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Dear Director,

JRB, LLC submits the following comments on the U.S. Forest Service's notice of intent to amend all land management plans for all units of the National Forest System to include consistent direction to conserve and steward existing old-growth forest conditions. 88 Fed. Reg. 88042 (Dec. 20, 2023). The proposed amendment is "intended to create a consistent approach to manage old-growth forest conditions with sufficient distribution, abundance, and ecological integrity . . . to be persistent over the long term, in the context of climate amplified stressors." Id. at 88043. At the same time, the proposed amendment recognizes that "there are significant ecosystem and geographic differences that would require the development of geographically informed adaptive management strategies." Id. The management and protection of National Forest ecosystems, including old-growth conditions, is something that all individual plans across the National Forest System already do, and there is no finding in the notice of intent that these management actions are insufficient or otherwise not working. See id. at 88044 ("2,700 management plan components, across nearly all 128 individual plans, which provide direction on the management, conservation, or monitoring of old-growth forest conditions"). The key threats to mature and old-growth forest conditions are due to the lack of management of National Forests and insufficient funding to implement vegetative management activities. See id. at 88043 (wildfires, insects, and disease are identified as the leading threats to old-growth). The Forest Service should not focus on a national-level plan amendment and instead continue to allow each individual Natural Forest System unit to develop forest specific management actions to address the management of old-growth and other

Forest specific ecosystem conditions within each of their specific forests.

JRB is a fifth generational ranching entity that grazes livestock on federal, state, and private lands in Wyoming and Utah. JRB operations include the grazing of both cattle and domestic sheep, and more specifically the grazing of domestic sheep on National Forest System lands for generations. Due to the substantial amount of public lands (approximately 50%) in both these states, JRB, as many other ranchers, relies heavily on its federal grazing permits to run a successful ranching operation. JRB is a longstanding steward of the land and its resources, and manages its livestock grazing activities to ensure healthy vegetation conditions persist for both its livestock and other wildlife in the area. JRB, like many other ranchers, recreationists, timber harvesters, etc., relies on healthy Forests and appropriate management of the Forests to protect the watersheds and reduce the risk of catastrophic wildfire. But such "management" cannot, or even should not, include the over designation of the Forests for "conservation," which results in the prohibition of grazing, timber harvest, and other vegetative management treatments.

I. DEVELOPMENT OF A NATIONAL LAND MANAGEMENT PLAN AMENDMENT TO CONSERVE AND MANAGE OLD GROWTH IS UNNECESSARY

The Forest Service does not need to adapt new national land management plan amendments across all Forest System units but should instead work towards implementing the current Forest specific plans. If there are some Forest System plans that require updating, then those specific plans should go through an individual land management plan revision process with appropriate environmental analysis. It is, however, unnecessary to establish a "uniform" management action for all National Forest Systems when each one is unique and requires specific management actions to ensure desired conditions across the Forest can and will be met. The requirement for each Forest System unit to create or adopt an "Adaptive Strategy for Old-Growth Forest Conservation" is also

just adding additional paperwork that would be a violation of the land management plan revision process; and further proves the point that the strategy and management is and should be Forest specific. See 88 Fed. Reg. at 88045, 88047.

More specifically, the Forest Service should focus on implementing the correct vegetative management tools to actively manage and restore any and all aspects degrading National Forests. This would include the use of all tools, such as timber harvest and production, controlled burns, thinning, planting, any other vegetation management treatments, and other multiple uses including grazing. Consistent with the 2012 Planning Rule, some of the National Forests, such as the Ashley National Forest and the Bridger Teton National Forest, have already taken steps to improve their management of the Forest ecosystem through land management plan revisions that proposed and/or adopted Forest specific vegetation management treatments that will provide for ecological, social, and economic sustainability of their National Forests. As necessary, other National Forests should follow in revising their land management plans and develop alternatives under the 2012 Planning Rule that broaden the number of acres available for timber harvest and other vegetative management treatments to achieve the desired resource conditions for the complex components of the respective National Forest, including old growth, consistent with multiple use and sustained yield requirements.

In addition, it has never been a matter of needing new national-level direction or consistent management actions to conserve the National Forest, but instead the Forest Service having the necessary resources and funding to carry out the type of vegetation management treatments that are required to restore and adequately reduce the fuel loads on National Forests across the United States. For too long the Forest Service has practiced inactive management and over designated the National Forests. For example, over 67% of the Ashley National Forest is designated as either

wilderness or inventoried roadless area, which severely limits the Forest Service's management activities and vegetative treatment options. The expansive designations, along with the past overemphasis on fire suppression or no burn policies, has led to increased fuel loads and catastrophic wildfires across the United States. The Forest Service must take responsibility for the inactive management of the National Forests and take appropriate steps to properly reduce fuel loads and improve Forest health. The proposed one size fits all amendment is illogical for the many varied National Forests and their respective conditions.

II. CREATION OF A NEW ADAPTIVE STRATEGY FOR OLD-GROWTH FOREST CONSERVATION REQUIRES COMPLIANCE WITH 2012 PLANNING RULE

The proposed management actions include a "management approach" for each Forest Service unit to create a new Adaptive Strategy for Old-Growth Forest Conservation that would be included as an appendix to the monitoring strategy or monitoring report. 88 Fed. Reg. at 88045. The Forest Service then states this "strategy" would not represent final agency action and that it is instead "other plan content" that "can be established or modified through an administrative change to enable adaptation." Id. (citing 36 C.F.R. [sect] 219.7(f)(2)). However, this faulty conclusion ignores what the proposed land management plan amendment requires to be included in the Adaptive Strategy and how it will change how specific areas are managed on each Forest System unit. It places the development of new management approaches outside of the National Environmental Policy Act ("NEPA") requirements to evaluate the impacts of these changes on other multiple uses, wildlife, watersheds, the sustained yield of the Forest, etc. See 36 C.F.R. [sect][sect] 219.5(a)(2), 219.13(b)(5). The failure to address these types of changes through NEPA opens the door for misuse and of great concern for potentially substantial misuse of the Adaptive Strategies that change management of the specific Forest Service. Utilization of the NEPA process provides protection from such misuse by requiring rigorous, robust scientific research and analysis for the

many complex components of said Forest consistent with the various multiple uses and sustained yield requirements.

Under 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. [sect] 219.13(a). 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 [sect] 219.13(b)(1). Plan amendments require public notification and opportunities for public participation, as well as consideration of "environmental effects of the proposal" through appropriate NEPA analysis. Id. at [sect][sect] 219.5(a)(2), 219.13(b)(2). Only administrative changes, which include corrections of clerical errors, conformance to new statutory or regulatory requirements, or changes to "other content in the plan ([sect] 219.7(f))," do not require public participation. Id. at [sect] 219.13(c)(2).

In developing an Adaptive Strategy for Old-Growth Forest Conservation over the next two years, each Forest Service unit must "identify criteria for the retention and promotion of old-growth forest conditions;" "prioritize areas for the retention and promotion of old-growth forest conditions;" and "develop additional proactive climate-informed stewardship, conservation, and management approaches as needed to effectively achieve the desired conditions." 88 Fed. Reg. at 88047. The identification of specific areas to be managed for old-growth forest conditions and identification of additional criteria and management approaches will result in changes to Forest specific plan components and, more importantly, to "how or where one or more plan components apply to all or part of the plan area" (i.e. management or geographic areas). See 36 C.F.R. [sect] 219.13(a). This will have the effect of amending specific Forest plans beyond the amendments that

are proposed in this national-level plan amendment. As a result, the creation and/or adoption of an Adaptive Strategy will require public notice, opportunity for public participation, and the "consideration of the environmental effects of the proposal." Id. at [sect][sect] 219.5(a)(2)(ii); 219.13(b)(2). This is not just an "administrative change" to existing Forest Plans that can bypass public involvement and the NEPA process. The proposed management action and later created Adaptive Strategies without going through appropriate plan revision process and NEPA analysis would violate Congressionally enacted laws and the administrative process.

III. FOREST SERVICE DOES NOT NEED TO PRIORITIZE AREAS FOR THE RETENTION AND PROMOTION OF OLD-GROWTH FOREST CONDITIONS

As part of the Adaptive Strategy for Old-Growth Forest Conservation, the Forest Service is to "[p]riortize areas for the retention and promotion of old-growth forest conditions." 88 Fed. Reg. at 88047. The Forest Service should not be identifying any additional geographic areas, mature and old growth forest areas or otherwise, for retention of a specific condition. "About half of the land area of the National Forest System in the West is in wilderness areas, roadless areas, and other areas where forest thinning is restricted by law, regulation, or terrain." USDA, Forest Service, Wildfire Crisis Strategy, at 24 (Jan. 2022). Identifying more areas for conservation or where timber harvest and/or production would be excluded will only continue to increase the fuels loads on National Forests that are already in substantial danger.

Many of the mature and old growth forests are already protected through the 2001 Roadless Rule, which blocked logging and prevented other mechanical treatments on about a quarter of the National Forests, as well as through preexisting wilderness designations. The Forest Service should consider how many acres of National Forests are already protected and have already been withdrawn from timber production, causing numerous timber and lumber companies to go out of

business, before making a decision to prioritize additional areas for old-growth conservation. The request for prioritizing areas for retention and promotion of old-growth forest conditions reads like a Roadless Rule 2.0, which JRB would strongly oppose. Even the proposed land management plan amendment states that "[v]egation management within old-growth forest conditions may not be for the primary purpose of growing, tending, harvesting, or regeneration of trees for economic reasons." 88 Fed. Reg. at 88047. Similar to inventoried roadless areas, the Forest Service is proposing to withdraw even more acres from timber production. This is not going to resolve any issues and will continue to result in overstocked National Forests, making them even more susceptible to insects, disease and wildfire. To resolve the issues and restore the National Forests, additional designation or prioritization of areas for conservation is not appropriate. Instead, the Forest Service must allow increased timber harvest and vegetation management treatments to decrease the fuel loads on National Forests and to further protect any old-growth stands.

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. [sect] 475. Pursuant to 16 U.S.C. [sect] 1601(e)(1), 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." See also 16 U.S.C. [sect] 6501(3), (6). National Forest Plans must coordinate "outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness;" and identify appropriate harvesting levels. 16 U.S.C. [sect] 1604(e)(1)-(2); see 16 U.S.C. [sect] 1604(g)(3)(D) ("permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing harvests [hellip]").

The more the Forest Service attempts to conserve Forest System lands through designation of areas for protection, such as mature and old growth forests, the further the Forest Service will move away from its multiple use and sustained yield management practices. In addition, it will close off lands to other uses such as grazing, timber, and outdoor recreation, reduce the social and economic sustainability of the National Forests, and adversely affect the socioeconomics of surrounding rural communities. The Forest Service should be utilizing these other multiple uses, such as livestock grazing and timber harvesting, as a means to help reduce fuel loads on the National Forest and restore the health and resiliency of the National Forest.

IV. CONCLUSION

It is more important than ever that the Forest Service relies on its own professionals and employees to execute practices on the ground to manage the National Forests and ensure their resiliency into the future. The Forest Service should not be pushing national-level land management plan amendments, or additional conservation areas through identification of old-growth priority areas, onto the Forest Service employees without any direct input from those with boots on the ground. The Forest Service employees that actively manage the National Forests know the conditions and what types of vegetative management treatments will have the most beneficial value and likelihood of success to restore their specific National Forests. They also know what type of additional resources and funding are necessary to accomplish the goals on each individual Forest. Imposing additional requirements and creation of new adaptive strategies is duplicative of existing Forest specific land management plan direction and the authority National Forests already have to protect and restore all ecological conditions, including old-growth, on the National Forest. It also unnecessarily opens the door for future abuse by allowing each Forest Service unit to adopt new management approaches and conservation efforts without undertaking the necessary NEPA

analysis.

JRB strongly urges the Forest Service focus its efforts on making Forest specific management changes, if necessary and appropriate, and obtaining the resources and funding to accomplish the identified goals and objectives under each specific National Forest land management plan. This would also include utilizing existing multiple uses of the National Forest and various other vegetation management treatments to reduce the fuel loads and restore the health and viability of the Forests. We believe the Forest Service's attempt at a national-level management plan amendment fails to recognize the unique characteristics of each Forest, fails to account for existing Forest specific management actions already in place, and ignores the actual issues that are occurring on the ground. As a rancher with federal grazing permits, JRB lives and dies by healthy habitat, adequate water, and other conditions it has no control over. It does not want to watch the National Forests lose all of their resources due to inactive management, over designation of areas for conservation or protection of old-growth conditions, and resulting catastrophic wildfires due to ever-increasing fuel loads. The Forest Service must do more and stand by its current policy of increasing fine fuels and vegetative treatments by an additional 20 million acres over the next 10 years through site-specific treatments. USDA, Forest Service, Wildfire Crisis Strategy, at 4 (Jan. 2022).

Sincerely,

JRB, LLC

Attachment: JRB Scoping Comments_FS Land Mgmt Direction for Old Growth_012624_v2.pdf - is the letter text above.