism to deal with old growth aspen stands. Aspen is an important component of the Medicine Bow ecosystems and forest succession, but the aspen forest type is very different from other forest types in the area and benefits from disturbance. There is a desire to enhance old-growth aspen for improved habitat in addition to ecosystem and watershed health, but it is not easily done. Under the top-down old-growth management approach of the NOGA, it may even be more difficult to conduct these vital treatments because of the blanket definitions, standards, and guidelines. The SER CD NRM Plan, Silviculture, Fire and Fuels Policy #19 states *"Aspen stands should be exposed to periodic fire or manmade disturbance that mimics wildfire to remove competing conifers."*

The SER CD contends that the current Med Bow Plan includes information on old growth that should not just be disregarded with the NOGA amendment. Old-growth narratives are included in the Med Bow Plan Forestwide objectives and strategies. Additionally, there are three standards, two guidelines, three management area prescriptions, and one monitoring strategy that include old-growth. Proactive management is occurring on the Medicine Bow NF under the current Med Bow Plan. While it may be advantageous to include some additional standards, guidelines, objectives, or strategies, because of the vast variability in the Med Bow Plan, it may also be

detrimental to proactive stewardship projects that occur. Any changes to old-growth forests should be determined by locally analyzing what is and what isn't working.

The current Med Bow Plan also provides old-growth and structural states general definitions in the Glossary as follows:

- 1) ***“Old-Growth*** *Old growth forests are ecosystems distinguished by old trees and related structural attributes. Old growth encompasses the later stages of stand development that typically differ from earlier stages in a variety of characteristics which may include tree size, accumulations of large dead woody material, number of tree top layers, species composition and ecosystem function. It can require more than 150 years for a forest stand to develop the characteristics of old growth {Mehl 1992}.*
- 2) ***Structural Stages*** *(Wildlife Habitat Structural Stages) Any of several developmental stages of tree stands described in terms of tree age (size), and the extent of canopy closure they create. (34)*
 - Structural Stage 1 Grass/forb:*** *Forest openings created by disturbances, such as fire or windthrow. Meadows and prairies are also modeled as grass/forb although succession will not move beyond this stage.*
 - Structural Stage 2 Shrubs/seedlings:*** *Developmental stage dominated by tree seedlings (less than one-inch DBH) and shrub species.*
 - Structural Stage 3 Sapling/pole:*** *Developmental stage dominated by young trees one to seven inches diameter breast height, 10 to 50 feet tall and usually less than 50 years old. This stage is subdivided into three canopy closure classes: (a) less than 40 percent, (b) 40 to 70 percent; and (c) greater than 70 percent.*
 - Structural Stage 4 Mature:*** *Consists of trees larger and older than stage 3. Also classified by the same canopy closure categories as stage 3.*
 - Structural Stage 5 Old growth:*** *This structural stage is characterized by trees at least 200 years old for spruce-fir or Douglas fir; 150 years old for lodgepole pine; or 100 years old for aspen.”*

While these definitions may not be as specific as the ones identified for Region 2, additional information in the Med Bow Plan and great ecosystem variability within the forest demands this flexibility and should not be a one-size-fits-all even at the Forest level. The significant range in average precipitation, elevation, slope, aspect, and soils across the Med Bow NF require flexibility for defining old-growth within the forest itself not to mention between different forests in the Region.

The NOGA DRAFT Ecological Impacts Analysis Report states *“The Med Bow Plan ... cites the source of the regional criteria but do not provide which of the criteria are used in the plans. The Medicine Bow LMP uses the term ‘old-growth’ and provides a qualitative description of old-growth forests being distinguished by old trees and related structural attributes or characteristics as described in Mehl (1992).”* It also states the Med Bow Plan does not provide desired conditions for existing old-growth that emphasize resilience/adaptability, abundance/distribution, and/or ecosystem service contributions but does provide standards for existing old-growth as well as forest-wide standards or guidelines for future old-growth.

This standard from the Medicine Bow LMP provides an example of one standard that addresses both existing and future old-growth: *“Manage old forest to retain or achieve at least the minimum percentages of old-growth by cover type by mountain range shown in the following table. If stands meeting the old-growth definition do not exist at these percentages, manage additional stands that are closest to meeting old-growth criteria as recruitment old-growth to meet these desired percentages.”*

Process, NEPA, and 2012 National Forest System Land Management Planning Rule

- 1) According to the 2012 National Forest System Land Management Planning Rule (2012 NFS Planning Rule) Preamble, *“Having the forest or grassland supervisor as the responsible official provides greater opportunity for people to interact directly with the decision maker...”* The SER CD believes the writers of the 2012 NFS Planning Rule were correct in asserting and that local interested parties in any forest land use plan amendment process should be able to directly interact with the responsible official. That was not the case with the NOGA. We contend this is another justification for why planning amendments for old-growth should be done at the Forest-level where the need for changes exists. The SER CD argues that it was never the intent of the 2012 NFS Planning Rule developers or the public who participated in its development, that amending all NFS land use plans in one action would be an acceptable method to achieve the expanded public engagement opportunities. The 2012 NFS Planning Rule clearly emphasized the need for more engagement and inclusion of input from more diverse groups of people. The expedited NOGA process has not achieved this intent.
- 2) As previously stated, the SER CD has a natural resource management plan that identifies land use policies. The 2012 NFS Planning Rule codified that the responsible official shall review these policies, and the review shall be displayed in the EIS for the plan.

“36 CFR 219.4 (b) Coordination with other public planning efforts.

(2) For plan development or revision, the responsible official shall review the planning and land use policies of federally recognized Indian Tribes (43 U.S.C. 1712(b)), Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. The results of this review shall be displayed in the environmental impact statement (EIS) for the plan (40 CFR 1502.16(c), 1506.2).”

The SER CD does not believe that by stating in Section 1.11.6 of the NOGA, *“The Forest Service has 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.”* meets the intent or letter of the law. The SER CD requests this required process occur for the SER CD NRM Plan and that we have the opportunity to review the findings of the review prior to the release of the Final EIS for the NOGA.

- 3) The SER CD contends that the Forest Service is not in compliance with the National Environmental Policy Act (NEPA). We are basing our justification of the NEPA non-compliance claim on the pre-July 1, 2024, Council on Environmental Quality (CEQ) NEPA implementing regulations from 40 CFR Parts 1500-1508 (CEQ NEPA Regs July 2023). The NOGA DEIS was released on June 21, 2024, prior to the new CEQ July 1, 2024, implementing regulations effective date. The pushback to Cooperating Agencies described below was just one example of how the Forest Service’s actions to lessen the involvement of Cooperating Agencies, particularly local Cooperating Agencies, were not in line with the pre-July 1, 2024 regulations.

The SER CD policies supporting this comment include: 1) Policy Expectations #3, *“Federal agencies shall conduct a consistency review with the Saratoga-Encampment-Rawlins Conservation District Long Range Land Use and Natural Resource Management Plan for every proposed National Environmental Policy Act decision an agency makes that may affect the District, the natural resources within the district, or its residents.”*; 2) Policy Expectations #15,

“Federal agencies shall notify the Saratoga-Encampment-Rawlins Conservation District and conduct a consistency review with its Natural Resource Management Plan for any proposed National Environmental Policy Act decision agencies make that may affect the district, the natural resources within the district, or its citizens as appropriate, pursuant to the Federal Land Policy Management Act and the National Environmental Policy Act.” and 3) Policy Silviculture, Fire and Fuels #15, “Forest management shall follow the mandates of the Organic Administration Act and adhere to the Multiple-Use Sustained-Yield Act of 1960, as well as the National Forest Management Act, and the National Environmental Policy Act.”.

- 4) The SER CD is an active cooperating agency, to the extent allowed by the Forest Service, on the macro-scale NOGA. We requested Cooperating Agency status for the NOGA and were put off for months until a collective effort was pushed and supported by Wyoming’s Congressional Delegation. A draft Cooperating Agency Memorandum of Understanding (MOU) agreement was negotiated with no success. A second Cooperating Agency MOU for the NOGA was offered on May 24, hesitantly, with the statement that it would not be open for content negotiation. The SER CD signed the MOU and received an executed agreement on June 14, 2024, immediately prior to the DEIS release for public comment. Cooperating Agencies were not afforded the opportunity to assist in the development of the purpose and need, issues identification, or alternatives development. They were informed that their comments on the Notice of Intent (NOI) on December 23, 2023, initiating the scoping period for the DEIS was their “opportunity” to assist. The scoping NOI already had a purpose and need statement and alternatives developed. The Forest Service held three informational meetings with Cooperating Agencies the month prior to the DEIS release. Forest Service actions do not begin to meet the intent of 40 CFR § 1501.8:

(a) The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any Federal agency with jurisdiction by law shall be a cooperating agency. In addition, upon request of the lead agency, any other Federal agency with special expertise with respect to any environmental issue may be a cooperating agency. A State, Tribal, or local agency of similar qualifications may become a cooperating agency by agreement with the lead agency.

Additionally, the 2012 NFS Planning Rule also addresses seeking cooperating agency status as codified in 36 CFR CFR §219.4 Requirements for public participation.

(a)(1)Outreach.

(iv) Federal agencies, States, counties, and local governments, including State fish and wildlife agencies, State foresters and other relevant State agencies. Where appropriate, the responsible official shall encourage States, counties, and other local governments to seek cooperating agency status in the NEPA process for development, amendment, or revision of a plan. The responsible official may participate in planning efforts of States, counties, local governments, and other Federal agencies, where practicable and appropriate.

The Forest Service has not met the intent nor the letter of the law for cooperation with Wyoming Conservation Districts under NEPA. The first sentence of Chapter 1, Section 1 of the NOGA DEIS unabashedly declares, *“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.”* The Forest Service cannot simply state compliance with NEPA, it is required to perform actions to be in compliance with NEPA. The CEQ NEPA Regs July 2023 in 40 CFR § 1501.7(h) and (i) provides direction to the “Lead Agency” (in this case the Forest Service):

Working to conserve and enhance natural resources in central Carbon County since 1945.

101 Cypress Ave P.O. Box 1791 Saratoga, WY 82331

Phone: 307-326-8156 Website: sercd.org

- (h) *With respect to cooperating agencies (Federal, State, Tribal, and local agencies and governments) 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.*

From the December 20, 2023 Notice of intent to prepare an environmental impact statement to provide land management plan direction for old-growth forest conditions across the NFS, which inadvertently or intentionally excluded “local governments” from the list of entities it sought participation from as cooperating agencies, the Forest Service has rushed through the NOGA process and made a mockery of the cooperation that the law requires from the time the project was initiated until after the NOGA DEIS was released. When working with our national partners, we expect to respectively participate as co-developers to accomplish the items identified in 40 CFR § 1501.7(h)(4).

Cooperating agencies were not allowed to actively engage in any meaningful cooperation, development of setting milestones, issues identification, developing alternatives, or any of the usual proposal development or environmental analysis steps. Typically, cooperating agencies are partners in these processes to achieve the most successful outcome while striving to reduce the risk of litigation by looking at the project through a local implementation lens on how it will impact our communities, and the stewardship work we perform. Cooperating agencies were given the exact same information as any member of the public and information was given at the exact same time.

As previously stated, cooperating agencies were provided three meetings before the release of the NOGA where Forest Service staff told us what they did to develop the NOGA and did not answer cooperating agency questions on the specifics of what had changed since the Notice of Intent for Scoping. Cooperating agencies were given the draft documents the same day and hour that any individual could have received them from the Code of Federal Regulations. In short, there was no effort undertaken by the Forest Service to achieve any “cooperation” with agencies across the nation.

The SER CD would like to thank the Forest Service for expanding the opportunities for meaningful engagement with the cooperating agencies throughout the summer. Cooperation has improved significantly since the public release of the NOGA. The opportunity to participate in the NOGA field meeting on the Medicine Bow National Forest and afternoon in-person Cooperating Agency meeting was particularly beneficial. This face-to-face gathering helped to start building the relationship and establishing a baseline which is what was previously missing. We are appreciative of the small group sessions, office hours with Kathleen, and expanded dialog during the biweekly Cooperating Agency meetings. We have come a long way together in building relationships and have a better understanding of the issues and constraints placed on the planning process. The SER CD contends that if Cooperating Agencies could have been actively engaged earlier in the process to express implementation hurdles, local nuances, and community impacts occurring, that some of the gaps, inconsistencies, major points of concern, and litigation risk would have been reduced prior to the release of the NOGA DEIS.

Topics of Concerns & Specific Comments

- 1) The SER CD supports the Forest Service decision to not address dynamic old-growth management through a rule-making process that does not allow for the flexibility and adaptability of other tools and approaches for proactive stewardship of old-growth forests.
- 2) It is concerning to the SER CD that the local dataset used to identify old-growth and other forest stage characteristic data does not match with the Forest Inventory and Analysis (FIA) data. The SER CD requests that the Forest Service use local data not FIA data on the Medicine Bow National Forest, for all NEPA analyses for proposed projects or Forest Plans. Supplement analyses with FIA data ONLY if local data is unavailable.
- 3) Forest Service states in the NOGA that they need a durable solution to managing old growth. Individual forests and local communities are experts in knowing the management history of these national treasures that have significant impacts on local communities and counties. Priorities and workloads differ vastly from forest to forest and the Forest Supervisors should have the authority to make decisions for prioritizing projects in relation to national, state, and local needs. The “most durable solution” needs to be developed locally with flexibility for adapting to changed conditions, whether those are from wildfire, insects, climate, or lessons learned from past active management. To accomplish this goal, a simple directive saying that old-growth will be taken into account for each proposed project and during the forest plan update process could be developed and implemented. Demanding consistency of forest plans at one point in time will certainly result in negative unintended consequences.

The SER CD policies supporting this comment include: 1) Policy Silviculture, Fire and Fuels #10, “*Forest management should support a coordinated timber harvesting and thinning method to promote forest health, reduce disease and insect infestation, reduce wildfire impacts, and prevent waste of forest products.*” and 2) Policy Silviculture, Fire and Fuels #16, “*Federal agencies should promote the prompt rehabilitation of harvested forest areas and areas affected by wildfire, including salvage logging operations.*”

- 4) The SER CD asserts that implementation of the Wildfire Crisis Strategy and forest plan revisions are higher priorities with the limited Forest Service and cooperating agency capacity than trying to implement the NOGA and developing standalone Adaptive Strategies. Considerations for incorporating old-growth forest considerations could be more efficiently addressed during forest-wide Forest Plan development of a successful plan that embraces ecological integrity for all stages and types of forests. Attempting to complete the NOGA and then revise the forest plan would be duplicative, confusing, and make the process even more challenging for the Forest Service, Cooperating Agencies, stakeholders, and the public.
- 5) Throwing lots of resources, time, and money, at a national-scale planning effort does not equate to having successful outcomes, achieving desired conditions at the local level, or obtaining a durable solution. Just like spraying water from a garden hose in Washington D.C. will do nothing to help a fire in Wyoming, top-down planning on a NFS scale will do nothing to aid in a durable solution to managing old-growth for the enjoyment and benefit of future generations in Wyoming.
- 6) The SER CD asserts that the NOGA DEIS, Appendices, DRAFT Ecological Impacts Analysis Report, and DRAFT Social, Economic and Cultural Impacts Analysis Report include a lot of words and narratives that do not clearly say what is intended. Inconsistencies in how information is understood plague the documents and

provide confusion for the reader. Intentions verbalized during the Cooperating Agency engagement opportunities do not match the narrative of the full NOGA package. Consistency and clarity are paramount.

- 7) The SER CD opposes any approach to designate or manage old-growth areas that would be designated or managed similar to Inventoried Roadless Areas.
- 8) The SER CD is adamantly opposed to identifying, protecting or addressing in any way individual trees under the NOGA or action. We request that the NOGA should make an explicit statement on this issue.
- 9) The SER CD requests the Forest Service prioritize overall forest ecological integrity and implementation of the Wildfire Crisis Strategy by means of identified local actions instead of politically charged, unrealistic, over-sized “planning” amendments. Continuing a national planning effort for a one-size-fits-all approach for land management plan direction for old-growth is depleting the capacity to implement the Wildfire Crisis Strategy and address other local forest concerns. Old-growth forest management is far from the paramount issue on the forests in Wyoming.
- 10) The SER CD supports the sustainable management of forested areas to improve overall health and productivity while maintaining the economic viability of landowners, industry and communities that depend on those forested lands. We support proactive stewardship as a means of managing, sustaining, and protecting old-growth forests in the national forests of Wyoming. However, the appropriate amount of old-growth forests and what proactive management strategies should be identified at the local level meaning preferably the Ranger District level, but certainly on no larger scale than forest-wide.
- 11) Several Wyoming forests have initiated forest plan revisions. The Med Bow Forest began the pre-revision process, and we were told in Cooperator meetings a year ago that plan revision would officially start, and Cooperating Agencies would begin meeting to discuss by early 2024. Due to the NOGA, the majority of planning staff resources were diverted to the NOGA project and local forest plan revision would have to wait.
- 12) The SER CD is adamantly opposed to including any Forest at any stage of the planning process, including the pre-revision data review process to have their current plans amended by the NOGA. Time, resources, and overall clarity will be improved in Forest plans that include this local, place-based look at what actually needs to be in the updated plan as it relates to old-growth and the plethora of other resource issues. Confusion from blanket NOGA changes will take more time to sort out than simply letting individual forests address the issue of old-growth forest management during the forest plan revision process to alleviate unnecessary confusion yet still accomplish the overall goal of including appropriate provisions to address direction for old-growth forest management.
- 13) There are inconsistencies in the narratives regarding how many Forest Plans will be amended from this one NEPA process. The number of plans needs to be consistently stated throughout all the NOGA supporting documents. The SER CD requests the final NOGA be very explicit and consistent on this matter throughout all the NOGA and supporting documents.
- 14) The SER CD requests that specific language be included in the NOGA that the NOGA will not cause any initiated projects or projects that have completed NEPA to pause implementation, i.e., to grandfather current NEPA-approved projects in and those that have been initiated prior to the NOGA effective date.

- 15) The SER CD suggests the NOGA specify that if a Forest is in any place in the process of doing a Forest Management Plan revision or amendment, that Forest will be exempt from Adaptive Management Strategy with the intent of including the eight tasks identified in Management Approach 1.a of the Adaptive Strategy for Old-Growth Forest Conservaton (NOGA-FW-MA-01a).
- 16) The SER CD does not support the inclusion of the mature forest type in any of the management approaches or actions of the NOGA. We are supportive of the concept and statement in Section 2.2.2 *“The goal is not to manage all mature forest as future old-growth forest.”* There is value in evaluating the natural historic range of variability and managing for that variability.
- 17) The SER CD has concerns with an emphasis placed on any stage of natural succession in old-growth forests, i.e., emphasis on old-growth in the NOGA. Old-growth is a condition, not a place. Managing for a single condition from the range of natural historic variability with the NOGA is no different than managing an ecosystem for a single species of wildlife. The end result of single-species management has proven over and over again to be ineffective in maintaining a balance in the ecosystem. We contend that the NOGA will have similar results and unintended consequences. Ecosystem and watershed health rely on all the stages of succession and active management throughout the entire forest.

The SER CD policies supporting this comment include: 1) Policy Silviculture, Fire and Fuels #1, *“Forest vegetation should be managed for a mosaic of vegetative communities, focusing on the Medicine Bow National Forest Historic Range of Variability, resulting in a diversity of age class distribution, patch size, and vegetation composition as allowed per elevation, edaphic, and topographic influences..”*; 2) Policy Silviculture, Fire and Fuels #2, *“Active management of forested lands should consider timber yield, health of timber stands, provide wildlife habitat, minimize erosion, and promote soil stability.”* and 3) Policy Wildlife and Fisheries #2, *“Ecosystem management should be utilized when managing for wildlife species. Single-species management should not be supported.”*

- 18) The SER CD believes the Forest Service should defer to the old adage of “If it’s not broke don’t fix it...” Some forests are having success working with the plan components they currently have in their Forest Plans to successfully address old growth forests. Technical guidance and direction can be done across 128 forests for over 200 forest types, but providing the level of direction of the DEIS only hinders the Forest Service and partners who are getting treatments done to implement the Wildfire Crisis Strategy and perform proactive stewardship to improve ecological integrity.
- 19) Wyoming falls within both the Rocky Mountain Region (Region 2) and the Intermountain Region (Region 4). The Medicine Bow National Forest is in Region 2. The current approach in the NOGA is if local definitions do not exist or are ‘incomplete’, regional definitions will be used. The SER CD believes this approach is problematic and will lead to negative unintended consequences. The Med Bow Plan contains some information on old-growth and is continuing to conduct proactive stewardship in old-growth areas. The SER CD cannot stress enough that a one-size-fits-all approach is not a viable approach.

The flip side of that approach is that if a Forest Plan has more restrictive language regarding old-growth, e.g., “no vegetation treatments may occur in old-growth forests”, the NOGA defers to the more restrictive language in the Forest Plan so there will not be any change and therefore there will be no increase in the ability to allow for proactive stewardship. By allowing ‘more restrictive’ language to remain, the SER CD

contends that the NOGA is not achieving the intended purpose of encouraging more proactive stewardship to address the greatest threats of fire, insects, and diseases.

- 20) As stated in the Ecological Impacts Analysis Report, *“NOGA-FW-STD-01 will most likely have the effect of increasing the area to which these existing old-growth plan components apply. This is expected to increase the protections and proactive stewardship options for old-growth forest on these units.”* The SER CD recommends this should not say ‘protections’, but instead include language to encourage proactive management and silviculture treatments to save old growth stands from the threats of fire, insects, and disease.
- 21) The SER CD requests that the NOGA acknowledge that forest types within a Region can respond differently to the same treatment type – sometimes even within the same forest. Soil, elevation, precipitation, weather patterns can have major influence on the response. The NOGA needs to state that the local forest staff and local partners that have intimate knowledge of the area have the expertise to address decisions for that area.
- 22) This focus on old-growth forests is to the hinderance of managing the complete forest and the continual changing conditions that require assessments on a project scale not a national scale. The SER CD believes for resource efficiency to ensure Forest Service staff are utilizing their time and financial resources, even one more action such as the Adaptive Management Strategy required in the NOGA may be the straw that breaks the camel’s back and realistically not be able to be implemented at all.
- 23) The SER CD has concerns with the uncertainty of what language will actually be incorporated into the Med Bow Plan. The information in the NOGA seems very subjective and does not specify who will actually make this decision. The SER CD also has concerns about the narrative inconsistent language used and how would someone on the ground comply with the NOGA plan components.
- 24) Many terms are used in the NOGA DEIS that are already defined in the 2012 NFS Planning Rule, codified in 36 CFR Part 219.19 including collaboration or collaborative process, ecological integrity, ecosystem, integrated resource management, restoration, and sustainability just to name a few. Additionally, 36 CFR 219.7 (e) clearly defines the plan components that are required (desired conditions, objectives, standards, guidelines, and suitability of lands), optional plan component of goals, and requirements for the set of plan components. The SER CD strongly requests that the definitions in Section 2.3.1 be incorporated by reference and not changed in any way, but instead used exactly how they are defined in 36 CFR 219.7 (e) throughout the entire NOGA process and implementation of any actions directed as a result of the NOGA. In Section 2.3.1, goals are not identified as “optional plan components”. This needs to be changed for consistency.
- 25) The proposed Plan Components/Plan Content use “resilient” and “resilience” numerous times in the context of “long-term resilience”, “resilience of old growth forests”, “explicit resistance, resilience, or transition approaches”, “resilience to insect and disease outbreaks”, “resilient forest structure”, “conditions are resilient”, “old-growth forests that are resilient”, and “old-growth forest to be resilient”. “Resiliency” is also used in the NOGA DEIS and related documents.

The Forest Service is required to look at ecological integrity for all proposed actions. The SER CD agrees with the thoughtful and definable word choice of “ecological integrity” as explained in the 2012 NFS Planning Rule in Preamble Section 219.8, Response to Comments,

“the Department replaced the phrase ‘healthy and resilient’ to ‘ecological integrity’ in this paragraph and throughout this subpart. The Department also modified additional wording of this section to reflect this change. This change responds to public concern about how to define and measure ‘health’ and ‘resilience’. Ecosystem integrity is a more scientifically supported term, has established metrics for measurement, and is used by both the National Park Service and the Bureau of Land Management. Requirements included in this section, as well as in § 219.9 require plans to include plan components designed to ‘maintain or restore ecological integrity.’”

The 2012 NFS Planning Rule Preamble in Section 2019.19-Definitions also states,

“The Department removed definitions for: ... and resilience, because the terms are not used in the final rule.”

For many forests, especially “high frequency/low intensity” fire regimes, “resistance” is also an important management goal and perhaps even a means to achieve “ecological integrity”. While Forest “resilience” is generally understood to be the ability of a forest to recover once a disturbance ends it is still hard to measure. On the other hand, forest “resistance” is generally understood to be the ability of a forest to withstand a disturbance (Strickler, 2022). Over the past 20 years, the significant disturbances that have occurred in most forest types in the western national forests have been catastrophic wildfires and landscape scale insect epidemics where the affected forests have shown little “resistance” or “resilience” to either of those disturbances. Managing for forest “resistance” is a more appropriate approach for many western national forests and needs to be part of any discussion about retention of old-growth forest conditions.

According to the DEIS page 8, *“The NOGA components and direction focus on providing consistency for interrelated topic areas, including ... Improving durability, resilience, and resistance to fire, insects, and disease within old-growth forests across the National Forest System...”* The SER CD contends that the term ‘ecological integrity’ should replace ‘resilience’ and more emphasis should be placed on improving ‘resistance’ of old-growth forests when describing proactive stewardship efforts.

The Land Management Planning Handbook, Section 22.1, states *“Plan Components ... Are written clearly and with clarity of purpose and without ambiguity so that a project’s consistency with applicable plan components can be easily determined.”* Since ‘ecological integrity’ is more easily defined, we recommend using it in the NOGA Plan Components.

1. The SER CD requests that all uses of the term ‘resilience’ be changed to ‘ecological integrity’, for consistency with the 2012 Planning Rule and defined as *“The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence.”*
 2. Forest “resilience” is generally understood to be the ability of a forest to recover once a disturbance ends. On the other hand, forest “resistance” is generally understood to be the ability of a forest to withstand a disturbance (Strickler, 2022).
- 26) Managing the forest for a single stage of succession can be equated to wildlife single species management. Ecosystem and watershed health rely on all the stages of succession and active management throughout the entire forest. Single species management for wildlife has detrimental impacts to other non-target species. The SER CD encourages the Forest Service to make the statement in desired conditions that we need

to “Consider the natural range of variability for the forest type within the Forest when evaluating all management actions.”

The SER CD policies supporting this comment include: 1) Policy Silviculture, Fire and Fuels #1, “*Forest vegetation should be managed for a mosaic of vegetative communities, focusing on the Medicine Bow National Forest Historic Range of Variability, resulting in a diversity of age class distribution, patch size, and vegetation composition as allowed per elevation, edaphic, and topographic influences.*.”; 2) Policy Silviculture, Fire and Fuels #2, “*Active management of forested lands should consider timber yield, health of timber stands, provide wildlife habitat, minimize erosion, and promote soil stability.*” and 3) Policy Wildlife and Fisheries #2, “*Ecosystem management should be utilized when managing for wildlife species. Single-species management should not be supported.*”.

- 27) In Appendix C, the Comparison of Current Management of Old Growth to Amendment, the narrative for “Category 3” does not appear to align with the expressed intent of NOGA It states, “*If the unit has some plan components (e.g. desired conditions, objectives) 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 – this unit is anticipated to experience noticeable change in terms of old growth plan direction.*” It is SER CD’s understanding from the NOGA general purpose and discussions that more proactive stewardship is desired in old-growth forests. If we truly want to preserve old growth forests, we must perform active management.
- 28) The SER CD strongly believes that the Forest Level is the TOP level within the USDA Forest Service at which any forest plan amendment or management direction should be made.
- 29) The SER CD offers a reminder and consideration of the concept that best available science may only be the BEST for the location where the study or research was conducted. Conditions can change over very short distances where the best available science for one part of our district would be detrimental to implementation in a different part of our district. Careful application of the best available science should be taken when any action is analyzed or taken.
- 30) The SER CD doesn’t believe the Forest Service has adequately addressed who the decision maker is when conditions in the Forest change after an Adaptive Management Strategy is developed. It was discussed that the collaborative group may need to get back together to decide. This needs to be explicit in the Final NOGA.
- 31) The Forest Service states they want consistency across the 128 forests for old-growth forest and its management. The SER CD requests the NOGA DEIS explain what is being used for the measure of consistency. Is it words in a Forest Plan, stated desired conditions, standards, and guidelines or its successful implementation of proactive stewardship projects that work toward increasing ecological integrity?
- 32) The Forest Service stated in the NOGA that proposed action was to “enable co-stewardship” in the management direction. The SER CD has concern with the addition of Objective 3 (NOGA-FW-OBJ-03) since the Notice of Intent. While we are supportive of the concept of Goal 1 (NOGA-FW-GOAL-01) “*enables co-stewardship*”, we would attest that this ability already exists. Additionally, by wording Objective 3 to require that every Forest in the NFS will “*Within two years of completing the Adaptive Strategy for Old-Growth Forest Conservation Strategy, initiate at least one co-stewardship project with interested Tribes for the purpose of proactive stewardship*”, the Forest Service is setting the process up for failure and litigation. How can this

successfully be implemented across the NFS? If there isn't a Tribe that has the capacity or desire to participate with a particular Forest it will be a point for litigation. Partnerships should not be forced and can only succeed if positively focused. Show up in objective aspirational – look at goals and objectives definition from planning rule.

The SER CD requests that the Tribal Co-Stewardship section beginning on page 95 of the NOGA DEIS should be moved to a different section and be rewritten to generalize all kinds of co-stewardship and the importance of partnerships. Successful co-stewardship can occur with a wide range of partnerships when working toward common natural resource goals.

- 33) The SER CD requests that the goals and objectives in the NOGA need to be more clearly defined and contends that the intent and clarification piece are key to fully understanding the language for Modified Proposed Action. If those pieces are not included in each Forest Plan amended as a result of the NOGA decision, it will be difficult to implement the Forest Plan changes appropriately.
- 34) The SER CD requests that the NOGA specifically needs to say that the Forest Supervisor is the decision-maker to decide how much old-growth is enough for their forest. Additionally, the Forest Supervisor should be identified as the Responsible Official for adequacy of what is needed for basics of old-growth management and the Adaptive Management Strategy process.
- 35) The SER CD believes that the kind and description of monitoring in Appendix D – Framework for Adaptive Strategy for Old-Growth Forest Conservation, is far too detailed and extensive to be included in all 128 amended plans. As we know with any natural process e.g. fire, disease, insects, precipitation, climate, there is not a direct cause and effect relationship. The SER CD requests that the monitoring component be simplified, and efforts are made to utilize ongoing monitoring to achieve any NOGA monitoring requirements to alleviate additional staffing burdens.

The SER CD offers the following suggestions for monitoring:

- a. Monitoring for old-growth should not be a separate monitoring piece but should be a part of the Biennial Monitoring Evaluation Report.
 - b. The SER CD wants to continue to be an active partner in the monitoring that occurs for the forest whether forest-level or project-level.
 - c. What should be measured.
 - i. Changes in old growth forest acres – reason for change – forest type – current threats to old-growth forest
 - ii. Projects/acres of treatment that occurred in or around old-growth forest – type of project – goals/objectives of project
 - iii. Any potential recommendations for old-growth management for the next 5 years.
- 36) The SER CD contends that less access to the forest equates to less active management opportunities and lessens the ability to implement the Wildfire Crisis Strategy.
 - 37) The SER CD contends that less access to the forest also equates to less area available for the tremendous demand and increase in recreation on public lands. The Medicine Bow National Forest is the closest forest for all the Wyoming residents of Cheyenne, Laramie, Casper, and Rawlins. Then add on the easy access via I-80 from people east of Wyoming to recreate in the Medicine Bow National Forest and the tens of thousands that come each year from Northern Colorado and the Medicine Bow National Forest becomes very

congested. The increased demands on local emergency services comes with a high cost to the local communities and county.

- 38) The SER CD asserts that commercial harvest needs to remain on the table for active management in all forest types and stages as it is an important component to implement the Wildfire Crisis Strategy and local economies.

The SER CD policies supporting this comment include: 1) Policy Silviculture, Fire and Fuels #2, *“Active management of forested lands should consider timber yield, health of timber stands, provide wildlife habitat, minimize erosion, and promote soil stability.”*; 2) Policy Silviculture, Fire and Fuels #7, *“Federal and state land managers should implement proper management of forest and other public lands through Best Management Practices (BMPs) including, but not limited to, timbering, select cutting, fire management, and managed grazing practices for the prevention of catastrophic wildfires.”*; 3) Policy Silviculture, Fire and Fuels #8, *“Forest resources are managed to benefit the health of the ecosystem, economy of the communities, support a strong agriculture industry, and maintain recreational availability along with custom and culture.”*; 4) Policy Silviculture, Fire and Fuels #10, *“Forest management should support a coordinated timber harvesting and thinning method to promote forest health, reduce disease and insect infestation, reduce wildfire impacts, and prevent waste of forest products.”*; 5) Policy Silviculture, Fire and Fuels #20, *“The United States Forest Service timber land managers should offer timely timber sales (post and pole, hazard tree removal, large scale logging operations, etc.) and forest products permits to help sustain the timber industry and ensure that forest conifer age classes are diverse and include both substantial amounts of seedling-sapling stands and mature stands.”*; and 6) Policy Socio-economics #13 *“Federal agencies consider Carbon County’s socioeconomic and economic viability in all federal decisions.”*

- 39) The SER CD provides the following comments and suggestions for the Adaptive Management Strategy:
- a. While the SER CD is appreciative of the interest in how the Medicine Bow Forest and other forests in Wyoming are managed, we cannot stress enough that the local forest managers, local governments, and local interests with the cultural, ecological, and historical knowledge of these forests often know the intricate nuances of what works and what doesn’t for these dynamic forest ecosystems. We embrace full public participation and collaboration but are adamant that the local decisionmaker has the authority to make decisions with local-scientific information and analysis justification even if a collaborative process cannot come to consensus.
 - b. The Forest Service is setting up unrealistic expectations by requiring that an Adaptive Management Strategy be developed for every Forest within two years of the Record of Decision. The SER CD questions what happens if it doesn’t get done for a forest, then what? Litigation? Stop all other work until it is complete?
 - c. The SER CD requests that it be clarified that the Adaptive Strategy as required in Management Approach 1.a will be developed at the appropriate scale as determined by each Forest Supervisor but will most likely be the individual Forest level.
 - d. The SER CD asserts that the appropriate Responsible Official for the development of an Adaptive Strategy and any future change to the Adaptive Strategy is the Forest Supervisor. If an Adaptive Strategy is developed spanning more than one Forest, then each Forest Supervisor will be co-Responsible Officials.

- e. Management Approach 1.a(NOGA-FW-MA-01a): “Develop and adhere to an Adaptive Strategy for Old-Growth Forest Conservation to accomplish the following:” (list of 8 tasks) There is no mention of ‘collaboration’ in the task list in the ‘Language for Modified Proposed Action’ column. If a collaborative process is the desired process, it needs to be specified in the amendment language in this list of tasks for Management Approach 1.a.
- f. Additional clarification is warranted for the narrative of Management Approach 1.b (v.) to again clarify and reinforce that this NOGA is not managing for mature forests and not all mature forests are intended as recruitment for more old-growth forests. While this information is in the clarification column, it needs to be explicitly explained in the ‘Language for Modified Proposed Action’ column.
- g. The SER CD is concerned about the overwhelming workload required by the Adaptive Management Strategy. It will cause analysis paralysis for Forest Service staff on all forests. This required two-year “collaborative” is overwhelming.

Collaboration or collaborative process is defined as: “A structured manner in which a collection of people with diverse interests share knowledge, ideas, and resources while working together in an inclusive and cooperative manner toward a common purpose. Collaboration, in the context of this part, falls within the full spectrum of public engagement described in the Council on Environmental Quality’s publication of October 2007: *Collaboration in NEPA—A Handbook for NEPA Practitioners.*”

What if consensus cannot be achieved with the collaborative? Lack of agreement can lead the process to stall out. Different interest groups in the collaborative process may be polarized on issues surrounding old-growth forest management. This may make it impossible to come to consensus on old-growth management options for the future and ultimately cause the Adaptive Strategy development to fail. Too often, a consensus-driven process makes decisions based on the bias of involved groups, rather than science-based conclusions. If common ground and solutions cannot be achieved, how is the problem fixed? While it has been verbally stated that the intent of this collaboration process does not necessarily mean ‘consensus’, true collaborative processes operate by this method. Clearly stating whether the process will occur by consensus or not is needed in the Objective 1 narrative, not just in the intent clarifications.

The Adaptive Management Strategy lacks clarity on who is the decision-maker so active management can occur. This point needs to be added to the NOGA. The SER CD suggests that the process identified in the Adaptive Management Strategy be called something other than a collaborative or at least specify that if 75% of the group are in agreement, the process can move forward with a decision.

- h. Suggest the Adaptive Management Strategy states that it will commence within a year, and then a collaborative progress report will be provided in the Biennial Monitoring Report with specific reporting on what agreement and decisions have been made. As long as the group continues to meet periodically and discuss components of the Adaptive Management Strategy, there isn’t a specific hard deadline for completion.
- i. The SER CD believes that if all parties participating in the Adaptive Management Strategy know that decisions can be made if 75% or more agree on a topic, it will “incentivize” individuals and groups to not intentionally be disagreeable and will promote the collaborative approach to developing solutions leading to a successful collaborative.

- j. It was expressed that Adaptive Management Strategies could be done at a Regional level. The SER CD strongly disagrees and asserts that Adaptive Management Strategies should be done in alignment with the geographic area encompassed by the Forest plan, i.e. if a forest plan encompasses more than one forest it would be acceptable for the Adaptive Management Strategy to be done for that same geographic area.
- k. The SER CD contends that identifying and prioritizing are appropriately done in other places in Forest Plans, not in Adaptive Management Strategies. Forest managers need flexibility. We are concerned that the language for NOGA Adaptive Management Strategy now reads as the Strategy is making decisions and isn't integrating the other demands of the Forest plan. The Adaptive Management Strategy should be informational to inform decisions but NOT be decisions. Adaptive Management Strategies should not include the number of acres, defined areas, etc.
- l. The SER CD is very concerned that Adaptive Management Strategies are not done through a NEPA process and therefore cannot and should not make decisions for actions on the forest.
- m. The Adaptive Strategies language in Appendix D – Framework for Adaptive Strategy for Old-Growth Forest Conservation, doesn't align with the stated expressed intent and is very prescriptive based. As an example, the following narrative is found on the first page of the Appendix. Setting quantitative goals is a decision that should only be made through a NEPA planning process and not through a collaborative process.

"It provides a structured approach to:

- *setting quantitative goals for old growth forest conservation that align with the Old-Growth Amendment;*
- *measuring progress toward reaching those goals through the evaluation of implementation¹, effectiveness², and surveillance³ monitoring; and*
- *determining when or if the measurements indicate a need for a change in management actions.*

Many required components of Adaptive Strategies may already be developed through other programs of work, in part or in whole, and can be incorporated into the corresponding sections of this framework. This framework can be used in its entirety, partially to cover the sections that have not yet been completed through another effort, or as a checklist to communicate how existing strategies cover the components of the framework, ensuring the intent of the Old-Growth Amendment Management Approach and Objectives. If using existing strategies, either completely or partially, the forest or grassland supervisor must document alignment with the framework components. For example, describe how Tribes and Alaska Native Corporations were consulted in the development of the strategy and describe the collaboration with States, local governments, public stakeholders, and industry and non-governmental partners."

- 40) The SER CD recommends that the information on Indigenous Knowledge (IK) and all the Tribal laws, regulations, directives, and consideration could be placed in an Appendix and then mentioned in the body of the NOGA one time and then leave it at that. All data are required to be analyzed for applicability at the project level PERIOD. This valuable, important information and process considerations are not for analysis. The Forest Plans need to be updated to reflect IK and the ability to achieve this process would not be diminished by consolidating the IK in an Appendix. There are numerous documents on this topic that can be sited in the IK Appendix. There is a lot of redundant and unnecessarily duplicative information in different sections on IK. Statements in the body of the document could be consistent and succinct if the IK information

is placed in an Appendix. Having it in the DEIS only once doesn't diminish the importance of it. It is required by law so simply state the reference and move on.

- 41) The SER CD appreciates the work the Forest Service has done to date to carry out Executive Order (EO) 14072 Strengthening the Nation's Forests, Communities, and Local Economies. The report published in April 2023, "Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management" identified a baseline to start from. While the inventory used the Forest Inventory and Analysis field plot data, it is not consistent with the local data from Wyoming forests which is a problem.

The second benchmark for complying with the EO was a report published in June 2024, "Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management". The analysis found that mortality from wildfires is currently the leading threat to mature and old-growth forests, followed by insects and disease. The analysis also found that tree cutting is now a relatively minor threat.

The compilation of Regional old-growth criteria information provided in the DRAFT Ecological Impacts Analysis Report, Section 4.2 provides information that is beneficial at the local level to evaluate the appropriate level and amount of detail used to define old-growth conditions at the local forest level. The SER CD asserts that the NOGA provide the framework for the individual Forest Supervisors to decide what criteria is appropriately applied to each forest that will foster proactive stewardship for sustainable old-growth conditions in appropriate locations.

The SER CD does not believe the NOGA that will amend essentially all the NFS plans is the appropriate or legally defensible approach to address Section 2(c)(iii) of the EO. There are other tools that can be more effectively utilized to develop policies and conservation strategies that address threats to mature and old-growth forests on Federal lands.

- 42) The SER CD does not and cannot support an approach that does not allow active management or vegetative treatments of any kind in old-growth forests.

The SER CD policies supporting this comment include: 1) Policy Silviculture, Fire and Fuels #2, "*Active management of forested lands should consider timber yield, health of timber stands, provide wildlife habitat, minimize erosion, and promote soil stability.*"; 2) Policy Silviculture, Fire and Fuels #4, "*The United States Forest Service should support salvage timber sales and other sales to maintain a healthy, viable forest and to reduce the amount of dead wood accumulation within the Medicine Bow National Forest.*"; 3) Policy Silviculture, Fire and Fuels #5, "*Secretaries of Agriculture and Interior should conduct fuel reduction treatments in the Wildland-Urban Interface (WUI) on federal lands to reduce the potential for wildfire.*"; 4) Policy Silviculture, Fire and Fuels #6, "*Optimize the benefits of forest thinning with timely, large-scale treatments to improve the water balance and resilience of forests and sustain the ecosystem services they provide.*"; 5) Policy Silviculture, Fire and Fuels #7, "*Federal and state land managers should implement proper management of forest and other public lands through Best Management Practices (BMPs) including, but not limited to, timbering, select cutting, fire management, and managed grazing practices for the prevention of catastrophic wildfires.*"; 6) Policy Silviculture, Fire and Fuels #8, "*Forest resources are managed to benefit the health of the ecosystem, economy of the communities, support a strong agriculture*

industry, and maintain recreational availability along with custom and culture.”; 7) Policy Silviculture, Fire and Fuels #10, “Forest management should support a coordinated timber harvesting and thinning method to promote forest health, reduce disease and insect infestation, reduce wildfire impacts, and prevent waste of forest products.”; 8) Policy Silviculture, Fire and Fuels #20, “The United States Forest Service timber land managers should offer timely timber sales (post and pole, hazard tree removal, large scale logging operations, etc.) and forest products permits to help sustain the timber industry and ensure that forest conifer age classes are diverse and include both substantial amounts of seedling-sapling stands and mature stands.” and 9) Policy Wildlife and Fisheries #2, “Ecosystem management should be utilized when managing for wildlife species. Single-species management should not be supported.”.

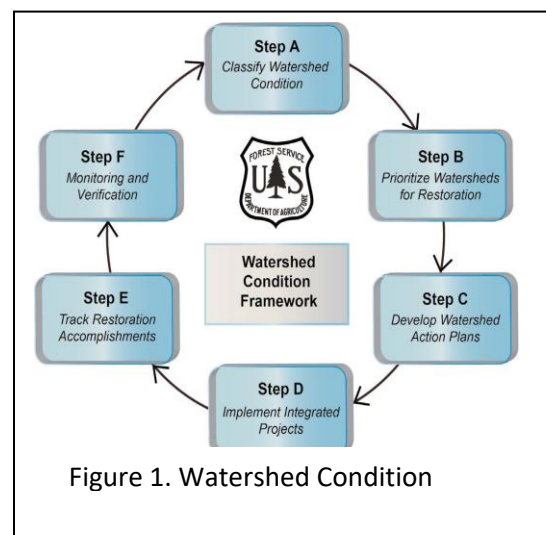
- 43) The SER CD is adamantly opposed to identifying, protecting or addressing in any way individual trees under the NOGA or action. We request that the NOGA should make an explicit statement on this issue.
- 44) Section 2.4.1 Changes Common to All Action Alternatives: Suggest the words “and mature forest that has been identified and prioritized to be managed for future old-growth,” be removed as mature forests prioritized for future old-growth will not be identified per the NOGA until after the Adaptive Strategies are developed and not prior to amending every land management plan.
- 45) Section 3.3.2 Social, Economic and Cultural Impacts, Effects Common to all Action Alternatives, page 117. For consistency, the SER CD recommends the word “mature and” be removed from the narrative. Again, the modified NOGA is focused on old-growth forests.
- 46) The SER CD endorses, and incorporates by reference:
- comments submitted by the Wyoming Association of Conservation Districts;
 - comments submitted by the State of Wyoming; and
 - comments submitted by the Wyoming County Commissioners Association.

Alternative Solution for Addressing Management of Old-Growth

One of the needs for change in the way management of old-growth forests are being address is stated as “*Create a consistent framework to manage for the long-term persistence, distribution, and recruitment of old-growth forests across the National Forest System (NFS) in light of the interacting biophysical and social factors that threaten the persistence of older forests on NFS lands across the Nation.*”

The USDA Forest Service introduced the Watershed Condition Framework (WCF) in 2010. It is an important aspect of Forest Service efforts to effectively protect and improve the Nation’s water and forest resources. It is a tool that has proven to be effective since 2010. The WCF is implemented through a six-step reiterative process (figure 1).

The WCF was the agency’s first nationally consistent approach to assessing watershed condition and aligning management actions in priority watersheds. Through applying the WCF,



the Forest Service has increased integrity of national reporting on watershed restoration activities, enhanced the efficiency of the agency's restoration work, and created a foundational tool in achieving USDA and Forest Service strategic goals. The WCF was developed prior to the 2012 Forest Planning Rule, though its use was strengthened as explained in Chapter 20 of the Land Management Planning Handbook, Amendment 1909.12-2015-1 (LMPH), *"The WCF must be used in all plan revisions for identifying priority watersheds unless..."*. The LMPH goes on to say, *"the task of identifying priority watersheds is left to the discretion of Responsible Officials within the broad framework of national direction, regional emphasis, land management plan direction, resource values, restoration costs, local issues and needs, and opportunities for watershed maintenance and restoration."* The Responsible Official is to reach out to local, State, Tribal, other Federal agencies, and interest groups.

The SER CD asserts that an Old-Growth Condition Framework could be developed, patterned after the WCF, that would provide policy to institutionalize climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal lands while allowing for the management flexibility necessary to address varied ecological conditions found across the NFS of the Forest Service. We strongly recommend the Forest Service use this approach that includes the intent of the collaborative process outlined in the DEIS as the Adaptive Strategies. We believe that a developed Old-Growth Condition Framework could achieve the necessary components of the purpose and need for action while also reducing the risk of litigation in managing old-growth forests across the forest system. We would gladly work with the Forest Service, other cooperating agencies, and other partners to flesh out details for an Old-Growth Condition Framework.

Closing Summary

The SER CD has many concerns we have attempted to highlight in this letter. There are too many inconsistencies and ambiguities on how the NOGA will be applied to individual forest plans and what the actual impacts will be to our forests, our co-stewardship projects, and ultimately the forest ecosystems and the many goods and services they provide locally, nationally and internationally.

The Wyoming Conservation Districts strength lies in implementing projects on the ground with our partners and not in a perpetual state of planning and collaborating to continually discuss what is needed to maintain sustainable forests. The SER CD believes that the NOGA is unnecessary and lacks an adequate, place-based analysis to be legally defensible when it comes to evaluating effects of the alternatives.

The SER CD contends that with all the issues and concerns identified in this letter, during Cooperating Agency engagement in the many meetings held after the NOGA DEIS was released for public comment, and expressed in other Wyoming Cooperator comments, the SER CD supports Alternative 1 – the No Action Alternative. It is the only alternative in the NOGA DEIS that we believe is legally defensible. We assert that it is also the only current alternative that will allow for current proactive stewardship projects to continue being implemented without interruption. Alternative 2 – the Preferred Alternative would continue to consume Forest Service and Cooperating Agency resources well into the future for the sole purpose of meetings and planning and would inadvertently stop all proactive stewardship projects and derail any efforts for addressing the Wildfire Crisis Strategy.

The SER CD urges the Forest Service to reconsider other tools and approaches that could be utilized to accomplish the EO directive emphasizing a locally-based approach instead of a top-down approach.

Conclusion

Thank you for the opportunity to comment on this NOGA DEIS. We look forward to our continued participation as a Cooperating Agency to develop solutions exploring options that achieve the directives of the EO while allowing Forests in the NFS the flexibility and adaptable management required to respond to the major threats identified.

While we do not support the concept of macro-scale NEPA, we will continue expressing our concerns and assist the Forest Service in identifying appropriate-scaled analysis to make an informed decision on the NOGA or its alternative and we look forward to continued communication and interaction. The SER CD will continue cooperation with the Forest Service to cocreate durable solutions to managing old-growth forests as the SER CD is committed to successful natural resource management throughout Wyoming.

The forests are more than just a place to visit for most Wyoming residents. They represent a part of the life blood of the communities and are interwoven into their very existence and stability. Local communities are connected to the forests whether it is through the ecosystem services they provide or the economic benefit they offer via livestock grazing, timber production, travel and tourism, or recreation opportunities. The health of the forest is vital to the stability of the communities and citizens. Ultimately, we will be partners on stewardship projects and continue leveraging funds to conduct proactive stewardship with the Forest Service to address local priorities of Wyoming forests while protecting the custom and culture, and economies of our rural communities.

Serving as a Cooperating Agency is not just helping the NEPA process simply check a box. Cooperation is building and maintaining a meaningful relationship with federal partners in developing solutions to challenging social and environmental issues. This includes respectful timeframes and working to understand each party's values for a thoughtful process.

Please feel free to contact us if you have questions about our comments.

Respectively,



Arla Strasser
Board Chair

AS/lc

CC: The Honorable Governor Mark Gordon
The Honorable United States Senator John Barrasso
The Honorable United States Senator Cynthia Lummis
The Honorable United States Congresswoman Harriet Hageman
Wyoming Association of Conservation Districts
Wyoming County Commissioners Association
Wyoming Department of Agriculture
Wyoming Farm Bureau Federation
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Carbon County Commissioners