



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Office of the Governor

Public Lands Policy Coordinating Office

REDGE B. JOHNSON
Executive Director

October 3, 2022

Submitted via <https://cara.fs2c.usda.gov/Public/CommentInput?project=ORMS-3241>

Michael Van Dyck
Forest Management Service Center
Forest Service
2150 Centre Avenue, Building A
Fort Collins, CO 80526

RE: **Forest Service Handbook 2409.12, Timber Cruising, Chapters 30, 40, 60, and 70, and Forest Service Handbook 2409.15, Timber Sale Administration, Chapters 20, 40, and 60 Revision of Timber Cruising & Timber Sale Administration Directives**

Dear Mr. Van Dyck:

The State of Utah ("State"), through the Utah Public Lands Policy Coordinating Office ("PLPCO"), appreciates the opportunity to offer comments on the Forest Service's proposal to revise its directives related to "timber appraisal and renewable resources" (published in the Federal Register on August 4, 2022 [87 FR 149]).

Consistency with Utah's State Resource Management Plan

The State has adopted a State Resource Management Plan¹ ("the SRMP") that contains policies addressing the use and management of federal lands within the State's borders. With nearly 17.5 million acres of forested land, Utah's forests are an important natural resource. Significant contributions from Utah's forests provide for numerous social and economic benefits, including recreation, wildlife habitat, livestock grazing, open space, and forest products. Only 2.7 million acres or 19 percent of Utah's forests are held in private ownership, with the majority being on U.S. Forest Service, Bureau of Land Management and state lands [see SRMP Page 106].

The State is very concerned about the unhealthy conditions of much of our forestland. Healthy forests provide a multitude of benefits including, but not limited to; increased oxygen production and cleaner air, watershed protection [with its associated water quality

¹ <https://rmp.utah.gov>

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and water yield benefits], wildlife habitat, wood and other forest products, livestock grazing, recreation opportunities, and scenic beauty. When too many trees and plants are competing for space, sunlight, water, and minerals in the soil, the trees can become stressed. This is typical of late seral stage pine forests that have not been sufficiently treated over time. Stressed trees are more susceptible to insect and disease outbreaks. Much like plants in a garden, some trees occasionally need to be removed (thinned) to provide for the health of those that remain.

Fire is nature's way of thinning the forest. With an ever-increasing number of people building homes in the forest, as well as an emphasis on fire suppression, natural fire regimes have largely been removed from the system. Accumulation of large amounts of woody debris and increased fuel loads coupled with mortality-causing disturbance regimes (*e.g. fire, insects and pathogens*) exacerbate the potential for catastrophic wildfire. Research shows these conditions are often inconsistent with historical patterns of forest development. Some far-reaching impacts include changes in hydrologic function, nutrient cycling, and introduction of noxious and invasive species [see SRMP, Page 108].

Utah's Shared Stewardship Agreement is an effort, working across jurisdictional boundaries, to improve forest health and reduce fuel loads that may contribute to catastrophic wildfires. The State encourages the Forest Service to maintain its focus on the goals and mutual commitments of Utah Shared Stewardship, particularly Commitment 4.

The objectives set forth in the Utah SRMP include [see SRMP Page 113]:

- Ensure a healthy forest that displays resilience to disturbance by maintaining a diverse set of structures, compositions, and functions across the landscape.
- Encourage sustainable logging and grazing to reduce wildfire risk, stimulate new growth, and to provide economic benefits and jobs to Utah's rural counties.
- Assist the forest product industry [to] achieve viable and sustainable operations.

The forestry guidelines and policies set forth in the Utah SRMP are based on the Utah Forest Practices Act (FPA). The purpose of the FPA is to ensure the protection of forest, soil, and water resources by preserving water quality and soil stability, preventing fire hazards and insect infestation, minimizing waste of timber resources and protecting forest regeneration and production [see SRMP, Page 114]. SRMP guidelines and policies applicable to this proposal are:

- Support the sustainable removal of conifers to promote the establishment of aspen and attendant grass, forbs and shrubs where appropriate.
- Encourage timber harvesting to prevent fuel load and biomass buildup.

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- The State encourages agencies to adopt policies that promote and facilitate early detection and control of insect and disease outbreaks using biological, cultural, and chemical methods.
- Encourage prompt removal and salvage of drought, fire, and beetle-killed timber and reseed or replant as appropriate to maintain healthy forests and watersheds.
- Support the use of all appropriate silvicultural methods to reduce the risk of damage due to insects, disease and fire.
- The State encourages agencies to adopt and maintain scientifically sound forest management policies based on current, high-quality data to pursue multiple use of public forest resources to provide sustainable yield of timber, forage, firewood, wildlife, fisheries, recreation, and water.
- Encourage and promote cooperation by other land management agencies (State, private and federal,) employing ecosystem management, forest health and stewardship principles.
- Support the management of timberlands suitable for commercial harvest for timber or wood fiber production.
- Support the management of forestlands not suitable for commercial harvest to maintain forest cover species with emphasis on production of other forest resources and uses.
- Support the use of commercial sales of timber and forest products and thinning to control stocking where the opportunity exists.
- Support harvest of forest products when the activity would improve water production and/or does not adversely affect water quality.
- Encourage, where feasible, the harvest of forest products in areas of proposed or existing vegetation treatments to offset costs of treatments and reduce the need for additional site entries.
- Support the use of mechanical or chemical means or fire to alter or perpetuate forests and increase herbaceous yield where timber harvest is impractical, or demand does not exist.
- Support Federal partnerships with industry to create scalable projects to provide certainty in the supply of timber.
- Support the re-establishment of a viable wood-fiber industry.

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The State encourages the Forest Service to use caution in revising these directives to ensure that new requirements are consistent with these guidelines and policies to the greatest degree possible.

FSH 2409.12, Chapter 30 - Timber Cruising: Cruising Systems

The State understands that the proposed changes in this chapter include direction on determining frequency and the procedure for designating insurance samples for various timber cruising methods and to remove obsolete direction. These appear to be technical changes that improve guidance for a variety of sampling methods. The State has no objection to these revisions.

FSH 2409.12, Chapter 40 - Timber Cruising: Cruise Planning, Data Recording & Cruise Reporting

The State understands that the proposed changes in this chapter include direction on the planning of a timber cruise, the process for using data recorders to collect tree data and the reporting of summaries necessary for developing a timber sale package. These appear to be technical changes that will decrease sampling errors, clarify procedures and emphasize the use of the latest technology in the process. The State has no objection to these revisions.

FSH 2409.12, Chapter 60 - Timber Cruising: Quality Control

The State understands that the proposed changes in this chapter include direction on ensuring that quality timber cruises are implemented, and the resulting data is accurate. These appear to be technical changes that establish qualifications and technical proficiency for cruisers. The State has no objection to these revisions.

FSH 2409.12, Chapter 70 - Timber Cruising: Designating Timber for Cutting

The State understands that the proposed changes in this chapter include consistent guidance across the agency regarding how trees that will be marked for harvest are designated. The section also clarifies the use of the Designation by Description (DxD) or Designation by Prescription (DxP) methods that may be used by a contractor to select trees for harvest. Finally, the revisions address the designation of discernible and virtual boundaries. These appear to be technical changes that will provide certainty in the process. The State has no objection to these revisions.

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***FSH 2409.15, Chapter 20 - Timber Sale Administration Handbook - Measuring and
Accounting for Included Timber***

The State understands that the proposed changes in this chapter include direction on the processes necessary for including additional timber (identified for removal after the bidding) to a contract. Direction is added regarding a determination of negligence when timber to remain is unintentionally cut. Requirements for transport of timber and designation of haul routes are addressed. These appear to be technical changes that address issues that have arisen over the years. However, improving forest health requires that contractors can economically cut and transport wood products to market. The State is concerned that the Forest Service could use these revisions to take punitive action against a contractor who unintentionally removes timber and thus reduce the number of contractors willing to bid on timber sales. The State encourages the Forest Service so ensure that requirements for the transport of federal timber do not add to the difficulties and costs associated with moving timber from remote locations to log scaling and milling locations. Similarly, the State is encourages coordination between the Forest Service, the contractor and local governments regarding the ability of haul route road infrastructure to withstand heavy loads.

FSH 2409.15, Chapter 40 - Timber Sale Administration Handbook - Rates and Payments

The State understands that the proposed changes in this chapter include guidance in setting rates for timber sales and the process for administering payments (including provisions for stewardship contracting and good neighbor agreements). One section clarifies how to handle cases where undesignated timber is damaged or negligently cut. These appear to be technical changes that address issues that have arisen over the years. However, improving forest health requires that contractors can economically cut and transport wood products to market. The Forest Service should ensure these revisions to rates or penalties do not negatively impact the economic feasibility of bidding on a timber sale.

FSH 2409.15, Chapter 60 - Timber Sale Administration Handbook - Operations

The State understands that the proposed changes in this chapter include direction on the day-to-day implementation of timber sale contracts. These appear to be technical changes that address issues that have arisen over the years. However, improving forest health requires that contractors can economically cut and transport wood products to market. Proposed revisions to this chapter should not increase the administrative burden for contractors or their liability for damages in the event fire suppression is needed during timber harvest activities.

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Conclusion

The State understands the need to occasionally revise and update Forest Service directives and other regulations to address changes in technology and to provide clarity for issues that have arisen over the years during the administration of the directives. The State appreciates our working relationship with the Forest Service offices and personnel across the state of Utah as we join forces through Shared Stewardship, the Watershed Restoration Initiative and other programs to improve forest health, watershed health, water quality, water yields, and wildlife habitat, while allowing for the sustained production and use of forest resources for the timber industry and to reduce fuel loads. Please keep the objectives, guidelines, and policies of the state's SRMP in mind as these directives are amended and ensure that the directives enhance the ability of contractors to assist with needed vegetation management projects.

Please direct any written correspondence to the Public Lands Policy Coordinating Office at the address below or call to discuss any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Redge B. Johnson', with a long horizontal line extending to the right.

Redge B. Johnson
Executive Director