



# COALITION OF LOCAL GOVERNMENTS

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COUNTY COMMISSIONS FOR SWEETWATER, LINCOLN, AND Uinta - WYOMING, AND DAGGETT-UTAH; AND  
CONSERVATION DISTRICTS FOR LINCOLN, LITTLE SNAKE, STAR VALLEY, SUBLETTE, SWEETWATER, AND Uinta -  
WYOMING

September 20, 2024

## VIA Project Webpage

Director, Ecosystem Management Coordination  
U.S. Department of Agriculture  
201 14th Street SW  
Mailstop 1108  
Washington, DC 20250-1124

Re: Comments on the U.S. Forest Service's Proposed Amendments to Land  
Management Plans to Address Old-Growth Forests Across the National Forest  
System and Draft Environmental Impact Statement

Dear Director,

The Coalition of Local Governments (“Coalition”) submits the following comments on the U.S. Forest Service’s Proposed Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System (hereinafter “NOGA”) and associated Draft Environmental Impact Statement (“DEIS”). The Coalition has previously submitted scoping comments and many of its members are now cooperating agencies, although this recognition did not occur until after the NOGA and DEIS was released to the public. The Coalition continues to question the purpose and need of a nation-wide plan amendment and/or national level direction to protect old-growth forest conditions when the individual Forest Plans provide for proper management of each specific, individual Forest ecosystem, which includes old-growth conditions. *See* 88 Fed. Reg. 88042, at 88044 (Dec. 20, 2023) (“2,700 land management plan components, across nearly all 128 individual plans, which provide direction on the management, conservation, or monitoring of old-growth forest conditions”). The DEIS even recognizes that “there is no single management prescription or definition that applies to all of the forest types across the National Forest System. Old-growth characteristics differ by ecosystem and species.” DEIS at S-1; 4-5. The Forest Service should, therefore, be focusing on providing adequate resources and funding for the local on-the-ground management and the utilization of all vegetative treatment options across the National Forests to reduce fuel loads and restore forest health across all tree ages.

## I. STATEMENT OF INTEREST

The Coalition is a voluntary association of local governments organized under the laws of the State of Wyoming to educate, guide, and develop public land policy in the affected counties.

Wyo. Stat. §§ 11-16-103, 11-16-122, 18-5-201; Utah Code § 17-27a-102(1)(a). Coalition members include Sweetwater County, Uinta County, Lincoln County, Daggett County, Lincoln Conservation District, Sweetwater County Conservation District, Uinta County Conservation District, Sublette County Conservation District, Little Snake River Conservation District, and Star Valley Conservation District. The Coalition serves many purposes for its members, including the protection of vested rights of individuals and industries dependent on utilizing and conserving existing resources and public lands, the promotion and support of habitat improvement, the support and funding of scientific studies addressing federal land use plans and projects, and providing comments on behalf of members for the educational benefit of those proposing federal land use plans and land use projects.

Both the Counties and the Conservation Districts have authority to protect the public health and welfare of Wyoming citizens while promoting and protecting public lands and water resources. Wyo. Stat. §§ 11-16-122, 18-5-208; Utah Code § 17-27a-102(1)(a). Districts have statutory authority to develop and implement comprehensive resource use and management plans for range improvement and stabilization, conservation of soil, water and vegetative resources, control and prevention of soil erosion, and for flood prevention. Wyo. Stat. §11-16-122(xvi). Districts' jurisdiction includes matters pertaining to the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas, and other water projects. Wyo. Stat. §11-16-122(xix). In carrying out this statutory authority, Districts are working "to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state." Wyo. Stat. § 11-16-103(b). Districts also work cooperatively with federal agencies in the development and implementation of federal land use plans to ensure consistency with local land and resource plans. Wyo. Stat. § 11-16-122(viii).

By statute, Wyoming Counties are "deemed to have special expertise on all subject matters for which it has statutory responsibility, including but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county." Wyo. Stat. Ann. §18-5-208. As such, Counties "may regulate and restrict . . . the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county." Wyo. Stat. Ann. §18-5-201. Daggett County also possesses the general land use authority to protect the tax base, foster the state's agricultural and other industries, facilitate growth, and provide for the health, safety, and welfare of its citizens. Utah Code § 17-27a-102(1)(a)(i)-(ii), (iv), (vi).

## **II. FORREST SERVICE SHOULD FOCUS ON MANAGING THE NATIONAL FORESTS CONSISTENT WITH MULTIPLE USE AND SUSTAINED YIELD**

The Forest Service does not need to adapt national level land management plan amendments, and instead should focus on its management of each specific, unique National Forest consistent with the Multiple Use-Sustained Yield Act, 16 U.S.C. §§ 528-531, the National Forest Management Act, 16 U.S.C. §§ 472a, 1600 *et seq.*, and the Healthy Forests Restoration Act, 16 U.S.C. § 6501 *et seq.* National forests were established 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.” 16 U.S.C. § 475. National Forests are administered for “outdoor recreation, range, timber, watershed, and wildlife and fish purposes,” and the Secretary is “directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom.” 16 U.S.C. §§ 528-529. It is the policy that all forested lands in the National Forest System shall be “maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans.” 16 U.S.C. § 1601(e)(1). Therefore, under current statutes and policies, the Forest Service already manages its National Forest System to ensure there is appropriate forest cover, degree of stocking, and rate of growth, or in other terms that would protect the relevant old-growth areas and conditions.

The purpose of NOGA is to develop a “consistent management framework for conserving, stewarding, recruiting and monitoring old-growth forests.” DEIS at S-1. NOGA will “[f]oster ecologically focused management across the National Forest System by maintaining and developing old-growth forests while improving and expanding their abundance and distribution and protecting them from the increasing threats.” *Id.* at 7. In addition, it will “[f]acilitate the development of geographically informed adaptive strategies for old-growth forest conservation to support the effective implementation of this amendment.” *Id.* The Coalition is concerned with the use of the word “conserving” or “conservation” because it indicates that no other uses or proactive management will occur. The Coalition supports pro-active management of all Forests, but the more the Forest Service attempts to conserve Forest System lands through identification of specific areas for protection, such as mature and old growth forests, the farther away the Forest Service will move away from its multiple use and sustained yield management practices. Such management will close off lands to other uses such as grazing, timber, and outdoor recreation, and reduce the social and economic sustainability of the National Forests. National Forests must be administered “for multiple use and sustained yield of the several products and services obtained therefrom.” 16 U.S.C. §§ 528-529; *see also* 16 U.S.C. §§ 1604(e)(1)-(2), 1604(g)(3)(D).

In addition, the Healthy Forests Restoration Act calls for the protection, restoration, and enhancement of forest ecosystem components, and to “enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the

landscape.” 16 U.S.C. § 6501(3), (6). This is accomplished through the development of hazardous fuel reduction projects on federal land in wildland-urban interface areas, in proximity to municipal water supply systems, and in other areas specified by statute. 16 U.S.C. § 6512(a). The common theme of the three statutes discussed above is that the National Forest System must be managed in a way, including the use of timber harvest and production, that protects the entire Forest ecosystem, forest cover, rate of growth, and the watersheds within the Forest.

The Forest Service should, therefore, focus on implementing the correct vegetative management tools to actively manage and restore all types of degrading National Forests, including old growth. This would include the use of all tools, such as timber harvest and production, planned ignitions, thinning, planting, and any other vegetation management treatments. If the Forest Service moves forward with the NOGA, then it should select Alternative 4 as the preferred and proposed plan amendment language because it allows all management tools to be utilized within old growth, including timber production. *See* DEIS at 53. This is also consistent with the reason for establishing National Forests: “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.*” 16 U.S.C. § 475. This would also be consistent with local land use plans that call for timber production for National Forest System lands. *See e.g.* Sweetwater County Federal Lands and Resources Plan, at Objectives 2.2.1, 8.2.6, 8.2.9, 8.2.10, 11.2.7, 11.2.8, 11.2.10; Sweetwater County Conservation District Land and Resource Use Plan and Policy, at pp. 53-55 (2020-2025); Uinta County Comprehensive Plan, at p. 21 (2011); Lincoln County Natural Resource Management Plan, at pp. 45-46 (Jan. 19, 2021); Sublette County Conservation District Public Land Use Policies, at p. 20 (2008).

### **III. ESTABLISHMENT OF ADAPTIVE STRATEGIES WILL REQUIRE COMPLIANCE WITH NEPA**

One of the most alarming points regarding the proposed land management plan revision is the inclusion of Management Approaches 1.a and 1.b, which calls for the creation of a new Adaptive Strategy for Old-Growth Forest Conservation that will not go through the NEPA process or be developed with state and local input. This violates the intent of the 2012 Planning Rule. DEIS at 21-23. The Forest Service, other federal agencies, Tribes, States, counties, interest groups and members of the public have invested tremendous amounts of time and energy on complex plan revisions across various National Forests. Old growth was and continues to be protected in current Forest Plans that were developed and produced from local knowledge on the ground and, following the intent of the 2012 Planning Rule. These plans balance the resource and multiple use needs of any one particular Forest. However, the Forest Service proposes the creation and adoption of new Adaptive Strategies as “optional plan content” that does not require public notification or involvement, without considering the environmental effects of any management or conservation approaches, and without analyzing how it will impact other valid forest management objectives in current Plans. *See Id.* at 21.

According to the 2012 Planning Rule, “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) (*emphasis added*). The need to change the plan may be based on “new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances.” *Id.* at § 219.13(b)(1). Plan amendments require public notification and opportunities for public participation. *Id.* at § 219.13(b)(2). It also requires the consideration of the “environmental effects of the proposal” and how any revision impacts other plan components that address economic and ecological sustainability, multiple use, timber management, and diversity of plant and animal communities. *Id.* at § 219.5(a)(2), 219.8 – 219.11, 219.13(b)(5). Only administrative changes, which include corrections of clerical errors, conformance to new statutory or regulatory requirements, or changes to “other content in the plan (§ 219.7(f)),” do not require public participation. *Id.* at § 219.13(c)(2).

The creation or adoption of an Adaptive Strategy, as proposed, will result in changes to Forest specific plan components and to how current and the proposed plan components will apply to all or part of a management or geographic plan area. For example, the proposed Management Approach 1.a still requires an Adaptive Strategy to “[i]dentify and prioritize areas for the recruitment, retention and promotion of old-growth forests,” and Management Approach 1.b requires the identification of “areas that have the inherent capability to sustain future old-growth forest . . . over time and prioritize them for proactive stewardship” for a specific purpose. DEIS at 21, 23. In addition, Guideline 1 requires areas that have been identified in the Adaptive Strategy “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.” *Id.* at 33. All of this language together will require a change in management of areas that are identified for the “retention and promotion” of old growth forest. The Adaptive Strategies will change the management of each Forest and thus require the appropriate NEPA compliance as an amendment to an existing Plan.

Unlike what the Forest Service claims, this is not just an administrative change or optional plan content that can bypass public involvement and the NEPA process. The impact of this proposed land management amendment will also not be fully known or analyzed until the Adaptive Strategies area is created or adopted at a National Forest specific level, and further the full change in management for old-growth conditions will not occur until that point. Therefore, the Forest Service cannot equate the Adaptive Strategy to just an administrative change but must recognize that it may result in changes to specific Forest plan components and how certain areas are managed. This requires a proper plan revision with cooperation with local and State agencies, public participation, and NEPA analysis.

#### **IV. FUNDING AVAILABILITY**

The proposed NOGA includes objectives calling for the creation or adoption of Adaptive Strategies within two years of the NOGA record of decision and initiating at least three proactive stewardship projects/activities within one year of completing the Adaptive Strategies in each National Forest planning area. DEIS at 26-27 (Objectives 1 and 2). The overall goals of completing proactive stewardship projects are encouraging, but where is the Forest Service going to obtain the funds to complete all this work? The current budget for the Forest Service is reliant on the funds made available each year by Congress under the Appropriations Acts. For years the issue has been a limited budget on National Forests and an inability to fund multiple projects each year on just a single Forest let alone across multiple Forests nationwide. In addition, the Forests have been understaffed and subject to hiring freezes as recently as this summer. How can the Forest Service ensure funding and staff are available to meet these two objectives across all the National Forests?

#### **V. OLD GROWTH FORESTS ENCOMPASSED WITHIN PRIOR DESIGNATIONS AND RESTRICTIONS ON TIMBER HARVEST AND PRODUCTION**

The Coalition supports and encourages proactive management of the Forests and would further support proactive management of old growth Forests using all tools necessary. However, many of the acres of old growth Forests contained in the National Forests located within Wyoming and neighboring states (i.e. Ashley National Forest in Utah and Wyoming), are located in areas that have been designated by statute or regulation, such as Wilderness and Inventoried Roadless Areas (“IRA”). These designated areas are already restricted in the type of vegetative management allowed and exclude mechanical treatments, prescribed fires, and timber harvests. The question that results is how will these individual National Forests meet the intent and purpose of NOGA if the vast majority of their old growth Forests are found within special designated areas that have restrictive versus proactive management?

While not documented on a Forest-by-Forest basis, the DEIS shows that the Intermountain Region alone has over 1.8 million acres of old growth located within reserved lands or IRAs. DEIS at 79. This includes over 68% of documented old growth within the Intermountain Region. The acreage could be higher or lower depending on the specific Forest at issue. In particular, the Ashley National Forest contains 627,700 acres of IRA and 276,175 acres of Wilderness, encompassing about 65% of the Forest. It is likely that a majority of these acres would qualify as old growth forests. The Coalition recognizes that this NOGA cannot specifically change how these designated acres are managed, but the Forest Service can use this NOGA to ensure overall Forest health and resiliency by not further restricting the type of management that can occur on other acreage within the National Forests.

This is also why it is important that additional restrictions are not placed on timber harvest and production within the National Forests. The DEIS already points out that “only 3 percent of national timber consumption originate[s] from Forest Service lands” and “areas of old-growth

where tree cutting occurred was only 4.7 percent of the total tree cutting across all Forest Service lands from 2000 to 2020.” DEIS at S-14. This is likely due to the 2001 Inventoried Roadless Rule. Any additional restrictions to timber harvest or production on National Forest may result in the complete elimination of the same. While the Proposed NOGA (Preferred Alternative 2) allows for timber harvest within old growth forests, it may only be for proactive stewardship – defined “management that promotes the quality, composition, structure, pattern, or ecological processes necessary for old-growth forests to be resilient and adaptable to stressors and likely future environments.” DEIS at 29 (Standard 2.a). Proactive stewardship in old growth forests cannot be for the “purpose of timber production.” *Id.* at 32 (Standard 3).

Placing restrictions on when timber harvest can occur will result in no harvest, as evidence by the implementation of the Inventory Roadless Rule. The Rule prohibited timber harvests in IRA except under specific exceptions. 36 C.F.R. § 294.13(a)-(b); *see* 66 Fed Reg. at 3257 (Jan. 12, 2001) (“... the agency agrees with those respondents who asserted that science-based forest management might require some level of vegetative management in inventoried roadless areas. Thus, the agency has decided to allow some timber harvesting for clearly defined purposes in the final rule ....”). Timber harvest is allowed in roadless areas to remove small diameter timber to improve threatened, endangered, proposed, or sensitive species habitat; or to maintain or restore the characteristics of ecosystem composition and structure (reducing the risk of uncharacteristic wildfires). *Id.* at § 294.13(b)(1). It is also allowed when it is incidental to a management activity not otherwise prohibited, it is needed and appropriate for personal or administrative use, or the roadless characteristics have been substantially altered due to construction of a classified road and subsequent timber harvest. *Id.* at § 294.13(b)(2)-(4). But the ultimate result was that little to no harvesting occurred in IRA and when proposed, it was and continues to be heavily litigated by environmental groups. *See e.g.* <https://biologicaldiversity.org/w/news/press-releases/us-forest-service-scraps-logging-project-in-utahs-ashley-national-forest-2024-07-05/> (Environmental groups challenged and Ashley National Forest Aspen Restoration Project that would result in timber harvest with IRAs and, as a result, the Forest Service withdrew the project.); *see also* <https://www.fs.usda.gov/project/ashley/?project=57075>.

Some of the language from the Inventories Roadless Area can also be found in proposed Standard 2.b – “cutting or removal of trees in old-growth forest for purposes other than proactive stewardship is permitted when (1) incidental to implementation of a management activity not otherwise prohibited by the plan.” DEIS at 30. The Coalition appreciates the Forest Service’s attempts to preserve timber harvests in old growth, however the Coalition remains concerned by how this language mirrors the Inventoried Roadless Rule language, an attempt that have only led to litigation or the exclusion of timber harvesting in Forest management.

## VII. ADDITIONAL SPECIFIC COMMENTS ON PROPOSED PLAN LANGUAGE

### 1. Statement of Distinctive Roles and Contributions

- a. It states: “Old Growth forests are dynamic systems distinguished by old tree and related structural attributes.” DEIS at 19. What is the definition of an “old tree” and does it include a specific age of tree (i.e. 100+ years)?
- b. It states: “What constitutes old-growth forest is informed by best available science, which includes Indigenous Knowledge.” *Id.* at 19. The Coalition can appreciate the Forest Service’s reliance on Indigenous Knowledge as being one source of best available science, but it objects to the over emphasis on this source alone. There are other sources of best available sciences that the Forest Service could specifically mention if it is going to start identifying specific sources in the NOGA. In the DEIS, the Forest Service recognizes that “peer reviewed articles, expert opinion, and ‘data or information from public and governmental participation’” is included in the sources of scientific information that may be considered best available science. *Id.* at 11.

### 2. Goal 1

- a. The Coalition has a similar comment to the one above. The Forest Service focuses on interpreting and implementing NOGA through co-stewardship with Tribes and in recognition of their sovereignty. *Id.* at 20. The Forest Service must also recognize the importance of co-stewardship with state and local governments, and the cooperative and coordinated efforts with state and local governments to implement management of the National Forests.

### 3. Management Approach 1.a

- a. It states: “viii. Recognize the role of other successional stages that are important for ecological integrity.” The Coalition appreciates the inclusion of this language here, but believes it needs stronger emphasis in other sections of the proposed NOGA. Old growth forests alone will not result in a forest that is resilient to stressors. History and science have shown that old growth forest stands alone tend to burn every 100-150 years. It is better to have old growth in conjunction with uneven age forests.
- b. It states: “Identify and prioritize areas for the recruitment, retention and promotion of old-growth forests . . .” The use of language like “retention” and “promotion” of old growth within the NOGA may result in push back when timber harvest is suggested as an acceptable vegetative management treatment. The NOGA must ensure that the public and local field offices understand that retaining old growth does not mean that prescribed fires or timber harvesting are not appropriate.



4. Management Approach 1.b

- a. It states: “Identify areas that have the inherent capability to sustain future old-growth forests . . . over time and prioritize them for proactive stewardship for one or more of the following purposes: i. To provide long-term resilience; ii. To reduce fire hazard, spread or severity, or the spread of potential insect or disease outbreaks . . .” *Id.* at 23. To reduce wildfire and insect/disease stressors to old growth, the Forest Service must ensure that vegetative treatments like prescribed fire, thinning, etc. occurs. Old trees have a lower fuel moisture and are more likely to burn and are more susceptible to insect outbreaks when any kind of stress occurs. This is why it is important to ensure uneven age forests persist as well.

5. Desired Condition 1

- a. Desired conditions “must be described in terms that are specific enough to allow progress toward their achievement to be determined.” *Id.* at 15, 25. It is unclear how each individual Forest will measure or determine whether old growth forests “occur in amounts and levels of representativeness, redundancy, and connectivity such that conditions are resilient and adaptable to stressors and likely future environments.” *Id.* How will we know when old growth is resilient or adaptable to stressors, or at least making progress towards this condition? Will this be measured by the amount of old growth forests identified or the amount of old growth forest that is overcome by wildfires and/or insect/disease over the years?

6. Objective 1

- a. The Coalition appreciates the recognition that the Adaptive Strategies will be developed in consultation with state and local governments, Tribes, industry, and public stakeholders, but would reemphasize the importance of going through the NEPA process when developing Adaptive Strategies that will change the management of specific areas of the Forest. *See supra* Section III.

7. Objective 4

- a. It states: “Within ten years . . . forest ecosystems within the plan area will exhibit a *measurable, increasing trend* towards appropriate amounts, representativeness, redundancy, and connectivity of old-growth forest that are resilient and adaptable to stressors and likely future environments.” DEIS at 27. How will this be measured and documented? If it is based on the total amount of acreage identified as old growth forests, then this will be an excuse for the Forest Service not to conduct prescribed fires and/or timber harvests within old growth forests.

8. Standard 3

- a. The Coalition objects to this Standard in its entirety. However, if it remains within NOGA, then clarification is required. “Proactive stewardship in old-growth forests shall not be for the *sole* purpose of timber production . . .” *Id.* at 16. While there is

a difference between timber harvest and timber production, it is not always clear to the public. Including this additional word will ensure consistency with Standards 2.a and 2.b, and provide the necessary clarification that timber harvest can occur in old growth.

9. Guideline 2

- a. The Coalition does not understand how the Forest Service can propose national-level framework for management of old growth with a goal towards proactive management, but then allow for more restrictive management of old growth to occur if local land management plans call for it. This proposition strays away from the purpose and intent of NOGA to support proactive management and stewardship of old growth forests. In addition, this is yet another reason why this national-level framework is inappropriate. Each Forest should address old growth within its own land management plan. Those Forests that may have more restrictive management of old growth will likely require a plan amendment and additional NEPA analysis to allow for the application of NOGA. This is just layering additional work on the Forest Service. It also supports the reason for requesting NEPA compliance in developing Adaptive Strategies because the identification of old growth areas at the local area could result in those areas being subject to “less restrictive” management under NOGA.

10. Guidelines 3

- a. The Coalition objects to Guideline 3 because it fails to identify or define “old trees.” If a particular old tree has “cultural and historical value,” then could it not already be protected through the National Historic Preservation Act or other statutes that protect historic and cultural resources?

**VI. CONCLUSION**

The Coalition continues its request from its scoping comments for the Forest Service to withdraw from this National-level planning revision. The management of each individual Forest, including management of old growth, is most appropriately considered at the local Forest Service level in coordination with State, Tribal, and local governments. In addition, the Coalition supports and incorporates by reference the individual comments of its members, including those of Sublette County Conservation District.

Sincerely.



Eric South, Chairman  
Coalition of Local Governments

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Cc: Governor Mark Gordon  
Wyoming Department of Agriculture  
Wyoming Game and Fish Department  
Wyoming County Commissioners Association  
Wyoming Association of Conservation Districts  
U.S. Congresswoman Harriet Hageman  
U.S. Senator John Barrasso  
U.S. Senator Cynthia Lummis  
Utah Public Land Policy Coordinating Office