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September 20, 2024

RE: Amendments to Land Management Plans to Address Old-growth forests Across the National Forest System,  
Draft Environmental Impact Statement.

Responsible Official:

Thomas J. Vilsack, Secretary of Agriculture

1400 Independence Ave. SW

Washington, DC 20250

Director, Ecosystem Management Coordination

201 14th Street SW, Mailstop 1108

Washington, DC 20250-1124

Dear Secretary Vilsack and Director, Ecosystem Management Coordination,

As individual cooperating agencies Sanders and Mineral Counties, Montana have entered into a Memorandum Of Understanding to work together to assist in the formulation of federal agency planning and project development. The commissioners have identified that most issues facing both counties are similar, if not identical and the issues set forth in the Mineral County Resource Use Plan apply to most the lands in Sanders County. We appreciate the opportunity to provide the following critical information and planning guidelines we believe are essential to this plan development, implementation, and monitoring process.

Combined, our counties have a long history of actively participating in the planning and project development process on five National Forests in western Montana and northern Idaho (Lolo, Kootenai, Bitterroot, Panhandle, and Nez Perce-Clearwater) including the development and retention of old growth forests. Additionally we participate in the development of policy and planning associated with all NEPA rules and regulations at the National level that have the potential to affect the economic stability of rural counties across the nation with a special focus on Mineral and Sanders Counties here in Montana. With approximately 70 percent of Sanders County and 90 percent of Mineral County owned and managed by the U.S. Forest Service, our citizens, businesses, and counties are highly dependent on the active management of our National Forests for our health, safety, and [ldquo]community stability[rdquo][1]. Our [ldquo]Culture, heritage, and customs[rdquo][2] are based on the historic use and access to the natural resources provided by our National Forests. Over the past 50 years actions associated with the implementation of new and amended plans and policies have eroded our access to these essential resources to a point that it is threatening our economic stability. For example, on the 2.1 million acre Lolo National Forest alone, over the past 50 years access and use on 1.2 million acres (over half of the forest) has been restricted with designated wilderness, recommended wilderness, Inventoried Roadless Areas, and special use and administrative areas.

In one sweeping action in 2001, the Inventoried Roadless Rule set aside 58.5 million acres Nation Wide that, with only a few exceptions, does not allow mechanical treatments and even with those few exceptions, Forests are reluctant to include commercial treatments for fear of litigation. This along with 37 million acres of designated wilderness and 2 million acres of wilderness study areas has set aside 97 million acres (over 50 percent) of the 192 million acres of National Forest System lands. Only 39 million acres truly allow multiple use including timber harvest and even in these areas only a small portion is open for year-round public access. The remainder is closed seasonally or year-round to motorized public access. This often impairs or eliminates management for the protection or xxxx which probably damage Local economies, habitat, and public safety while placing old-growth forests in jeopardy.

The number of acres treated annually through active forest management, including timber harvest, that improved forest health and ecological integrity and truly contributed to social and economic sustainability, while reduced the risk of catastrophic stand replacing wildfires, began to dramatically decline in the late 1980[rsquo]s and early 1990[rsquo]s reaching an all-time low in the early 2000[rsquo]s, a time frame that correlates precisely with the increase in the size, intensity, and frequency of deadly stand replacing wildfires. As we waited for essential planned forest restoration projects to be implemented, we watched 22 of the 27 remaining sawmills in Montana shut down while we witnessed these same restoration projects including old growth forests, consumed by fire before they were implemented, a process that has and is repeating itself throughout the western United States. We watched as sediment delivery created by these fires increased in our streams and rivers while further restrictions and delays were placed on sound restoration projects purportedly to reduce sediment delivery. Today, the Wildfire Crisis Strategy has identified over 20 million acres of NFS lands that are at high risk of insect and disease epidemics and wildfire, the primary cause of the loss of old growth forests and the continued erosion of old growth forest health. Since the Inventoried Roadless Area Rule was adopted in 2001, over 37 million acres of our National Forest System lands have burned.

The Notice of Intent (NOI) states, [ldquo]Current data has identified approximately 2700 land management plan components, across nearly all 128 individual plans, which provide direction on the management, conservation, or monitoring of old-growth forest conditions across the National Forest System.[rdquo] The (NOI) goes on to say, the [ldquo]initial inventory resulted in the Forest Service identifying an estimated 24.7 million acres of old-growth forest conditions and 68.1 million acres of mature forest conditions representing 17 and 47 percent respectively, of the 144.3 million acres of forested National Forest System lands.[rdquo]

The unprecedented scale of this amendment and the obvious desire to accelerate the planning process has created an atmosphere within the planning process that is ignoring laws relating to the Code of Federal Regulations (C.F.R.) and U.S. Codes (U.S.C.). The planning process is violating NEPA and CEQ regulations

and guidance provided by the 2012 Planning Rule. Agency planners know these rules and regulations and guidance much better than we do but here are a few examples:

#### 2012 Planning Rule

Section 219.2 of the Planning Rule. See 36 C.F.R. [sect] 219.2. This section outlines the different organizational levels of the agency where planning occurs and the types of planning appropriate for each level.

Section 219.2 states; [ldquo]Forest Service planning occurs at different organizational levels and geographic scales. Planning occurs at three levels[mdash]national strategic planning, NFS unit planning, and project or activity planning.[rdquo] The development and preparation of this Amendment is clearly occurring at the [ldquo]national strategic planning[rdquo] level. Section 219.2(a) provides some direction on the type of actions appropriate for national-level planning including the [ldquo]preparation of the Forest Service strategic plan required under the Government Performance and Results Modernization Act of 2010 [hellip] that establishes goals, objectives, performance measures, and strategies for management of the NFS.[rdquo] 36 C.F.R. [sect] 219.2(a).

Section 219.2(b) provides direction for [ldquo]unit planning[rdquo] that [ldquo]results in the development, amendment, or revision of a land management plan.[rdquo] 36 C.F.R. [sect] 219.2(b) (emphasis added). This language provides clear and simple direction that, should have compelled the Forest Service to conduct its plan amendments at the [ldquo]NFS unit[rdquo] level, not the national scale.

In addition to the planning issues discussed above, the development of this amendment at the national scale will add additional layers of planning to an already complex, multilayered stack of restrictive Land Management Plan standards, laws, and regulations that hamper the agency[rsquo]s ability to effectively implement important forest management activities. Utilizing these restrictive standards, laws, and regulations, litigation and court proceedings are hampering the ability of the Forest service to implement sound forest restoration projects aimed at improving forest health to make forests (including old-growth forests) more resistant and resilient to the effects of insects, disease, and wildfire.

Litigation is rarely based on the actual activities planned on the ground and litigants rarely, if ever, spend any time ground truthing proposed management strategies. Litigants have become very efficient at utilizing the many layers of often times duplicative complex Land Management Plan standards, laws, and regulations to convince our uninformed courts that our trained resource managers have violated some aspect of the language buried in these layers. This amendment will only serve to provide an additional layer of standards that will be used to help stall or halt forest management, preservation, and restoration projects for years to come.

While the DEIS professes to [ldquo]foster[rdquo] and [ldquo]promote[rdquo] active management that will improve and protect old-growth forests and complement the Wildfire Crisis Strategy, instead it creates additional burdensome standards that forest managers must navigate to accomplish the level of active management mandated by the Wildfire Crisis Strategy and this DEIS presumably strives to achieve. In fact, page S-7 of the DEIS clearly states [ldquo]The proposed action also sets forth standards and guidelines that provide constraints for decision-making at the project-level.[rdquo] It is not believable that standards and guidelines that provide constraints for decision-making at the project level do so while accommodating the variety of geologic, geographic, and ecologic differences that exist across and within 128 different individual forest plans. These types of contradictory statements exist throughout the EIS opening doors and creating ambiguous language that lends itself to future complex planning issues that will encourage litigation.

The Threat Assessment confirmed that insects, disease, and wildfire have caused the highest loss of old-growth forests over the past twenty plus years and continues to pose the most significant threat into the future. It also concluded that the loss of old-growth forests in reserved areas such as wilderness, inventoried roadless areas,

and national monuments was higher than areas where timber harvest and other mechanical treatments were allowed and encouraged. While the amount of old growth forests decreased in these reserved areas, it increased by 7.8 percent in the areas that promoted mechanical timber harvesting and other treatments.

The Threat Assessment should have been published ahead of the NOI as directed by Executive Order 14072 rather than just one week prior to publication of the DEIS. These findings should have then been used to identify the need for change. The Forest Service could have used this information and still should actually, to establish a need to identify and address obstacles that exist in Forest Plans that obstruct sound science based forest restoration projects and mitigation strategies to reduce the threat of Insects, disease, and wildfire on millions of acres of NFS lands and old-growth forests rather than implementing an amendment that adds additional layers to an already complex management environment. Our Forest Service managers need existing obstacles removed, not added, to achieve the level of active management the DEIS proposes to attain and the Forest Health Crisis mandates.

The Notice of Intent identifies the Secretary of Agriculture as the Responsible Official for this amendment and states [ldquo]The Nature of the Decision To Be Made[rdquo] by the Secretary is to [ldquo]decide whether and how to amend all National Forest System land management plans.[rdquo]

The DEIS does not include a discussion of how this action xxxx can be or is consistent with multiple use activities or xxxxx.

In consideration of the information provided above combined with the knowledge that [ldquo]Current data has identified approximately 2700 land management plan components, across nearly all 128 individual plans, which provide direction on the management, conservation, or monitoring of old-growth forest conditions across the National ForstSystem[rdquo], and the [ldquo]initial inventory resulted in the Forest Service identifying an estimated 24.7 million acres of old-growth forest conditions and 68.1 million acres of mature forest conditions representing 17 and 47 percent respectively, of the 144.3 million acres of forested National Forest System lands[rdquo], we respectfully urge the secretary to use his decision making authority to select alternative 1, the no-action alternative.

While we are under no preconceived notion whether or not the secretary will select Alternative 1, we believe we would be remiss in our obligations to our communities and citizens if we did not make this last request in writing for him to select the no action alternative. Selecting any of the action alternatives will only serve to further erode community stability within our counties. As such we are unable to support any of the action alternatives. However, understanding the possibility that some form of the action alternatives may be selected in spite of the truths identified in the comments above, we provide the following comments we believe are essential to this planning effort.

#### Local Government

Mineral and Sanders County Boards of Commissioners (Boards) and their citizens recognize that federal law mandates coordinated planning of federally managed land with local governments. They positively support varied use of these lands. This varied usage necessarily includes continuation of the historic and traditional economic uses, which have been made of federal-and state-managed lands within the counties. It is therefore the policy of the counties that federal agencies will inform the Boards of all pending or proposed actions affecting local communities and citizens, and coordinate with the Boards in the planning and implementation of those actions. Numerous Federal laws in the Code of Federal Regulation (C.F.R.) and United States Code (U.S.C) governing land management, mandate this planning coordination. (Please see the Mineral County Resource Use Plan provided as attachment to our May 20, 2024, letter addressed to Ms. Linda D. Walker, Director of Ecosystem Coordination.)

We understand the importance and desire the opportunity to be involved early and often in planning processes, preferably pre-scoping. From the beginning, this amendment process has diminished the opportunity for local governments to be involved while elevating opportunities for involvement from State agencies and Federally recognized Tribes and Alaska Native Corporations as illustrated in the following section taken from the Notice Of Intent:

#### [ldquo]Lead and Cooperating Agencies

The Forest service will prepare the environmental analysis in compliance with the National Environmental Policy Act and operate as the lead agency for this amendment. State agencies and Federally recognized Tribes and Alaska Native Corporations are invited to indicate interest in participating as a cooperating agency.[rdquo]

The act of excluding the opportunity for local government to participate as cooperating agencies is not [ldquo]in compliance with the National Environmental Policy Act[rdquo] as stated in this section, rather it represents a violation the National Environmental Policy Act (NEPA).

In a letter dated February 2, 2024, to the Director, Ecosystem Management Coordinator, we expressed our concern regarding the exclusion of local governments from this invitation which does not comply with Federal Law and formally requested the opportunity to participate as a cooperator. Our first opportunity to participate in a cooperative manner was not until the end of May, nearly four months later. Four critical months in the earlier planning process that we did not have access to planning information and opportunity for essential involvement and input.

The amendment team, through numerous on line meetings, is now provided local governments the opportunity to participate and provide input on the NOGA planning process but very little reference to the importance of including local governments has been included in the Draft Environmental Impact Statement (DEIS) document. Although late in the process, we appreciate the opportunity to now participate in the planning process, however, in order for us to ensure local governments continue to be included in the management of healthy old growth forests in the future, the EIS must provide that opportunity.

The old-growth forest amendment will affect old-growth management for decades to come. The planning process and DEIS have documented a clear role to include Indigenous Knowledge and Tribal leadership. In order to ensure local governments have the opportunity to participate in the future, the same must be done to document the important role Local Governments, local knowledge, local expertise, and local plans play within the final amendment as mandated by law in U.S. Code and Code of Federal Regulations.[3][4][5][6]

#### Community Stability

As commissioners we are charged with providing for the safety, welfare, and economic stability of our businesses and citizens within our counties to the best of our ability, a job we take very seriously. Similar to every new or amended policy or plan implemented over the past 50 years, this old-growth forest DEIS states [ldquo]Under all alternatives the amendment contributes to social and economic sustainability[rdquo]. However, 50 years of history and numerous new and amended policies and plans later, what we have instead is the tragic loss of an industry that provided the foundation of the cities, industries and infrastructure we all work, live, and play in today. Insects, disease, and catastrophic deadly wildfires are destroying millions of acres of forests (including old-growth forests) annually, taking the lives of hundreds of people, and destroying thousands of homes and businesses. Recreational access has been diminished and social economic conditions are crumbling in many of our rural communities. These actions are not contributing to social and economic sustainability and we can see no scenario where they might contribute the economic stability of our communities.

Unless the EIS can demonstrate precisely how the old-growth forest amendment [ldquo]contributes to social and

economic sustainability[rdquo][7][8], this unsubstantiated statement must be removed from the EIS.

#### Customs, Culture, and Heritage

Mining, timber harvesting , ranching, and farming provide the heritage of our counties residents, memorialized in the Custom and Cultural section of the Mineral County Resource Use Plan. The Secretary of Agriculture is obligated to coordinate with land and resource management planning processes of State and local governments[9]. NEPA requires all Federal agencies to consider the impacts of their actions on the preservation of the culture, heritage, and customs of local government. Federal agencies are obliged to consider alternatives[10] to mitigate[11] impacts to local governments regarding how an action impacts the heritage, customs, and culture defined in the Mineral County Resource Use Plan.

To date, neither the development of the NOGA nor the DEIS have met the obligations required by NEPA for the Secretary of Agriculture to coordinate this planning process with local government land and resource use plans. Further, no alternatives have been developed to mitigate conflicts with local government land and resource use plans. This essential planning must be completed before a final decision is made.

#### Cabon Sequestration and Storage

While we agree, old-growth forest do play an important role in ecosystem diversity and integrity, and they do store large amounts of carbon, we also understand they sequester very little carbon and likely emit more carbon than they sequester. There is a growing amount of science that suggests harvesting timber when it has reached the culmination of mean annual increment (CMAI) maximizes the carbon sequestration potential of any given acre of forestland.

The NFMA requires that the Secretary establish standards to ensure that timber harvest occurs after stands of trees have reached the CMAI. The age that corresponds to CMAI varies by National Forest, available water, ground conditions, and the effects and disease.

A 2016 study published in Ecosphere by Gray et al. concluded that although large trees accumulated carbon at a faster rate than small trees on an individual basis, their contribution to carbon accumulation rates was smaller on an area basis, and their importance relative to small trees declined in older stands compared to younger stands. That study also concluded that old-growth and large trees are important carbon stocks, but they play a minor role in additional carbon accumulation[12]. The USDA recently published a Technical Report on the future of America[rsquo]s forests and grasslands with the following similar concepts[13]:

1. The projected decrease in young forests and increase in older forests will result in overall decreases in growth rates and carbon sequestration.
2. The amount of carbon sequestered by forests is projected to decline between 2020 and 2070 under all scenarios, with the forest ecosystem projected to be a net source of carbon in 2070.
3. Without active management, significant disturbance, and land use change, forests approach a steady state in terms of C stock change over time.
4. Annual carbon sequestration is projected to decrease, indicating carbon saturation of U.S. forests, due in part to forest aging and senescence

A recently published report by the Environmental Protection Agency echoed these conclusions regarding the adverse impacts to carbon sequestration due to forest [ldquo]aging.[rdquo] That report concluded that due to an aging forest land base, increases in the frequency and severity of disturbances in forests in some regions, among other drivers of change, forest carbon density is increasing at a slower rate resulting in an overall decline in the sink strength of forest land remaining forest land in the USA[14].

The information provided by these technical reports and assessments make it clear that the forests ability to maximize carbon sequestration and mitigate climate change are significantly hampered by aging forests. Provisions included in management approaches, objectives, goals, standards, and guidelines located throughout the DEIS will restrict the Forest Service's ability to implement management strategies when forest's reach CMAI which will invariably increase the amount of aging forests, further adversely impacting climate change.

The DEIS provided only a cursory analysis of the proposed action's effects on carbon and omitted entirely any effects analysis of climate change in general. The DEIS acknowledged the importance of "carbon uptake" but provided no analysis of the impact to this uptake resulting from the proposed action. Had the Forest Service conducted such an analysis that included the research outlined above, the extensive harm to carbon sequestration would have been revealed. It is imperative that the Forest Service conduct a thorough analysis of this information including the probability that the timeline for completing the Amendment will have to be extended.

#### Levels of Planning

As we have previously stated, we are unaware of any statutes or laws that allow or provide for the Secretary of Agriculture to create amendments to all NFS land management Plans. In fact, we believe this course of action violates Section 219.2 of the 2012 Planning rule. See 36 C.F.R. [sect] 219.2.

Section 219.2 states that "Forest Service planning occurs at different organizational levels and geographic scales. Planning occurs at three levels—national strategic planning, NFS unit planning, and project or activity planning." Id. Development and preparation of this Amendment is clearly occurring at the "national strategic planning" level. While Section 219.2(a) provides some direction on the type of actions appropriate for national-level planning including the "preparation of the Forest Service strategic plan required under the Government Performance and Results Modernization Act of 2010 [hellip] that establishes goals, objectives, performance measures, and strategies for management of the NFS." 36 C.F.R. [sect] 219.2(a), Section 219.2(b) provides direction for "unit planning" that "results in the development, amendment, or revision of a land management plan." 36 C.F.R. [sect] 219.2(b) (emphasis added).

This language clearly outlines the different organizational levels where various types of planning should occur, compelling the Forest Service to conduct this plan amendment at the "NFS unit" level, not the national scale. Simply because this amendment is being directed and completed at the highest level of the Forest Service (national scale) does not provide a path for the agency to skip its own planning policies. Following appropriate guidance and completing this EIS in accordance with laws, NEPA, CEQ, and the 2012 planning rule must be more important than meeting an arbitrary deadline. This guidance compels the Forest Service to take a "hard look" at this planning process and complete this amendment at the unit level not the national scale.

#### Executive Order 14072, Threat Assessment, and Need for Change

The Executive Order directed the Forest Service to complete the following four tasks listed in obvious numerical order, each providing required information needed to complete the next task. i.e.; Mature and old-growth forests must be identified before an inventory can be completed and the inventory must be completed before the threat analysis, the threat analysis must be completed before the development of policies to address threats and

ultimately identify the Need for Change (not listed here).

1. Define mature and old-growth forests on federal lands,
2. Complete an inventory and make it publicly available,
3. Identify threats to mature and old-growth forests, and
4. Develop policies to address threats.

The chronological order of these action items provided by the Executive Order was intentional and the definition of mature forests and the inventories were completed in that intended order. Unfortunately, the NOI was published immediately following the completion of the inventory and prior to the completion of the remaining tasks. The NOI proposed policies to address threats before the Assessment was completed to identify those threats.

The publishing of the NOI prior to the completion of these action items indicates there was already a decision made at the national level of the Forest service regarding what the threats were and what policies were needed to address those threats. The flawed process ignored what was later discovered the Assessment. It is imperative that the Forest Service review this information and reevaluate their intent to implement an old-growth forest amendment which must include additional time for additional public input and cooperating agency involvement.

#### Hard Look

NEPA and its implementing regulations set forth procedures designed to ensure that federal agencies take a [ldquo]hard look[rdquo] at the environmental consequences of their proposed actions. Robertson, 490 U.S. at 350-51. The Ninth Circuit has interpreted a [ldquo]hard look[rdquo] to mean [ldquo]a reasonably thorough discussion of the significant aspects of the probable environmental consequences.[rdquo] Ctr. for Biological Diversity v. Nat[rsquo]l Highway Traffic Safety Admin., 538 F.3d 1172, 1194 (9th Cir. 2008). To take the required [ldquo]hard look,[rdquo] the agency may not rely on incorrect or incomplete assumptions or data. Native Ecosystems Council v. U.S. Forest Serv., an agency of U.S. Dep't of Agric., 418 F.3d 953, 964 (9th Cir. 2005); see 40 C.F.R. [sect] 1500.1(b) ([ldquo]The information shall be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.[rdquo]). This NEPA regulation was ignored or overlooked throughout the entire EIS.

The Forest Service must review each aspect of the EIS to ensure the Hard Look regulation has been utilized to ensure the environmental consequences of their actions have been addressed. The challenge of taking the requisite hard look may be most evident in the DEIS[rsquo]s Social, Cultural, and Economic Conditions that we consider a top priority.

#### Redundant and Ambiguous Plan Components

Throughout our involvement with the NOGA Team and within the comments provided in this document, we have stressed the importance of using clear concise language. Litigation is born from the ambiguous language buried in the extensive redundant complex, multilayered stack of restrictive Land Management Plan standards, laws, and regulations that hamper the agency[rsquo]s ability to effectively implement important forest management activities. Throughout the DEIS redundant plan components and ambiguous language are included. While too numerous to list them all, here are a few examples:



1. The terms old trees, old-growth, and old-growth forests are used as if they were synonymous throughout the planning process to develop the EIS, they are not. A clear definition must be provided for each or the terms [ldquo]old trees[rdquo] and [ldquo]old growth[rdquo] should not be used. From the beginning the intent has been to [ldquo]foster the long-term resilience of old-growth forests[rdquo] not old trees and old-growth.

2. Throughout our involvement with the NOGA Team, we have been told time and again that this amendment will increase the agency[rsquo]s ability to make decisions at the project level that will allow active management within old-growth forests for the purpose of improving forest health. However, S7 of the DEIS states [ldquo]the proposed action also sets forth standards and guidelines that provide constraints for decision making at the project-level. This type of contradictory language will create confusion during project development and encourage litigation.

3. Alternative 2 [ndash] Modified Proposed Action (Preferred Alternative)

a. Management Approach 1.b [ndash] iii. To provide landscape-level redundancy and representation of old growth forests: This type of open ended comments leave far too much to interpretation and controversy.

b. Management Approach 1.b [ndash] iv., v., and vi. The same comment. Additionally, there needs to be parameters set for where these activities are appropriate and where they are not, and what percentage of the forest identified as old growth is desirable and appropriate.

c. Objective 4 [ndash] Within ten years of the Adaptive Strategy for Old-Growth Forest Conservation being completed, 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. Again, this leaves far too much to interpretation. The words measurable, appropriate, representativeness, and connectivity will be challenged in future litigation for years to come.

4.

The Forest Service knows as well as we do the adverse effects ambiguous and redundant language will have on their ability to accomplish essential resource management efforts to restore and preserve forest health not only for old-growth forest but for all forests including the obligation to provide for public safety and economic stability. The Forest must take a deep dive into the language and content included in the DEIS to ensure the EIS will achieve the desired outcomes.

## Summary

The fact that this process was initiated by an Executive Order from the President of the United States, and the EIS is being developed at the highest level of the Forest Service with the Secretary of Agriculture the Responsible Official, does not excuse it from following appropriate procedure required by law and process.

1. There must be clear language in the EIS that obligates the Forest Service to provide actual notice to local governments and provide them with the opportunity to participate in a meaningful way with all future planning and management efforts related to healthy old-growth forests.
2. The Forest is obligated to coordinate planning efforts with local government resource use plans and develop alternatives to mitigate adverse conflicts.
3. The numerous laws and planning direction provided by NEPA, CEQ, and Planning rules cited in our comments above that were overlooked during this planning process must be addressed if we are truly committed to preparing an amendment that will endure over time.

4. Clearly the 2012 planning rule provides clear direction for this plan amendment process to be developed at the Unit level not the national scale.
5. As proposed, the EIS states that under all alternatives the amendment contributes to social economic conditions. The Forest must provide detailed information about how this will contribute in a meaningful way to social economic conditions or strike this statement.
6. The Forest must acknowledge the negative impacts of this amendment on community stability and provide alternatives that will mitigate those affects.
7. The Forest must take a [ldquo]hard look[rdquo] at the environmental consequences of their action including impacts to the human environment.
8. This planning process has not considered how it effects ongoing plan revisions like the Northwest Forest Plan Revision and presumably others.
9. The DEIS must, at a minimum, analyze the information we provide above regarding negative effects of aging forests on carbon sequestration.
10. The untimely completion of the Assessment and the ensuing premature development of the NOI and the DEIS resulted in the development of a flawed Need For Change. We strongly believe the need for change would look much different if the timing of these actions had been appropriately completed. If the responsible official chooses to proceed with an amendment, we believe planning direction clearly states it should be completed at the Forest or the Regional level unit level.
11. Page 121 of The EIS states that [ldquo]no economic effects to the timber industry outside of Alaska are anticipated because there will be no change in forest Allowable Sale Quantity (ASQ), Projected Timber Sale Quantity (PTSQ) or land suitability.[rdquo] It goes on to say, [ldquo]the amendment also does not change ASQ or PTSQ because the projected timber sale quantity includes volume from timber harvest for any purpose from all lands in the plan area.[rdquo] Without going into detail about the inaccuracies of this statement, simply because of our hands on experience and involvement at the project level, we are already aware of timber volume reductions due to the [ldquo]expected[rdquo] outcome of this amendment. Trees with large diameters (not old-growth forests) just [ldquo]big trees[rdquo] are being removed from proposed projects in anticipation of the outcome of this amendment, and Planned projects are being delayed awaiting the completion of the amendment and the anticipated results of this amendment that will further effect management strategies by reducing harvesting of large diameter trees. These ongoing actions are in fact reducing projected timber volumes even before the amendment is in place. Additionally, the EIS, without providing any guidance or information about what and where acres will be set aside, directs forests to set aside additional acres as recruitment for future potential old-growth forests. Setting aside future old-growth reduces the timber base immediately.

## Closing

While many of the issues sited here in our comments are associated with the unprecedented large geographic scale of this proposed amendment, the overreaching involvement and direction from the highest level of the agency to accelerate this process for what can only be pollical purposes, has created an atmosphere where the critical issues listed above and many others have and are being overlooked. These issues are not options, they are required by law, NEPA Regulation, CEQ Regulation, and the 2012 Planning Rule, as well as other agency direction.

If the responsible official decides to move ahead with the amendment, the process should be restarted with all appropriated laws, regulations, and agency guidance and procedures being completed in appropriate sequence and timely manner. On the other hand, most of the information gathered to date could incorporated and used to inform the completion of the amendment at the appropriate unit level.

We support the restoration and maintenance of the ecological integrity of the National Forests across the Nation including [ldquo]old trees[rdquo], [ldquo]old growth[rdquo], and more specifically, [ldquo]healthy old-growth forests[rdquo]. We believe this is already occurring and would like the opportunity to discuss this with the responsible official before a final decision is made.

Respect fully submitted,

Willy Peck, Natural Resource Advisor Mineral and Sanders Counties, Montana

[1] 36 C.F.R. Section 221.3(a)(I)

The Forest Service is obligated to consider and provide for [ldquo]community stability[rdquo] in its decision-making processes. See also S. Rept. No. 105.22; 30 Cong. Rec. 984 (1897); The Use Book at 17. [ldquo]Community Stability[rdquo] is defined as a combination of local customs, culture and economic stability.

[2] The National Environmental Policy Act requires that all federal agencies consider the impacts of their actions on the environment and on the preservation of the culture, heritage, and custom of local government.

The term [ldquo]culture[rdquo] is defined as [ldquo]customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations[rdquo].

Webster[rsquo]s New Collegiate Dictionary, G.&C. Merriam Co., (1975).

A custom is a usage or practice of the people, which, by common adoption and acquiescence, and by long and unvarying habit has become compulsory and has acquired the force of law with respect to the place or subject matter to which it relates. Se Bourier[rsquo]s Law Dictionary 417 (1st ed. 1867).

[3]16 U.S.C. Section 1604(a)

The Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

[4] 36 C.F.R. Section 219.7(a)

The Forest Service is obligated to coordinate with equivalent and related planning efforts of local governments.

[5] 36 C.F.R. Section 219.7(d)

The Forest Service is obligated to meet with local governments, to establish a process for coordination. At a minimum, coordination and participation with local governments shall occur prior to Forest Service selection of the preferred management alternative.

[6] 36 C.F.R. Section 219.7(c)

The Forest Service is obligated, after review of the county plan, to display the results of its review in an environmental impact statement. See also 40 C.F.R. Sections 1502.16(c) and 1506.2

[7] 42 U.S.C. [sect] 4332(2)(C)

Under NEPA, federal agencies must prepare an EIS for [ldquo]major Federal actions significantly affecting the quality of the human environment . . . .[rdquo]

[8] 40 C.F.R. [sect] 1502.1

An EIS [ldquo]shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.[rdquo]

[9] 16 U.S.C. Section 1604(a)

The Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies

[10] 36 C.F.R. Section 219.7(c)(4)

The Forest Service is obligated to consider alternatives to its proposed alternative if there are any conflicts with county land use plans.

[11] 40 C.F.R. Section 1508.20(e)

Mitigation includes (a) avoiding the impact altogether, (b) limiting the degree of the impact,

(c) repairing, rehabilitating or restoring the affected environment, (d) reducing the impact by preservation opportunities, or (e) compensating for the impact by replacing or providing substitute resources or environments.

[12] Gray, A. N., T. R. Whittier, and M. E. Harmon. 2016. Carbon stocks and accumulation rates in Pacific Northwest forests: role of stand age, plant community, and productivity. *Ecosphere* 7(1):e01224.  
10.1002/ecs2.1224

[13] U.S. Department of Agriculture, Forest Service. 2023. Future of America's Forest and Rangelands: Forest Service 2020 Resources Planning Act Assessment. Gen. Tech. Rep. WO-102. Washington, DC. 348 p.

<https://doi.org/10.2737/WO-GTR-102>

[14] EPA (2024) Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2022. U.S. Environmental Protection Agency, EPA 430-R-24-004. <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2000>

ATTACHMENT: MSC NOGA EIS comments c.docx - this is the same content that is coded in text box; it was also included as an attachment