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Organization:

Title:

Comments: Sanders and Mineral Counties, Montana have entered into a Memorandum Of Understanding (MOU) 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 as well. The following information and input is provided on behalf of both Sanders and Mineral Counties.

History, Heritage, Culture, and Customs:

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. 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. To facilitate and improve our ability and effectiveness to actively participate in these planning, policy, and program development processes, separately each of our counties have entered into MOU[s] to establish cooperating agency status for the development of the Lolo National Forest Plan Revision, the EIS to establish a grizzly population in the Bitterroot Ecosystem, and the Old-Growth EIS\National Old-Growth Amendment (NOGA) to amend 128 forest plans nationwide. We share the use of a Natural Resource Advisor to be the primary point of contact for these and other activities.

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] . Our [ldquo]Culture, heritage, and customs[rdquo] 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.

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 reducing the risk of catastrophic stand replacing wildfires, began to dramatically decline in the late 1980[s] and early 1990[s] reaching an all-time low in the early 2000[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 watch as sediment delivery created by these fires increases in our streams and rivers while further restrictions and delays are 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 40 million acres of our National Forest System lands have burned.

Mineral County, Sanders County, and the State of Montana, all recognize that silviculture is an agriculture practice in the State. Many Montana Counties have rights to farm ordinances to help support agriculture. Silvicultural activities include nursery stock, trees for lumber, Christmas trees or other wood products as well as trees for firewood, wind breaks, boughs, and habitat.

Encouraging silviculture activities as part of a broad forest management program is progressive and provides significant local benefits. It moves us closer to long-term forest economic stability and environmental consistency and sustainability.

It is for these reasons the Montana Code of Title 76-2-901 through 903 defines [ldquo]agriculture activities[rdquo] to include at 76-2-902 (1)(o) [ldquo]timber harvesting, thinning, and timber regeneration[rdquo]. Further, in MCA 76-2-902 (2) defines [ldquo]commercial production[rdquo] to include (j) trees, including [ldquo]commercial timber[rdquo], and (n) [ldquo]any other products that incorporates the use of fiber[rdquo].

We support and encourage acknowledgment of and planning to promote all silviculture activities. We encourage the agency personnel involved in revising agency [ldquo]directive related to silvicultural practices on National Forest System lands[rdquo] [ldquo]to amend the directive to reflect new authorities and more closely align with current and future forest restoration needs[rdquo] under this revision process, and to review Montana and other State right-to-farm laws as well as county right-to-farm ordinances and policies to ensure this action is in compliance.

Request for Input/Comments:

We found guidance for providing input on the proposed directive to revise the Forest Service Manual (FMS) [ldquo]Silviculture Practices[rdquo] in the following two different Forest Service published documents;

[bull] FSM 2470, Silvicultural Practices #Directives-4178

Commenting on This Project

The USDA Forest Service is requesting public input on the proposed directive related to Silviculture on National Forest System (NFS) lands. The proposed directive would update the manual to focus on managing forests for climate change, old growth, use of Indigenous Knowledge, and additional information specific to REPLANT Act and the streamlined silviculture certification process.

The USDA Forest Service is requesting public input on the proposed directive related to Silviculture on National Forest System (NFS) lands. The proposed directive would update the manual to focus on managing forests for climate change, old growth, use of Indigenous Knowledge, and additional information specific to REPLANT Act and the streamlined silviculture certification process. Please review the proposed directive here: [FSM 2470_Silvicultural Practices _Draft Final Clean.docx](#) | Powered by Box

Your comments are requested through 10/28/2024 11:59:59 PM (Eastern Standard Time).

[bull] From the Federal Register

Forest Service Manual 2470, Silvicultural Practices

A notice by the Forest Service on 8/16/2024

AGENCY:

Forest Service, Agriculture (USDA).

ACTION:

Notice of availability for public comment.

SUMMARY:

The United States Department of Agriculture, Forest Service (Agency), is revising its directive related to silvicultural practices on National Forest System lands. The proposed directive updates Forest Service Manual 2470, [ldquo]Silvicultural Practices.[rdquo] This directive sets forth policy, responsibilities, and direction for several aspects of management and moves the agency closer to its goal of providing more current direction.

ADDRESSES:

Comments may be submitted electronically to <https://cara.fs2c.usda.gov/Project/Details/4178>. Written comments may be mailed to Stephanie Miller, Assistant Director for Future Forest, Denver Federal Center, Building 40, Lakewood, CO 80215. All timely received comments, including names and addresses, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received at <https://cara.fs2c.usda.gov/Project/Details/4178>.

FOR FURTHER INFORMATION CONTACT:

Stephanie Miller, Assistant Director for Future Forest, by phone at 720-354-6454 or by email to stephanie.miller2@usda.gov. Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

The proposed directive reorganizes and eliminates redundant policies and procedures, deletes obsolete references, and updates agency policies and procedures. The intent of the updates is to amend the directive to reflect new authorities and more closely align with current and future forest restoration needs. An analysis of existing agency policy in Forest Service Handbooks and Manuals was conducted to identify revisions needed to support this initiative.

The Forest Service has determined that the changes to the manual formulate standards, criteria, or guidelines applicable to a Forest Service program and it is therefore publishing the proposed directive for public comment in accordance with 36 CFR part 216. The Forest Service is seeking public comment on the proposed directive, including the sufficiency of the proposed directive in meeting the stated objectives, ways to enhance the utility and clarity of information within the directive, or ways to streamline processes outlined.

Forest Service National Environmental Policy Act procedures exclude from documentation in an environmental

assessment or impact statement [ldquo]rules, regulations, or policies to establish servicewide administrative procedures, program processes, or instructions.[rdquo] 36 CFR 220.6(d)(2). The Agency's conclusion is that the proposed directive falls within this category of actions and that no extraordinary circumstances exist as currently defined that require preparation of an environmental assessment or an environmental impact statement.

After the public comment period closes, the Forest Service will consider timely comments that are within the scope of the proposed directive in the development of the final directive. A notice of the final directive, including a response to timely comments, will be posted on the Forest Service's web page at <https://www.fs.usda.gov/about-agency/regulations-policies/comment-on-directives>.

Christopher French,

Deputy Chief, National Forest System.

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BILLING CODE 3411-15-P

While it is not referenced in the information above, an additional document tied to this action with specific technical guidance for managing and writing silvicultural prescriptions to preserve and steward old-growth forests has been published. [ldquo]Technical Guidance for Standardized Silvicultural Prescriptions for Managing Old-Growth Forests[rdquo] was published by the Washington office on July 2024. While the two separate requests for input/comments shown above do not reference this document, the direct reference to Executive order 14072 and the proposed directive to revise the Forest Service Manual (FMS) [ldquo]Silviculture Practices[rdquo] included in the introduction from this document (shown below) certainly connects these two actions.

[ldquo]Introduction

Old-growth forests are a unique component of landscapes that provide and produce the suite of ecological benefits and services for which they are valued. They support biodiversity by providing essential wildlife and fisheries habitat. They also contribute to nature-based climate solutions through carbon sequestration. Old-growth forests can mitigate wildfire risks, enhance climate resilience, and enable subsistence and cultural uses. They also provide outdoor recreational opportunities and promote sustainable local economic development.

The USDA Forest Service (Forest Service) recognizes the significant values associated with old-growth forests and, over the past 30 years, has defined [ldquo]old-growth forest[rdquo] and developed policies and guidance for conserving old-growth forests on National Forest System lands.

On April 21, 2023, the Forest Service published a report on the definitions, identification, and initial inventory of mature and old-growth forests, as directed by Executive Order 14072. The initial inventory was conducted by applying working definitions of old-growth forest conditions for over 200 regional vegetation types to forest inventory and analysis field plot data. Definitions and inventories have been established for forests exhibiting old-growth conditions by National Forest System region. This initial inventory resulted in the Forest Service identifying an estimated 24.7 million acres of old-growth forest conditions on National Forest System lands.

Currently, Forest Service land management plans (forest plans) provide components (desired conditions, objectives, standards, guides) to conserve old-growth forests. On December 20, 2023, the USDA released a notice of intent to prepare an environmental impact statement to amend all 128 forest plans. The proposed amendment describes national intent to develop, maintain and improve amounts and distributions of old-growth forest conditions within national forest ecosystems and watersheds so that old-growth forest conditions are resilient and adaptable to stressors and likely future environments. It also strives to create consistent direction to

conserve and steward existing old-growth forests, recruit future old-growth forest conditions, and then monitor their condition across planning areas within the National Forest System.

All silvicultural prescriptions must be in accordance with forest plan direction for old-growth forests. Silviculture prescriptions are a planned series of treatments designed to change current stand structure and composition to meet land management goals and objectives such as conserving and stewarding existing old-growth forest conditions and recruiting future old-growth forest conditions. Prescriptions are critical for reducing threats to old-growth forests by describing needed treatments such as mechanical thinning, harvest, prescribed fire, and improvement cutting to help reduce competition among individual trees, change fuel conditions, or alter species composition, thereby reducing the vulnerability of old-growth forests to disturbances. The primary purpose of silviculture treatments in old-growth forests should be to move the stand toward desired conditions or improve ecological integrity, or both, not be to grow, tend, harvest, or regenerate trees for economic reasons. The preference is to only use management actions when the stand is not moving toward desired conditions.

The silviculture manual (chapter 2470 of the Forest Service Manual), revised in 2023 and waiting approval in 2024, is a key guidance document that directs implementation of silvicultural practices on National Forest System lands. New language in the manual includes considerations for the stewardship of old-growth forests during development of silvicultural prescriptions. The direction in the manual is broad.

The objective of this technical guidance is to provide more detailed direction on preparing silvicultural prescriptions to maintain or restore ecological integrity (composition, structure, function, connectivity) and resilience of old-growth forests on National Forest System lands in the face of current and future disturbances and climate change. This guidance is intended for Forest Service resource managers and staff who conserve and steward old-growth forests. The guidance is organized in three sections: standardized silvicultural prescription process, principals of best management practices (appendix A), and an example of an old-growth forest prescription (appendix B).

General Observations and Input:

Both of these documents, [Idquo]FSM 2470, Silvicultural Practices #Directives-4178[rdquo] and the [Idquo]Technical Guidance for Standardized Silvicultural Prescriptions for Managing Old-Growth Forests[rdquo] have strong connections to the National Old Growth Amendment currently being developed to amend 128 National Forest Plans. 2470.02 and 2407.03 from the Forest Service hand book describe the objectives and policy for prescribing, implementing, and monitoring silvicultural practices that are consistent with land management plans. The Proposed Directive to Update Forest Service Manual 2470, [Idquo]Silvicultural Practices[rdquo] and the Technical Guidance for Standardized Silvicultural Prescriptions for Managing Old-Growth Forests align with the proposed amendment, not land management plans.

As cooperating agency[rsquo]s Mineral and Sanders Counties are a part of a larger group of cooperators Nationwide that are working in good faith in the ongoing development of the EIS for the National Old-Growth Amendment (NOGA). Developing Silviculture prescriptions that are aligned with the amendment before it has been completed is premature and inappropriate. We don[rsquo]t know at this time if the amendment will be implemented (at least the cooperators have not been informed of that decision) and we don[rsquo]t know (and neither should the agency) what will be included in the final amendment. We respectfully urge the agency to pause this action until such time that the EIS is completed and we know what will or will not be included in the final amendment.

While we are hopeful the agency will acknowledge that proposed changes to chapter 2470 of the Forest Service Handbook and other publications are premature and inappropriate at this time. We also believe it is unlikely due to the top down approach for all actions associated with current old-growth forest decisions and that any concessions will be made to postpone further action until the amendment is implemented. Therefore, Mineral

County and Sanders County provide the following specific input on the proposed changes.

Specific Comments and Input:

Our input provided in the following text includes comments on both the Proposed Directive to Update Forest Service Manual 2470, [ldquo]Silvicultural Practices[rdquo] and the Technical Guidance for Standardized Silvicultural Prescriptions for Managing Old-Growth Forests.

1. We expect the NF to manage all NFS lands not in protected status (designated wilderness, Inventoried Roadless Areas, National Monuments, and others) to promote maximum growth and yield for timber harvest and recreational opportunities to sustain local community stability. Any changes to silvicultural prescriptions and strategies should support and promote this action.
2. While the proposed directive and the technical guidance documents are not in whole consistent with existing land management plans, they do contain changes and additions to silvicultural practices that could benefit different seral stages and different strategies for managing our forests including old-growth forests with some modifications for consistency with existing land management plans.
3. Tribal knowledge is important as is local knowledge, expertise, and information. Forest service personnel from district rangers up the ladder generally transition in and out within five years of accepting a leadership position. Local knowledge and tribal knowledge are founded with generations of customs, culture, and heritage associated with managing the resources provided by our national forests. It is appropriate to include this knowledge equally and consistently in the development of policies, plans, and projects on our federal agency lands. To place one above the other because of race or gender is inappropriate. It is perhaps discriminatory and unconstitutional that certain people based on race or gender are given greater input and control over public lands.
4. The discussion around Carbon storage, carbon sequestration and carbon emission is included in nearly every action associated with vegetation management. While we do not profess to be experts on this subject, there is plenty of information and ongoing studies to support just about any theory you choose to believe. However, what we do know is that trees that are in poor health, susceptible to the effects of insect, disease, and wildfire will eventually become carbon emitters. Active management of old-growth forests as discussed in these propose silviculture practices can provide the opportunity to develop and create [ldquo]healthy[rdquo] old-growth forests that are resistant and resilient to the effects of insects, disease, and wildfire. While [ldquo]healthy[rdquo] old growth forests can store carbon for long periods of time, they sequester very little carbon.
5. The terms [ldquo]old growth[rdquo] and [ldquo]old growth forest[rdquo] are not synonymous and they will have even greater differences when applied to 120 forest plans across the nation. Old growth should be included with the mature forest definition. Old growth forests are those stands that were included in the initial 24.7 million acres identified as old growth forests and should be the focus for implementation these revised silvicultural prescriptions. Our goal should be to first transition existing old growth forests to [ldquo]healthy old growth forests. Proposed revisions to the silvicultural prescriptions identify strategies to improve old growth health but never make it clear that healthy old growth forests are our intended end result.
6. [ldquo]The Forest Service is seeking public comment on the proposed directive, including the sufficiency of the proposed directive in meeting the stated objectives, ways to enhance the utility and clarity of information within the directive, or ways to streamline processes outlined.[rdquo] The proposed directive as written cannot meet stated objectives for constancy with existing National Forest Plans until the National Old Growth Amendment (NOGA) is implemented. Nor can we enhance the utility and clarity of information within the directive until we know what is in the amendment so we know what we are writing silvicultural prescriptions for. The NOGA must be complete before we can provide new guidance that is unique to old-growth forests.

7. We are not familiar with the term [Idquo]assisted migration[rdquo] and it is not shown in the definitions. The Forest Service should be more transparent before including it in the handbook, manual, and other policies.

8. In Sec. 2470.03 [ndash] We recommend the following change: [Idquo]Policy for prescribing, implementing, and monitoring silvicultural practices that are used to restore, sustain, and foster the health, resilience, and productivity, and multiple use management of forests on National Forest System lands at stand and landscape scales is as follows[rdquo]

9. In the definitions, we recommend you add a definition for [Idquo]resistance.[rdquo] Managing for forest [Idquo]resistance[rdquo] is an appropriate approach for many western national forests and needs to be part of any discussion about reducing the risk of catastrophic fires and insect epidemics and increasing long-term resilience. Sections 2470.03 Policy and 2477.02 Objectives [ndash] should add discussion about appropriateness of managing for [Idquo]resistance[rdquo] to catastrophic fire and insect epidemics.

10. Under [Idquo]Responsibility[rdquo] (2471.04b) the only [Idquo]responsibility[rdquo] of the District Ranger is to [Idquo]Ensure silviculture prescriptions developed for prescribed fire in forest vegetation settings are reviewed by a prescribed fire specialist or fuels specialist.[rdquo] This strongly suggests an overemphasis on the use of prescribed fire as a forest management tool. District rangers should ensure that silvicultural prescriptions are implemented which move the forest on their district towards desired future conditions identified in the Forest Plan.

11. It seems appropriate that the silvicultural practices should include a discussion about modern agricultural issues such as introduced species or GMO species. In particular at what time does an introduced beneficial species become an unwelcome problem causing invader. An example may be kudzu vines salt cedar, or Japanese yew and Russian olive trees. Some parameters and guidelines regarding the species that have a purpose and wear out their welcome could be wisely included.

GMO species such as hybrid poplar trees may lead to problems with species intervention and species retention of native plants.

A discussion regarding research attempts to offset or accommodate climate change or climate modification should be included in the silvicultural discussion. It is difficult to remember that sorting for a specific trait may have undesirable consequences. The silvicultural discussion should include parameters or guidelines related to these two issues. Species that are tolerant of heat and drought may have severe short comings in the broader picture.

Closing:

While we appreciate the opportunity to provide input on the proposed changes to the silviculture manual, we are disappointed that the Forest Service made no attempt to notify local governments directly. We recognize that there is no legal obligation that requires the Forest Service to inform us of this issue beyond the publication in the Register, however, in the spirit of cooperation and collaboration, we would expect the Forest Service to be more proactive in seeking local knowledge, special expertise and information to ensure we have the opportunity to provide input earlier in the process, in hopes of creating a more beneficial and sustainable program.

FOOTNOTES:

1. 36 C.F.R. Section 221.3(a)(l) The Forest Service is obligated to consider and provide for [Idquo]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. [Idquo]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).