



# Wyoming State Forestry Division

*THE FOREST RESOURCE AGENCY OF WYOMING*



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Forest Service Planning NOI  
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The Wyoming State Forestry Division appreciates the opportunity to provide comments regarding the development of a new planning rule. We believe this is an opportunity to craft a rule that improves upon the 1982 planning rule by making planning more efficient. Having participated in forest plan revisions as a cooperator, we have experienced the process under the 1982 rule firsthand. When a forest plan with a shelf life of 10 – 15 years takes 5 years to revise, and when a forest plan cannot be effectively implemented, the process is clearly not working.

Below we have included a few brief comments and we have also attached some initial thoughts on many of the questions presented in the Notice of Intent.

A new planning rule should result in forest plans that provide overall strategic direction, not specific on the ground management recommendations or decisions. Forest plans produced under a new rule should be implementable and easily amended or updated to allow resource managers to respond to changing conditions.

A new planning rule should result in forest plans that direct management towards desired future conditions – developed during the plan revision process – that are appropriate for particular areas and the resources involved. Management towards desired future conditions will result in sustainable outputs of goods and services while achieving the desired objectives.

A new planning rule should carefully address the issue of habitat and/or species diversity. The chosen language should not burden the agency with requirements that it cannot meet. The “species viability” language from the 1982 rule should be avoided. The new rule should result in plans that focus on maintaining diverse habitat over the long term while recognizing that the forest resource must be managed to provide long term habitat.

Caution should be utilized if standards and/or guidelines are included. In the past, those terms became synonymous. The language should be simple and clearly defined to avoid confusion.

Finally, we believe that a new planning rule should direct that decisions regarding management allocations for inventoried roadless areas be made when forest plans are revised.

Sincerely,

Bill Haagenson  
Assistant State Forester – Forest Management

## Substantive Principles for a New Rule

1. *Land management plans could address the need for restoration and conservation to enhance the resilience of ecosystems to a variety of threats.*

- What do you see as the biggest threats to forest and grassland health and ecosystem resiliency?
  - Unprecedented insect activity resulting from forest stand conditions that essentially invite insect activity. Forest stands are too often old and overstocked and the results are predictable.
  - The reduced capacity of the forest products industry, particularly in the western U.S. The beginning of the decline followed the reduction in timber harvesting on federal lands that began with forest plans developed under the 1982 planning rule. Following that, the recent historic downturn in the forest products markets has devastated the remaining forest products industry. Without the forest products industry as a partner management of vast acreages of national forest system and surrounding lands becomes economically impossible.
  - Invasive species, including plant and animal species, are a growing problem. Exotic insects can be destructive in forest stands that did not evolve with the insects. Invasive plants can supplant native vegetation and alter fire regimes.
  - Increasing development of lands surrounding NFS land is eliminating “working forest lands” and the social, economic, and ecological benefits of those lands.
  - The risk of fire in forest stands where neither fire nor forest management has occurred in the recent past. In those stands fire can have undesirable effects on forests, soils, water quality, and habitat.
  - Decreased active forest management has reduced the ability to manipulate stand development and regulate stand conditions, leaving “natural” agents such as insects as the only active managers of forest stands. The impacts of management by insects, fire, etc., on resource values such as water quality, habitat, recreation, and timber production may not be desirable.
- How do you define restoration? What is your concept of restoration? How can the planning rule foster restoration of NFS lands?
  - Restoration is to bring something back to good working and/or productive condition, such as managing forest stands and forested landscapes towards a desired future condition developed to best meet the demands placed on the forest resource.
  - Restoration is not simply managing towards an idealistic concept of conditions that were present at some point in the past which may not equate to the best conditions now or in the future.
  - The planning rule can foster restoration of NFS lands by encouraging active management of suitable lands to move those lands towards a desired future condition developed during the forest plan revision process.
- What kinds of conservation efforts can enhance ecosystem resiliency and prevent degradation?
  - Conservation efforts should include active forest management; fire management including suppression, prescribed fire, and wildland fire use; recreation and travel management; invasive species prevention and mitigation/eradication; and finally, increased public education about the benefits and risks of various natural resource management strategies.

2. *Plans could proactively address climate change through monitoring, mitigation and adaptation, and could allow flexibility to adapt to changing conditions and incorporate new information.*

- How can the planning rule be proactive and innovative in addressing the need for climate change adaptation and mitigation?
  - Before the planning rule can be proactive and innovative, the entire issue of climate change must be better understood. Scientists predict a general warming trend while also making predictions of a thirty year cooling trend, described as a “mini ice age”. The shorter term effects could be drastically different from the longer term effects. Forest plans have a much shorter shelf life. The planning rule should avoid requiring specific language about as yet undetermined effects of potential climate change.
  - The planning rule should allow and encourage active management of forest stands to promote age class, structural, and species diversity which will result in more resilient forests that are better able to adapt and survive under various climate change scenarios.
- What kinds of data, research, and monitoring could assist land management planners to incorporate climate change adaptation considerations into plans?
  - Research into carbon sequestration potential of forest and rangelands (including harvested forest products) by vegetation type under various forest management strategies.
- How should the planning rule address uncertainty? How do other public and private entities recognize and incorporate uncertainty in their planning efforts?
  - The planning rule should address uncertainty by implementing adaptive management at the plan and project level. The plan revision and amendment processes should be simple and rapid enough to allow managers to respond to changing conditions.
- How can a new planning rule appropriately build in the flexibility land managers will need to adapt to changing science, information or conditions? What mechanisms should be used to incorporate new data? Do you know of any successful adaptive management regimes that can inform our process?
  - The new planning rule should allow for relatively easy amendments and revisions to adapt to changing information. Revision of plans should be an ongoing process rather than a periodic process.
  - Every successful business implements adaptive management to some degree to respond to changing resource or market conditions.
- How should plans anticipate and address changing conditions or impacts outside of agency control? How can external factors be incorporated or recognized in plan guidance and requirements?
  - Forest plans, while acknowledging changing conditions or impacts outside of agency control, should focus primarily on factors the agency can control and actions the agency can take.
  - External factors should not impact the ability of the agency to implement activities that are appropriate for the particular place and time. While NFS management does not occur in a vacuum, too much consideration given to external factors often outside of agency control can cause inaction where action is badly needed.

3. *Land management plans could emphasize maintenance and restoration of watershed health, and could protect and enhance America's water resources.*

- Should a new planning rule include standards to address watershed health? If so, what might those look like? Should the Agency be held accountable only for actions and problems on its NFS lands or take into account water availability and quality factors that are outside of the Agency's control?
  - The concept of watershed health is to a large degree about maintaining healthy productive forests and protecting forest soils. The planning rule should include direction on those topics. The agency has extensive direction on protecting soils – the planning rule should direct the agency to follow existing handbooks/rules/BMP's rather than developing new rules.
  - The agency can only be held accountable for actions and problems on NFS lands to the extent that those actions and problems are under the control of the agency. If this question is actually about mitigating further impacts to already impacted watersheds, the agency has extensive handbook/rule/BMP guidance to prevent further impacts from its activities on NFS lands, and the agency should remember that the long term effects of inaction may outweigh any short term effects from actions taken.
- What planning or management guidance could the Agency incorporate in the rule to protect and enhance water resources?
  - The Forest Service has extensive existing direction for management and protection of water resources. The planning rule does not need new direction, it should simply direct the agency to follow existing laws/rules/handbooks/BMP's.
- One way to approach planning for an NFS unit is to think about the future of the planning area through the context of its watersheds. Do you see benefits and/or drawbacks to a rule requiring land management planning on a watershed basis?
  - To some extent it depends on the scale of watershed selected. Using a particular size of watershed to provide context for analysis and management decisions is appropriate and has obviously been done before. Management planning that restricts activities in one part of a watershed because of problems in another part of a watershed could be problematic.
- Do you see benefits or drawbacks to a rule requiring adherence to regionally specific Best Management Practices?
  - The Forest Service partnered with state forestry agencies, the forest products industry, and others in the development, implementation, and monitoring of Best Management Practices. Continuing that partnership can only benefit natural resource management. Based on the results of BMP audits, complete adherence to BMP's, 100 percent of the time, is difficult to achieve. Any rule needs to allow for reasonable interpretation of compliance and effectiveness and recognize that application of forest management practices does not occur under ideal conditions, meaning that minor departures from BMP's may occur.

4. *Plans could provide for the diversity of species and wildlife habitat.*

- How should the new rule provide for diversity?
  - The rule should emphasize management for habitat for the long term for commonly occurring species in the particular area without any language regarding the contentious "species viability" issue. Providing assurance that any species will continue to exist is

problematic given that continued existence of any species is likely outside of agency control.

- The rule should not require forest plans to conduct a detailed analysis for a species that uses the forest as only a minor part of its range for a short period of time.
- Forests that are managed for diversity in terms of age class, structure, and species will provide habitat for diverse species over the long term.
- How should the planning rule guide protection of at-risk species of animals and plants and their habitat?
  - The planning rule should require compliance with existing laws regarding listed species.
- How can the new planning rule account for variables outside of Agency control, including those impacts that are the result of climate change?
  - The planning rule should focus primarily on things that are directly under the control of the agency.
- Should species diversity provisions in planning look beyond the individual unit to a watershed or landscape scale, and if so, what is a practical and workable way to incorporate a broader perspective?
  - Species diversity should focus on providing habitat for the long term through forest management towards a desired future condition.
- How could wildlife habitat monitoring be addressed in a planning rule?

5. *Plans could foster sustainable NFS lands and their contribution to vibrant rural economies.*

- How can the planning rule reflect the interdependency of social, economic, and ecological systems in a way that supports sustainable management of national forests and grasslands?
  - The planning rule could focus on sustainable management of forest and range resources towards a desired future condition with the understanding that sustainable management will result in needed social and economic outputs.
  - The planning rule could require that forest plans analyze the social, economic, and ecological effects of various alternatives to inform the decision making process.
  - The planning rule could recognize that long term ecological sustainability is impossible without social and economic sustainability.
  - The planning rule could recognize the many social and economic demands placed on natural resources by an increasing population and include language that requires certain social and economic outputs.
- How can the Agency recognize and incorporate provisions in the planning rule for managing lands for the sustainable delivery of ecosystem services?
  - The planning rule should direct natural resource management towards desired future conditions for given areas with those desired future conditions developed to address multiple natural resource issues in the particular area. Over the long run, management towards desired future conditions will result in sustainable outputs, whether services or commodities.
- How can plans guide units of the NFS in achieving natural resource conservation and restoration goals in a way that is compatible with providing a set of opportunities for goods and services to support vibrant rural and national economies?
  - Forest plans should direct management towards desired future conditions developed to address multi-resource issues. For example, suitable forested lands should be managed to

achieve age class, structure, and species diversity that is appropriate for the area of concern. Management that moves lands towards the desired future condition will result in sustainable outputs of goods and services.

### **Process Principles for a New Rule**

1. *Land management planning could involve effective and pro-active collaboration with the public.*
  - How could the Agency foster collaborative efforts? What kinds of participation, forums for collaboration, and methods of providing input have you found most engaging?
    - The agency should continue extensive collaboration with state and local governments and agencies, including cooperating agency or similar status, as appropriate.
    - Productive discussions often occur between resource specialists from the agency and cooperators such as state agencies. Sometimes problems can be discussed and solutions can be developed in that small group environment that would be more difficult in a large group discussion.
    - Written comments remain an effective way for cooperators to provide input.
    - The new planning rule should encourage early, substantive comments/involvement from cooperators.
  - What should the rule require to ensure a planning process that is both efficient and transparent while allowing for full public collaboration and participation within a reasonable timeframe?
    - The rule should establish a clear timeline for plan revisions and amendments and require planning processes to adhere to that timeline.
  - What kinds of information, methods, and analyses should the Agency provide to the public during the planning process to aid understanding of the possible consequences of a proposed rule and alternatives?
    - GIS data allows cooperators to conduct analysis of the impacts of a plan on their resources of interest.
  - What kind of administrative review process should be offered to the public in the planning rule? Should there be a pre-decisional objection or a post-decisional appeal process?
    - Pre-decisional objection process.
2. *Plans could incorporate an “all lands” approach by considering the relationship between NFS lands and neighboring lands.*
  - How should the planning rule account for the relationship of NFS lands to surrounding landscapes?
  - What other planning and assessment efforts or processes at the national, state or local level should the Agency look at that could inform an “all-lands” approach?
    - The agency should utilize statewide assessments of forest resources and statewide resource strategies (both currently under development in all 50 states) to inform the approach.
    - The agency should consult state forest management plans, where applicable.
    - The agency should consider Community Wildfire Protection Plans wherever they exist.
    - The agency should consider local land use plans.

3. *Plans could be based on the latest planning science and principles to achieve the best decisions possible.*

- How can the planning rule support the creation of a shared vision for each planning area through the planning process?
- Local and regional differences will have an impact on desired conditions and on the successful creation and implementation of a shared vision for any given planning area. Given that different areas will have different needs, should the planning rule allow a choice of planning processes? How could the planning rule create different process choices, and how could they be presented in the rule? What kinds of provisions would need to be included to guide and evaluate a process choice?
- Much discussion has been centered on how land management plans should be viewed; are they strategic documents that lay the foundation for specific future actions to help meet unit goals? Or, should land management plans also make project or activity decisions?
  - Forest plans should be strategic documents that provide general direction. They do not make project or activity decisions. Project level decisions are made during the project planning process and therefore have the latest and most detailed information which should result in better decision making and project implementation.
- Based on your response to the question above, what is the range of options for fully complying with NEPA during land management plan development, amendment, or revision?
  - Given the three available choices under NEPA, Forest plans and amendments probably fit best as categorical exclusions. Environmental Assessments and Environmental Impact Statements are intended for actions that have a “significant impact on the environment”. Plans have no impact by themselves. Environmental impacts, if any, happen at the project level, where NEPA compliance is already mandatory through a CE, EA, or EIS as appropriate. Should use of a CE be deemed impractical, forest plans and amendments should utilize an EA instead of an EIS.
  - Currently, the process effectively results in double NEPA compliance for most activities conducted on national forests. If an EIS or EA is necessary because a forest plan makes decisions and has environmental impacts, then the projects conducted as allowed under the plan should not also require an EIS or EA.
- Should the new planning rule require standards and guidelines that are required for all plans?
  - No, by requiring standards and guidelines the new planning rule would venture into decision making, which is not appropriate for a national rule. Additionally, standards and guidelines under the 1982 planning rule came to be used interchangeably. If inclusion becomes necessary, the agency should use only guidelines.
- How can the agency analyze and describe the environmental effects of a planning rule in the environmental impact statement?