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Comments: Please see attached comments on the Forest Service's proposed updates to FSM 2470. Thank you for the opportunity to comment.

The following comments are submitted on behalf of WildEarth Guardians (Guardians) regarding the U.S. Forest Service's proposed updates to the silvicultural practices part of the Forest Service Manual (FSM). Guardians is a nonprofit conservation organization with offices in Washington, Oregon, and five other states. Guardians has nearly 200,000 members and supporters across the United States and works to protect and restore wildlife, wild places, wild rivers, and the health of the American West. Guardians and its members have specific interests in the health and resilience of public lands and waterways.

According to the Forest Service, the updates are needed to incorporate climate change, old-growth, and use of Indigenous Knowledge into FSM 2470. We encourage the Forest Service to consider other needed changes to FSM 2470, as discussed below.

FSM 2471.03(2)

* Current: Silvicultural examinations, diagnosis of treatment needs, and the preparation of prescriptions detailing the methods, techniques, and timing of the silvicultural activities necessary to achieve established objectives are required prior to initiating any silvicultural treatment on national forest lands. This includes all management actions affecting the establishment, growth, composition, health, and quality of forests and woodlands.

* Suggested Revision: Silvicultural examinations, diagnosis of treatment needs, and the preparation of prescriptions detailing the methods, techniques, and timing of the silvicultural activities necessary to achieve established objectives are required as part of the project-level NEPA process and shall be disclosed to the public prior to the final public comment period for any project involving initiating any silvicultural treatment on national forest lands. This includes all management actions affecting the establishment, growth, composition, health, and quality of forests and woodlands.

* Rationale: As currently written, silvicultural examinations, diagnosis of treatment needs, and preparation of silvicultural prescriptions can all be done "prior to initiating any silvicultural treatment on national forest lands," which means that these activities could be done after the NEPA process is complete, depriving the public from being able to meaningfully engage during the NEPA process.

FSM 2471.03(3)

* Current: On National Forest System lands, all silvicultural activities that cut, burn, establish, or otherwise modify forest vegetation, must have a silvicultural diagnosis and prescription prepared or reviewed by a certified silviculturist prior to implementing the project or treatment.

* Suggested Revision: On National Forest System lands, all silvicultural activities that cut, burn, establish, or otherwise modify forest vegetation, must have a silvicultural diagnosis and prescription prepared or reviewed by a certified silviculturist during the project-level NEPA analysis. The silvicultural diagnosis and prescription shall be disclosed to the public prior to the final public comment period for the project or treatment.

* Rationale: Same as above for FSM 2471.03(2).

FSM 2471.2

* Current: Through the diagnosis, site capability, management direction, and landscape context relative to desired stand conditions are considered and evaluated. The diagnosis compares the existing stand conditions to

the desired stand conditions to determine treatment options to move existing conditions towards desired conditions. The diagnosis process considers whether deferring action would be acceptable to achieve the land management objectives (see FSH 2409.17, ch. 80.2). The diagnosis ensures the objectives and requirements of the land management plan would be met and determines what silvicultural treatment is the most appropriate method. The diagnosis is used to develop the purpose and need and the proposed action for forest vegetation management projects.

* Suggested Revision: Through the diagnosis, site capability, management direction, and landscape context relative to desired stand conditions are considered and evaluated. The diagnosis compares the existing stand conditions to the desired stand conditions to determine treatment options to move existing conditions towards desired conditions. The diagnosis process considers whether deferring action would be acceptable to achieve the land management objectives (see FSH 2409.17, ch. 80.2). The diagnosis ensures the objectives and requirements of the land management plan would be met and determines what silvicultural treatment, if any, is the most appropriate method. The diagnosis is used to develop the purpose and need and the proposed action for forest vegetation management projects.

* Rationale: The Forest Service should assume that a silvicultural treatment is always necessary.

FSM 2471.3

* Current: The silvicultural prescription documents the forest vegetation management portion of a project-level National Environmental Policy Act (NEPA) decision. It incorporates all design features and mitigation measures necessary to comply with the NEPA decision. It describes a planned sequence of site-specific silvicultural treatment activities needed to achieve land management objectives along with an implementation guide, and contingency and monitoring plans required to implement any silvicultural treatment on National Forest System lands. The silvicultural prescription describes the current condition and the silvicultural intent behind the selected treatment actions, which will move the stand towards desired conditions. All management activities that treat or manipulate forest vegetation requires a silvicultural prescription, including the use of prescribed fire as a silvicultural tool. Where prescribed fire is used in a forest vegetation setting, ensure burn plans are reviewed by a certified silviculturist and are consistent with the silvicultural prescription. Review of burn plans should be consistent with direction in FSM 5142.6. Ensure silviculture prescriptions developed for prescribed fire in forest vegetation settings are reviewed by a prescribed fire specialist or fuels specialist for alignment with resource management goals and objectives.

* Suggested Revision: The silvicultural prescription informs the forest vegetation management portion of a project-level National Environmental Policy Act (NEPA) analysis and shall be disclosed to the public prior to the final public comment period for that project. decision. It incorporates all project design features and mitigation measures and describes a planned sequence of site-specific silvicultural treatment activities needed to achieve land management objectives along with an implementation guide, and contingency and monitoring plans required to implement any silvicultural treatment on National Forest System lands. The silvicultural prescription describes the current condition and the silvicultural intent behind the selected treatment actions, which will move the stand towards desired conditions. All management activities that treat or manipulate forest vegetation require a silvicultural prescription, including the use of prescribed fire as a silvicultural tool. Where prescribed fire is used in a forest vegetation setting, ensure burn plans are reviewed by a certified silviculturist and are consistent with the silvicultural prescription. Review of burn plans should be consistent with direction in FSM 5142.6. Ensure silviculture prescriptions developed for prescribed fire in forest vegetation settings are reviewed by a prescribed fire specialist or fuels specialist for alignment with resource management goals and objectives.

* Rationale: Same as above for FSM 2471.03(2).

The changes proposed above are needed to ensure that meaningful information is disclosed to the public during the NEPA process. The proposed language is consistent with existing Washington Office (WO) and regional handbook policies. For example, the WO explains that:

The diagnosis of a stand is accomplished prior to [NEPA] planning and several years before the detailed

prescription is prepared. The diagnosis forms the basis for developing and proposing treatments or treatment alternatives in NEPA.

Regional Offices provide similar statements:

* "The diagnosis of treatment needs is the most important element of the prescription process. The diagnosis step begins during the National Forest Management Act (NFMA) analysis, prior to the analysis of the proposed action during the NEPA process, using the broadscale analysis to help direct which stands should be considered for treatment in the proposed action. The diagnosis provides the NEPA ID team and the line officer with a basis to build alternatives considered in the NEPA process. The diagnosis must show that alternative treatments will result in a stand that, over time, will best contribute to achieving resource objectives for the area."²

* Silvicultural prescriptions have a 3-step process, which includes identifying alternative treatments, which helps "develop information for an economic comparison of alternatives completed during the NEPA process."³

Region 6:

* Region 6 states that stand diagnosis "should be completed as part of the project's Environmental Assessment" where "treatment alternatives" can be identified and analyzed "using variables that shall make meaningful comparisons."⁴

Region 9:

* "The silvicultural prescription is an integral part of the [NEPA] process whenever vegetation treatments are proposed in forested lands."⁵[bull] "A diagnosis of treatment needs provides information with which to move the forest toward the desired condition identified in the Forest Plan. Prior to NEPA analysis, the diagnosis helps the development of a purpose and need for projects that will meet Forest Plan goals and objectives. Once an action is proposed, the diagnosis provides the interdisciplinary team and Deciding Officer with information on forest vegetation with which to develop and evaluate alternatives. At this stage, the diagnosis must show that the alternative silvicultural treatments being considered will contribute to achieving the desired condition of the stand within its landscape context."⁶

* "Diagnosis of treatment needs should be done after stand exam information has been collected and prior to the NEPA analysis to aid in the development of the purpose and need for the project."⁷

Region 10:

* "The diagnosis of treatment needs is the most important element of the prescription process. The diagnosis provides a NEPA ID team and the line officer with a basis to build alternatives considered in the NEPA process. The diagnosis must show that the alternative treatments will result in a stand that, over time, will best contribute to achieving the resource objectives for the area."⁸

The Forest Service should ensure that FSM 2470 reflects the handbook and that silvicultural exams, diagnosis of stands, and silvicultural prescriptions are part of the NEPA process to ensure the public and other commenting agencies the opportunities needed (and required) for meaningful participation.

FOOTNOTES:

1 FSH-WO 2409.17, Ch. 80, Amendment No. 2409.17-2016-1, p. 4 (emphasis added). Region 1:

2 FSH-R1 2409.17, Ch. 8, Supplement No. 2409.17-95-1, p. 7.

3 Id. at p. 9.

4 FSH-R6 2409.17, Ch. 8, Supplement No. 2409.17-2011-2, pp. 4-5.

5 FSH-R9 2409.17, Ch. 8, Supplement No. R9 RO 2409.17-2008-1, p. 2.

6 *Id.* at pp. 4-5.

7 FSH-R9 2409.17, Ch. 8, Supplement No. 2409.17-8 2016-1, p. 2.

8 FSH-R10 2409.17, Ch. 8, Supplement No. 2409.17-2008-1, p. 8.