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USDA, Forest Service Rocky Mountain Region

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Submitted via: http://www.fs.usda.gov/goto/gmug/forestplan_objections

Re: Objection to the Revised Land Resource Management Plan for the Grand Mesa,

Uncompahgre, and Gunnison National Forests

I. Introduction/Interest of Party

Intermountain Forest Association (hereinafter "IFA") hereby submit this objection letter

(hereinafter "Objection") pursuant to the United States Department of Agriculture/ United

States Forest Service's (hereinafter "USFS") objection procedures under 36 CFR [sect]219

Subpart B of the Pre-Decisional Administrative Review Process, also known as the

"objection process." This objection challenges the concerns related to the proposed actions described in the revised Land Resource Management Plan (hereinafter "LRMP") for the Grand Mesa, Uncompahgre, and Gunnison National Forests (hereinafter, "GMUG") 88 Fed. Reg. 60920 (Wednesday, September 6, 2023), and concurrent release of the Final Environmental Impact Statement (hereinafter, "FEIS") and Draft Record of Decision for the LRMP.

IFA is a member-based organization that advocates for healthy forests and healthy communities, including actively promoting sound forest management that provides a stable and sustainable supply of timber from public and private forestlands. IFA's members engage in many aspects of forest management and are an important stakeholder partner to the USFS. IFA's members presently (and plan in the future) to engage in timber removal in some capacity from the GMUG.

IFA has been involved with the planning process for GMUG since 2017. We incorporate by reference as though fully set out herein our formal comments listed below:

1) Formal comments, dated December 8, 2017, in response to the Draft Assessment for Canada Lynx;

2) Formal comments, Dated December 8, 2017, in response to Draft Assessment and Potential Need for Change (hereinafter "Comments 2017-2)

3) Formal comments dated January 16, 2018, in response to Draft Assessment Reports/Wilderness Criteria;

4) Scoping comments dated May 30, 2018, in response to the call for public comment in conjunction with Notice of Intent to Revise the GMUG Land and Resource Management Plan (April 3, 2018);

5) Formal comments dated July 29, 2019, in response to a call for public comment in conjunction with the release of the Working Draft of the Revised Land Management Plan (June 2019);

6) Formal comments dated November 22, 2021in response to the Notice of Availability of the Draft GMUG Land Management Plan and Environmental Impact Statement (August 13, 2021).

IFA supports USFS' decision to revise the LRMP. IFA's objection is based upon the same issues we raised in our comments cited above. As discussed in detail below, USFS has not adequately resolved many of our concerns or issues raised during the call for public comment.

This objection is filed in accordance with 36 CFR [sect] 219 Subpart B et. seq. and contains inter alia:

1) A statement of the issues and/or parts of the forest plan amendment to which the objection applies;

2) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If the objector believes that the forest plan amendment is

inconsistent with law, regulation, or policy, an explanation should be included;

3) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment.

II. Summary of the Issues and/or Parts of the LRMP Objected To

a. Chapter 2-Parts 1-3 Fail to Comply with the 2012 Planning Rule

i. Part 1: Social and Economic Environment Section of the LRMP Fails to Comply with the 2012 Planning Rule

1. The Socioeconomics Section of the LRMP Must Comply with the 2012 Planning Rule

2. Partnerships and Coordination Section Must Comply with the 2012 Planning Rule

ii. Part 2: Ecological Sustainability Section of the Plan Fails to Comply with the 2012 Planning Rule

1. Key Ecosystem Characteristics Section Unnecessarily Limits Management Options

2. Fire and Fuels Management Section of the LRMP Requires Clarification

3. Soil Resources Section of the LRMP Requires Clarification

iii. Part 3: Ecosystem Services and Multiple Uses Section of the LRMP is Inflexible and Fails to Comply with the 2012 Planning Rule

1. Timber and Other Forest Products is Inflexible and Fails to Comply with the 2012 Planning Rule

* The Timber and Other Forest Products Section Does Not Comply with the 2012 Planning Rule

* USFS Should Capitalize on Future Salvage Volume to Meet Desired Conditions and is Unreasonably Low

b. Chapter 3: Certain Aspects of the Plan Must Ensure Active Management in Order to Achieve the Purpose and Need for Change

i. Wilderness and Areas Where Natural Processes Dominate Requires Clarification

ii. Special Areas and Designations Requires Clarification

iii. Natural Areas with Focused Management/Colorado Roadless Areas (MA 3.1) Requires Clarification

c. Chapter 4: Monitoring Needs to be Updated

d. Other Comments

i. USFS Must Comply with the Small Business Regulatory Flexibility Act

III. Statement and Explanation of the Objections

a. Chapter 2-Parts 1-3 Fail to Comply with the 2012 Planning Rule

USFS has not addressed our concerns related to forest-wide plan components, as written in Chapter 2 of the plan. Throughout the planning process IFA has raised concerns related to plan components generally and whether they are consistent with the 2012 Planning Rule. We raised these concerns in our scoping comments at 2, working draft comments at 1, and our draft comments at 2.

Plan components are at the heart of a forest plan, and the 2012 Planning Rule requires that "every project and activity must be consistent with the applicable plan components" (36 CFR [sect]219.15(b)). As such, plan components should be written clearly, concisely, and without ambiguity, and include desired conditions, objectives, standards,

guidelines, and goals (36 CFR [sect]219.7(e))

In the preamble for the 2012 Planning Rule the Undersecretary explains:

"Desired conditions are a way to identify a shared vision for a plan area[hellip]Other plan components would provide the strategy and guidance needed to achieve that vision[hellip]" 77 Fed. Reg. 21162 at 21024 (April 9, 2012).

The Undersecretary further explains objectives are used in the rule to support measurable progress towards the desired condition and as a means to establish monitoring. Id. To that end, the 2012 Planning Rule was written with the expectation that Desired Conditions would be accompanied by Objectives.

By failing to include Objectives clearly within a resource category, understanding how the Desired Conditions will be achieved is impossible. By identifying Desired Conditions, it necessarily follows that there needs to be Objectives to achieve them; without this the plan is overly vague, does not provide adequate clarity to the public or to those implementing the plan, and is inconsistent with the 2012 Planning Rule. This is a fatal flaw in the plan which should be rectified through the objection resolution process. USFS may need to analyze new plan components in a supplemental EIS.

i. Part 1: Social and Economic Environment Section of the LRMP Fails to Comply with the 2012 Planning Rule

1. The Socioeconomics Section Must Comply with the 2012 Planning Rule

As previously discussed, under the 2012 Planning Rule Desired Conditions "must be written with enough detail so the condition of on-the-ground achievement is clear and progress toward their achievement can be measured or evaluated" (FSH 1909.12 chapter 20, 22.11.1 a.). In our comments dated November 22, 2021 at 4, we raised concerns related to FW-DC-SCEC-01 and recommended that additional plan components be included.

We maintain that the socioeconomic section of the plan is deficient. As written the socioeconomic section of the plan only includes one Desired Condition, without supporting Objectives, and does not provide enough specificity or clarity as required under 36 CFR [sect]219.7(e)(1)(i)(ii). USFS' assertion in the response to comments that the socioeconomics are assessed in the EIS does not address the issue with the plan itself failing to provide the necessary suite of plan components to achieve the Desired Condition.

If other parts of the plan include plan components that achieve this, they should then be cross-referenced in the socioeconomic section of the plan.

Remedy

The socioeconomic section should be revised to include plan components that provide more detailed information on how the Desired Condition is to be achieved, whether by cross-reference or newly added plan components. To help measure progress toward socioeconomic Desired Conditions and to meet requirements for plan components, we recommend the following Objective be added to the plan:

* "Retain the current level of forest products businesses which source timber and other wood material from the GMUG National Forest, continuing sustainable economic and social contributions to communities."

2. The Partnerships and Coordination Section Must Comply with the 2012 Planning Rule

In our comments dated November 22, 2021 at 4, we again raised concern that FW-DC-PART-01 was inconsistent with the 2012 Planning Rule. While Management Approaches are included in this subsection of the plan it cannot replace the use of Objectives. Again, Objectives are connected to the Desired Conditions, and without them the plan is flawed. Further, we believe that the omission of businesses as a partner in the Desired Condition is inappropriate as the timber industry has been and continues to be an important tool in forest management. We maintain that the Partnerships and Coordination section of the plan is deficient. As written, this section of the plan does not provide enough specificity or clarity as required under 36 CFR [sect]219.7(e)(1)(i)(ii).

Remedy

The Partnerships and Coordination section should be revised to include plan components that provide more detailed information on how the Desired Condition is to be achieved, whether by cross-reference or newly added plan components. We also recommend that the Desired Condition be revised to recognize the timber industry as an important partner to USFS.

ii. Part 2: Ecological Sustainability Section of the Plan Fails to Comply with the 2012 Planning Rule

1. Key Ecosystem Characteristics Section Unnecessarily Limits Management Options

As previously discussed, under the 2012 Planning Rule Desired Conditions "must be written with enough detail so the condition of on-the-ground achievement is clear and progress toward their achievement can be measured or evaluated" (FSH 1909.12 chapter 20, 22.11.1 a.). In our comments dated November 22, 2021 at 4, we raised concerns related to the values contained in Table 1 (Table 4 in the final) of the draft plan that for some species it appeared the proposed conditions were carrying too much density in late-mid/ late seral stages. That said, Table 4 overall does not provide enough information to analyze whether these desired conditions are appropriate because current percentages are not provided.

As discussed herein, Desired Conditions are inherently connected to Objectives, and the Objectives must be written with enough clarity and detail to measure on the ground achievements. This section as written does not meet the requirements under the 2012 Planning Rule, as only one Objective is contemplated, and it does not adequately relate to any of the three Desired Conditions.

Further, IFA contends that FW-ECO-01 is too vague and will not facilitate plan implementation. As written, it could be interpreted that zero acres of treatment could achieve this Desired Condition. In addition, USFS has unnecessarily limited its management options in achieving Desired Conditions based only on "natural ecological cycles" (see LRMP at 26) and precludes active forest management, which is a serious flaw.

Remedy

For the reasons cited above we recommend that additional plan components be added to the Key Ecosystem Characteristics section of the plan in order to comply with the 2012 Planning Rule. As written, this section of the plan does not provide enough specificity or clarity as required under 36 CFR [sect]219.7(e)(1)(i)(ii).

Specifically, we recommend adding Objectives that correlate with the Desired Conditions and that verbiage be added to preserve USFS' option to use active vegetation management to achieve the Desired Conditions

2. Fire and Fuels Management Section Requires Clarification

Under 36 CFR [sect]219.10 et. seq. USFS must provide for both ecosystem services and multiple uses. The regulations further direct the responsible official to consider in plan revisions "(r)easonably foreseeable risks to ecological, social, and economic sustainability" 36 CFR [sect]219.10(a)(7); and, among other things, system drivers including wildland fire 36 CFR [sect]219.10(a)(8).

A key issue to be addressed in the plan is the increased risk of wildfire for GMUG. In our comments dated July 29, 2019 at 1, in response to the working draft we raised concerns related to the potential loss of commercial timber to natural disasters and recommended adding commercial timber to the list of Protection Emphasis Areas. Then in our draft comments dated November 22, 2021 at 4, we recommended adding standards to this section that would protect suitable timberlands from unplanned ignitions.

IFA recognizes that under the Desired Conditions section for timber resources that

DC-FFM-01 is cross-referenced in the discussion. However, the language describing DC-FFM-01 does not go far enough or provide enough clarity for those implementing the plan in the future stating, "(l)ife, investments, and valuable resources including fire sensitive natural resources are protected..." As written, DC-FFM-01 is too ambiguous and therefore inconsistent with the 2012 Planning Rule.

Remedy

We continue to recommend language be added as either a plan component or verbiage added to existing plan components that includes protecting suitable timberlands as a priority in order to meet both ecological and economic sustainability under the 2012 Planning Rule.

3. Soil Resources Section of the LRMP Requires Clarification

In our comments dated July 29, 2019 at 2 IFA recommended adding clarifying language to FW-GDL-SOIL-04 regarding harvest equipment on slopes greater than 40%. We recognize that USFS' intent with this guideline is to restrict or constrain untethered equipment use. However, the language in the guideline does not adequately express the corollary- that tethered or other high flotation equipment may be permitted, which may lead to confusion when implementing the plan, especially in light of language in the FEIS at 2-24 indicating that untethered equipment is restricted below 40% slopes, which is simply incorrect.

Remedy

We recommend the following language be added to FW-GDL-SOIL-04 in order to eliminate any ambiguity or potential misinterpretation:

* FW-GDL-SOIL-04: To reduce potential for rill or gully erosion occurring along equipment tracks, untethered, ground-based mechanical equipment should not operate on sustained slopes greater than 40%. Tethered or other high flotation equipment may be used on slopes greater than 40% in addition to slopes less than 40 percent.

iii. Part 3: Ecosystem Services and Multiple Uses

1. Timber and Other Forest Products Section of the LRMP is Inflexible and Fails to Comply with the 2012 Planning

IFA has long held the position that the projected total timber sale program for GMUG, throughout the various stages of revision, underestimates reasonable and attainable timber sale levels (see comments dated July 29, 2019 at 2 and comments dated November 22, 2021 at 5). Although IFA understands some of the expected changes to the sale program may be the result of changing management emphasis and prescriptions, we also hold firmly that the GMUG revised plan does not account for needed treatments on suitable acres, particularly in the near-term, discussed infra 10-13.

* The Timber and Other Forest Products Section Does Not Comply with the 2012 Planning Rule

As previously discussed (supra at 3-4), under the 2012 Planning Rule plan components should be written clearly, concisely, and without ambiguity, and include desired conditions, objectives, standards, guidelines, and goals.

Appendix 2 states:

"Specific vegetation management objectives may include increasing ecosystem resilience to wildfire and other disturbances, restoration and improvement of watershed function and wildlife habitat, reduction of wildfire hazard to communities, and protection of critical infrastructure, particularly that which supports municipal and agricultural water supplies" (Appendix 2 at 2-1, emphasis added).

However, the only Objective for the Timber Program relates to mapping and decommissioning roads. Vegetation management including harvest for both production and for purposes other than production, like reducing fuel hazards and improving watershed function, is critical to achieving a forest that is resilient and resistant to climate change.

Further, as we have discussed in detail supra 3-4, Desired Conditions are the "vision," and the Objectives are the "how." Based on this USFS needs to explain how the single timber Objective relates -at all- to the Desired Conditions. Specifically, how does mapping roads achieve forest product yields that contribute to local economies, and forest stands that are resilient to climate change? This is a serious flaw in the plan and without being rewritten will only confuse implementation of the timber program over the life of the plan and is inconsistent with the 2012 Planning Rule.

Instead of having an arbitrary Objective that fails to relate to the Desired Conditions, and which has almost nothing to do with timber output (the

purpose of the Timber and Other Forest Products section of the LRMP) USFS should add Desired Conditions and Objectives based on the estimates of annual acres of timber management (Table 39) and the Projected Timber Program (Table 40), found in Appendix 2 at 2-2 to 2-4.

Remedy

For the reasons cited above we recommend that additional plan components be added to the Timber and Other Forest Products section of the plan in order to comply with the 2012 Planning Rule. As written, this section of the plan does not provide enough specificity or clarity as required under 36 CFR [sect]219.7(e)(1)(i)(ii).

Specifically, we recommend splitting the existing Desired Conditions into shorter more concise statements so that Objectives can be more easily associated with a Desired Condition. The way the Desired Conditions are currently written makes it difficult to synthesize a measurable Objective. We believe this section of the LRMP would be substantially improved by replacing the existing Desired Conditions with the following:

* DC: Production of timber and timber harvest contributes to ecological sustainability and are sufficient to support the desired pace and scale of ecological restoration and climate adaptation over the next several decades.

* DC: Production of timber and timber harvest contribute to economic sustainability, providing jobs and income to local economies. A mix of timber products (including both sawtimber and non-sawtimber) is offered under a variety of contract methods in response to market demand, restoration objectives, and climate adaptation. In areas suitable for timber production, timber harvest, thinning, and planting have a primary role in achieving the desired vegetation conditions.

* DC: On lands suitable for timber production, conditions favor seedling

survival, sustainable recruitment levels, and species composition, size class, density, vegetation diversity, and landscape pattern to allow for long-term resilience of the developing forest.

* DC: Stand densities are appropriate to impart resilience to future drought stress, fire, and insect outbreaks. Species and genotypes expected to fare better in future climate conditions are promoted.

* DC: Although natural disturbances (wildfire, insects, and disease) occur on lands suitable for timber production, active management of these lands results in conditions that are resistant to insect outbreaks and resilient following wildfire, with less potential loss of timber to natural disturbances compared to lands designated unsuitable for timber production.

We recommend adding Objectives that are based on the Estimated Annual Acres of Management (Appendix 2, Table 39) and the Projected Timber Program (Appendix 2, Table 40). Not only will this remove any ambiguity, but it is also measurable, and includes a timeframe which will bring this section into compliance with the 2012 Planning Rule.

* USFS Should Capitalize on Future Salvage Volume to Meet Desired Conditions and is Unreasonably Low

A key issue identified by USFS during the planning process was "active vegetation management" and what mix of vegetation management should be used to achieve desired conditions including ecological conditions and forest health (FEIS at Ch. 1 at 29, see also Appendix 2 at 2-1 "The GMUG partners with local stakeholders and the timber industry to work toward desired conditions for ecosystem integrity and climate change adaptation").

Additionally, early in the planning process climate adaptation was identified as a need for change based on the best available science predicting an increased

risk of wildfire. IFA agrees; however, we remain concerned that by reducing the salvage program (see comments dated November 22, 2021 at 3), it could lead to increased fire severity or intensity. IFA contends that wildfire risk cannot be mediated and movement towards a climate adapted forest cannot be achieved without reducing wildfire hazards, such as beetle kill and other hazardous fuels. This is especially important to consider given the discussion in the FEIS at 103-105 discussing future fire and insect/disease trends and how they expect an increase in both wildfire risk and intensity, with the increased intensity as a result of tree mortality.

USFS states in the 2018 Terrestrial Ecosystem Assessment at 8:

"Due to the large-scale mortality throughout Engelmann spruce stands across the GMUG NF it has been a goal of the GMUG to prepare and offer timber sales with as much of the salvageable material that local mills have the capacity for on an annual basis as possible[hellip]For these reasons the GMUG NF expects to continually offer timber sales that align with the goal of recovery until the wood is either no longer merchantable or accessible in a sustainable manner" (emphasis added).

IFA recognizes distances will vary across temporal and impact scales, and that salvage opportunities may not be presenting in the same abundance on the GMUG as peak salvage years. However, based on the

assessments produced as part of the plan revision process and on-the-ground knowledge of foresters, IFA believes the GMUG is discounting opportunities to implement salvage to meet Desired Conditions in the LRMP and also artificially decreases the projected total timber sale program.

Table 7 in the FEIS describes mapped allocations and the projected timber program. The No Action alternative indicates that 16-35% of the suitable acres as salvage depending on decade, while just 9% for the Preferred Alternative and 7% for Alternative C. This is a marked decrease. With this in mind, the No Action analysis determined 16-35% of the suited acres would be salvage harvested for the foreseeable future. This analysis compliments the assessments illustrating areas still currently available for and needing salvage treatments.

The assumption contained in the FEIS regarding future salvage, and which informed the decision in the LRMP is inappropriate given the existing conditions in the plan area, and USFS' own analyses cited above, specifically as it relates to insects and disease. IFA appreciates that predicting mortality from various disturbance agents is difficult (see FEIS at 569), however USFS needs to explain how it arrived at the 5,000 CCF/year, especially in light of their assertion in the FEIS at 559 that "the volume offered from the GMUG at the time of the plan decision is approximately 30 to 40 percent salvage harvest." Moreover, considering the definition of salvage to include "green salvage" i.e. damaged or dying trees it indeed makes it far easier to predict future salvage opportunities because insect and disease can be mapped based on known

existing data pertaining to diseased areas and use modeling to predict how it may spread.

USFS needs to explain why the salvage program has been reduced based on the above cited analyses. Signing a new plan into place does not eliminate the need to salvage the areas currently in need of treatment to meet Desired Conditions and resource benefit. For these reasons cited herein, IFA contends that the projected annual salvage volume is disproportionately low and unreasonable.

We appreciate that USFS has not placed a cap or limitation on salvage and that the salvage estimates are predictions, however, the way in which salvage is discussed throughout the plan could lead to difficulty implementing a salvage program in the future- especially since acknowledgment that the acreages may be more is not expressly stated in the Timber and Other Forest Products section of the LRMP.

Remedy

We recommend the USFS completely account for the existing salvage opportunities by adding these needed salvage treatments and the volume produced to the projected total timber sale program for years 1 through 5 of the revised plan. To be clear, the assessment does not indicate salvage would be discontinued, but states that the intent is to continually offer timber sales that align with the goal of recovery until the wood is either no longer merchantable or accessible in a sustainable manner." IFA believes the existing

salvage needs likely account for an additional 15-25,000 CCF per year in years 1-5.

We also recommend adding plan components as they relate to the salvage program. Currently, the language and acreages associated with salvage could be interpreted as a constraint, especially when considering FW-GDL-TMBR-08 and FW-GDL-TMBR-09. We recommend adding the following as plan components:

* In areas suitable for timber production, sanitation or salvage harvest may occur and contribute to the overall economic benefits of harvest while achieving desired conditions and management direction for other resources (e.g., wildlife habitat, snags) and providing for human safety along open roads and trails.

* On lands identified as not suitable for timber production but where timber harvesting is allowed to achieve multiple-use values, timber harvest contributes to achieving desired conditions while providing economic and social services and benefits to people. Timber harvest on these lands occur to protect multiple-use values other than timber production, such as salvage, sanitation, public health, or safety.

b. Chapter 3: Certain Aspects of the Plan Must Ensure Active Management in Order to Achieve the Purpose and Need for Change

i. Wilderness and Areas Where Natural Processes Dominate Requires

Clarification

During the early planning stages for the LRMP revisions IFA submitted comments dated January 16, 2018, in response to recommended Wilderness, and again during the scoping period. In those comments we expressed concern regarding managing those lands as Wilderness and the risk it poses to the remaining forest due to increased fire, insect and disease outbreaks that have and will continue to occur (see comments at 1).

Under the Wilderness Act (16 USC [sect][sect]1131-1136, "Act") many "uses" are prohibited in order to maintain or restore the areas to the character for which they were designated. However, under 16 USC [sect]1131(d)(1) the Act authorizes "[hellip]measures [that][hellip]may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable." IFA contends that this provision allows USFS some flexibility to manage Wilderness.

Remedy

We believe the LRMP will be substantially improved and the GMUG as a whole will have a better probability of achieving the character of a resilient and climate adapted forest if USFS adds language to MA1.1 and MA 1.2 preserving the exceptions under 16 USC [sect]1131(d)(1) to address fire, insects, and disease within designated Wilderness areas.

ii. Special Areas and Designations/Special Interest Areas (MA2.1) Requires Clarification

In our scoping comments dated May 30, 2018 at 2 regarding Special Areas and Unique Landscapes, we raised the issue that specific management areas may need to be actively managed to restore and/or protect from catastrophic events and recommended that the plan be flexible to allow for active management if necessary. We maintain this position, and object to the following Guideline that restricts the possibility of active management:

MA-GDL-SIA-04: To maintain the characteristics for which the special interest area is established, surface-disturbing activity should not be authorized within botanical, geologic, or hydrologic special interest areas.

Remedy

IFA maintains that in order to achieve the vision of a forest that is resilient and resistant to climate stressors, then active vegetation management for the purposes of restoration and forest health needs to be available to USFS. We recommend MA-GDL-SIA-04 be revised as follows:

* MA-GDL-SIA-04: Surface-disturbing activity should not be authorized within botanical, geologic, or hydrologic special interest areas, unless to maintain the characteristics for which the special interest area is established or for other restoration activities.

iii. Natural Areas with Focused Management/Colorado Roadless Areas (MA 3.1) Requires Clarification

In our scoping comments dated May 30, 2018 at 2-3, IFA raised concern related to

limitations of forest management options in backcountry, including the non-upper tier of Colorado Roadless Areas (hereinafter "CRA"). Specifically, we note that due to landscape level insect mortality that has occurred and continues to expand, active vegetation management may be necessary to protect headwaters and other infrastructure, as such, the forest plan should be flexible to address these issues. We appreciate that USFS has ensured flexibility of management in CRAs by recognizing the exceptions at 36 CFR [sect][sect][sect]294.42-44 which allow for authorized uses including tree, cutting, sale, or removal in certain situations.

However, IFA contends that MA-STND-CRA-04 should be revised to clarify that the regulations at 36 [sect][sect][sect]CFR.42-44 do not only prohibit tree cutting, sale, or removal but also allow for these activities in certain situations, similarly to MA-DC-CRA-01; MA-STND-CRA-03.

Remedy

We recommend the following language be added to MA-STND-CRA-04 in order to prevent future misunderstandings related to CRA prohibitions and exceptions and to ensure the exceptions granted under 36 CFR [sect][sect][sect]294.42-44 are preserved:

* MA-STND-CRA-04: MA 3.1 relies on the definitions in the Colorado Roadless Rule 36 CFR 294.41. Prohibitions under MA 3.1 are identified in 36 CFR [sect]294.42 (prohibition on tree cutting, sale, or removal), [sect]294.43 (prohibition on road construction and reconstruction), and 36 CFR [sect]294.44 (prohibition on linear construction zones). These prohibitions are subject to the exceptions under 36 [sect][sect][sect]CFR 294.42-44, and [sect]36 CFR 294.46.

c. Chapter 4. Monitoring Needs to be Updated

In our comment letter dated December 22, 2021 at 5, IFA raised the issue concerning the lack of monitoring questions related to harvest and milling infrastructure and recommended that additional language be added addressing this issue. We maintain this position.

Under the 2012 Planning Rule a monitoring program must contain one or more monitoring questions and associated indicators that address eight required items (FSH 219.12 (a)(5)(i-viii). We recognize that Table 31 of the Monitoring Framework includes timber harvest and processing in terms of economic contribution to the local area, however, there are no monitoring questions or indicators related to projected timber volume.

The 2012 Planning Rule requires that a LRMP include plan components and "other plan content" regarding timber management (36 CFR [sect]219.11). Further, the 2012 Planning Rule and NFMA require a forest plan to include plan components to guide timber harvest for timber production (36 CFR [sect]219.11(b)), and among other things, the identify the quantity of timber that may be sold annually based on sustained yield (36 CFR [sect]219.11(d)(6). Because the timber program contributes to the forest-wide desired conditions it follows that some metric or question in terms of monitoring with regard to the timber program must occur. IFA contends that monitoring of projected annual volume is consistent with 36 CFR [sect]219.12 et. seq., and specifically the monitoring requirements at:

* 36 CFR [sect]219.12(a)(5)(vi)
* 36 CFR [sect]219.12(a)(5)(vii)
* 36 CFR [sect]219.12(a)(5)(viii)

This is a serious flaw in the plan and needs to be rectified through the objection resolution process

Remedy

Monitoring is an essential piece of land and resource management; therefore IFA maintains that the plan will be substantially improved by adding monitoring questions related to whether harvest and mill infrastructure is being maintained, and whether projected annual volume is being achieved.

d. Other Comments

i. USFS Must Comply with Small Business Regulatory Flexibility Act

The Draft Record of Decision and Appendix 5 of the LRMP do not list the need to comply with the Small Business Regulatory Enforcement Fairness Act (hereinafter "SBREFA"). IFA encourages USFS to comply with the Regulatory Flexibility Act (hereinafter "RFA"), as amended by SBREFA, which requires federal agencies to adequately analyze the impacts of its proposals on small entities and tailor their rules to minimize impact to such entities. Importantly, SBREFA requires federal agencies to publish their analysis in the Federal Register. In order to certify "no significant adverse impact" they must supply a factual basis for that conclusion in the analysis. The socioeconomic analysis in an EIS does not satisfy this requirement under. As BLM discovered in Northwest Mining Association v. Babbitt, 5 F.Supp.2d 9 (D.D.C. 1998), failure to comply with the RFA and SBREFA will invalidate a

rulemaking.

IV. Conclusion

We have encouraged the USFS throughout the planning process, beginning in 2017 that their plan components need to align with the desired conditions and need for change. IFA contends that the recommendations herein will substantially improve the long-term implementation of the plan by reducing subjective interpretation of the plan components and better align with the provisions of the 2012 Planning Rule. We look forward to discussing these issues with you so that GMUG has a sound LRMP for the next few decades, and which will serve all the various multiple uses. We all benefit from sound forest management, which necessarily involves timber harvest in all its forms. IFA and its members look forward to partnering with USFS to render a durable and flexible LRMP and will seek to resolve these issues through the objection process.

Sincerely,

Megan Maxwell

Megan Maxwell

Colorado Programs Manager