



February 2, 2024

US Forest Service  
Att: Director Ecosystem Management  
201 14<sup>th</sup> Street SW- mailstop 1108  
Washington DC 20250-1124  
Submitted via portal only

RE: LRMP Direction for old growth forest conditions across the national forest system

Dear Sirs:

The Organizations would like to express our cautious support for the proposed amendments to the 128 LRMP to address old growth forest conditions on both USFS and BLM lands. ("The Proposal"). Our caution is based on the limited scope of analysis provided in the Proposal regarding how multiple uses are addressed and protected in the Proposal and its implementation. The Organizations are aware that the entire effort is driven by an Executive Order, which can only clarify implementation of various legal requirements on federal public lands but it cannot alter

the multiple use mandate. The goals and objectives of the Executive Orders that are being implemented in the Proposal must also be balanced with these legal requirements.

The Organizations believe it is important to recognize that the goals and objectives for protection of old growth timber have already been greatly exceeded the goals and objectives for many other factors have not been achieved. It is sad that we must address such basic issues in comments as these foundational concerns have recently been overlooked in several planning processes with DOI/BLM. We are addressing these concerns out of an abundance of caution and not a direct concern with specific provisions of the Proposal. Our hope in addressing these failures early in the planning process for this effort is to avoid the immense amount of conflict we are now seeing around the DOI/BLM proposals.

We must state our concerns regarding the fact that many of the tree diameters proposed to be the minimum for designation as old growth are small in size, even if they are measured at breast height. The Organizations are aware that immense amounts of conflict have resulted from competing interests in timber and recreation as evidenced by the NYS litigation on tree diameter and its impact on the ability to maintain trails on NYS lands. The Organizations vigorously assert the NYS experience must be used as a learning experience for the USFS effort and allow us to avoid the USFS effort to avoid these problems moving forward. The Organizations would also request more information in the EIS related to altered determinations on tree diameter and how this could relate to management designations and progression of forests through their anticipated lifespan.

### **1. Who we are.**

Prior to addressing the specific concerns, the Organizations have regarding the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization representing the OHV community seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation

of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations. The Trail Preservation Alliance (“TPA”) is an advocacy organization created to be a viable partner to public lands managers, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of motorized trail riding and multiple-use recreation. The TPA acts as an advocate for the sport and takes the necessary action to ensure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse multiple-use trail recreational opportunities. Colorado Snowmobile Association (“CSA”) was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport. CORE is a motorized action group dedicated to keeping motorized trails open in Central Colorado and the region. Idaho Recreation Council (“IRC”) is comprised of Idahoans from all parts of the state with a wide spectrum of recreational interests and a love for the future of Idaho and a desire to preserve recreation for future generations. The Idaho State Snowmobile Association (“ISSA”) is an organization dedicated to preserving, protecting, and promoting snowmobiling in the great state of Idaho. Our members may come from every corner of the state, but they all share one thing in common: their love for snowmobiling. Ride with Respect (“RwR”) was founded in 2002 to conserve shared-use trails and their surroundings. RwR has educated visitors and performed over twenty-thousand hours of high-quality trail work on public lands most of which has occurred on national forest lands. Over 750 individuals have contributed money or volunteered time to the organization. Nevada Off Road Association (NVORA) is a non-profit Corporation created for and by offroad riders. NVORA was formed to specifically fill the void between the government managers and the rest of us who actively recreate in the Silver State. NVORA does this by maintaining a consistent, durable, and respected relationship with all stakeholders while facilitating a cooperative environment amongst our community. Advocates for Multiple Use of Public Lands (“AMPL”) is an organization made up of passionate recreationists, which was formed in 2017. Our focus includes the organization of public support and the creation of a unified voice to maintain and protect broad access to our public lands for motorized and well

as non-motorized recreational uses in a cooperative and cohabitant manner. We believe in the coexistence of recreation and conservation for all. Collectively, TPA, NVORA, CSA, CORE, IRC, RwR, ISSA, AMPL and COHVCO will be referred to as “The Organizations” for purposes of these comments.

The Proposal starts from a very reasonable position on the old growth timber issue as it: 1. appears to have granted a high level of flexibility to local managers to address issues; 2. recognizes that many RMP in place have already addressed old growth timber issues and forest health more generally; and 3. Recognizes the need to manage the forest to prevent catastrophic wildfire. Prevention of catastrophic wildfire must be the major planning concern for any land management agency given the horribly unhealthy nature of most forests on public lands. When public lands are impacted by wildfire the ramifications of wildfires will last decades and these impacts are often far more extensive in both the scale of impacts and scope of geographic area impacted. We support active management for this issue as when an area is impacted by fires or floods recreational access to these areas can be lost for decades. This is very concerning for the trails community and as a result we support the general theory of an ounce of prevention instead of a pound of cure for any management issue.

While the Organizations are supportive of the general flexibility that is provided in the Proposal to address old growth timber issues, we are concerned about several factors in the Proposal as well. The Organizations are very concerned that the diameter of trees that are used for old growth designations appears small and we are very concerned that there will be massive unintended impacts to recreation in all forms and many other multiple uses if the Proposal becomes overly prescriptive or addresses too many areas. Even if standards are only slightly off or ambiguous, this could impact millions of acres of forest management, and we believe this situation mandates cautious planning designed to balance interests. The Organizations respectfully submit that EO 14072, which is the primary driver for this effort, really does not require land managers to take any action. As the USFS April 2023 accurately recognized, huge portions of old growth and mature trees are already protected through various congressional and previous agency decisions. We

would assert that recognition of existing protections for old growth must be addressed before the decision was made that more areas must be protected for old growth timber concerns.

**2(a) What EO 14072 actually requires for old growth timber.**

The Organizations have reviewed EO 14072 prior to preparing these comments and would note that this EO is VERY generalized regarding how old growth timber is to be addressed. The only specific deliverable that we are able to locate in EO 14072 is the development of an inventory. We are unable to locate any portion of the EO 14072 that requires additional or expanded protection of old growth or mature timber, but only requires restoration and conservation of old growth. We are unable to identify any portion of the EO that requires preservation of old growth. Rather the EO 14072 leans the other direction, that these areas should be protected from wildfire rather than being the basis for further management restrictions. This distinction is critical to the range of alternatives that are provided as there is no requirement to expand protections of existing old growth from uses unrelated to wildfire. Candidly, land managers should thank the President for highlighting the high levels of protections already in place for old growth and mature timber and simply move on with the challenges they are facing in the management of public lands.

While EO14027 does require restoration and conservation of old growth timber this does not occur in isolation. President Biden recognized many competing values including the need to address climate change, old growth timber and recreation with the issuance of EO14072 on April 22, 2022. EO 14072 is recognized as the driving force for this Proposal but is only referenced as the basis for the old growth management effort. The scope of this EO is far wider as EO 14072 specifically recognizes and protects recreational usages as part of the effort to develop sustainability and climate resilience. This balance is specifically identified in EO 14072 as follows:

**“Section 1. Policy.** Strengthening America’s forests, which are home to cherished expanses of mature and old-growth forests on Federal lands, is critical to the

health, prosperity, and resilience of our communities....We go to these special places to hike, camp, hunt, fish, and engage in recreation that revitalizes our souls and connects us to history and nature. Many local economies thrive because of these outdoor and forest management activities, including in the sustainable forest product sector.”<sup>1</sup>

EO 14072 specifically addresses recreational issues and opportunities as a factor to be addressed in the planning process as follows:

*“Sec. 2. Restoring and Conserving the Nation’s Forests, Including Mature and Old-Growth Forests.* My Administration will manage forests on Federal lands, which include many mature and old-growth forests, to promote their continued health and resilience; retain and enhance carbon storage; conserve biodiversity; mitigate the risk of wildfires; enhance climate resilience; enable subsistence and cultural uses; provide outdoor recreational opportunities; and promote sustainable local economic development....”<sup>2</sup>

EO 14072 continues to recognize the need to protect recreational access and related economic benefits as follows:

“(d) The Secretaries, in coordination with the heads of other agencies as appropriate, shall within 1 year of the date of this order: (iii) develop, in coordination with the Secretary of Commerce, with State, local, Tribal, and territorial governments, and with the private sector, nonprofit organizations, labor unions, and the scientific community, recommendations for community-led local and regional economic development opportunities to create and sustain jobs in the sustainable forest product sector, including innovative materials, and in

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<sup>1</sup> See, EO 14072 at §1

<sup>2</sup> See, EO 14072 at §2.

outdoor recreation, while supporting healthy, sustainably managed forests in timber communities.”<sup>3</sup>

Again, the Organizations believe it is important to recognize the wide scope of EO 14072 in the Proposal as this will allow the public to fully and completely understand the range of alternatives that are provided in the subsequent NEPA analysis being created. The Organizations also vigorously assert that the entirety of both EO reflect multiple uses on the land scape as required under various land management statutes. These factors also align with the desired information we are requesting in the EIS and also with the desired flexibility in management we are asking for in the Proposal. Again, we believe it would be entirely appropriate to celebrate a win on this issue and move on to other management issues.

**2(b) Existing levels of protection for old growth and mature trees must be addressed in the Proposal.**

The Organizations must question the foundational assumption that there is a need for additional protections of old growth timber as existing levels of protections far exceed the clearly identified percentages for protections of resources in other Executive Orders. While this goal is never specifically addressed in the Proposal, the theory appears to be woven throughout the Proposal. When the April 2023 USFS Old Growth inventory clearly identifies there are huge portions of old growth and mature timber that are protected already. These total amounts of acreages reflected in table 1<sup>4</sup> of the April 2023 Old Growth Inventory are summarized as follows:

	<b><u>Total acres</u></b>	<b><u>Protected acres</u></b>	<b><u>Protected %</u></b>
<b>Old Growth</b>	32,658,390	15,964,374	49%
<b>Mature</b>	80,112,137	27,830,485	35%

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<sup>3</sup> See, EO 14072 at §2(b)(1).

<sup>4</sup> Pg 6.

The Organizations were immediately struck by how effective the current agencies efforts and existing Congressional designations have been in protecting old growth and mature timber. It has become all too common that success of existing management is not recognized before the decision is made that more protections are necessary. This is deeply disappointing to the motorized community as we have partnered with land managers for more than 50 years to achieve these goals. We believe this success must be clearly and directly recognized in the planning process and has not been. This must be corrected as managers and partners really need a success to celebrate as this would be a significant step in resolving the divisive nature of land management discussions currently.

The Organizations also believe it is important to note the immense scale of this victory and the most protected classes of old growth have been protected at levels more than 50% above the goals set by the administration for resource protection. The Organizations EO 14008 clearly identifies that 30% is the threshold for protection of resources that the administration is striving to achieve. We must ask why any increase would be thought necessary as 49% of old growth timber is already protected and 35% of mature timber is already protected. This is a huge win that should be the basis of multiple press conferences and a media blitz. Candidly with the division that has become so commonplace in the country having a win that we can celebrate could be hugely valuable. This goal has not been achieved with creative accounting or aggressive rounding of figures but rather by large margins and this cannot be overlooked. While the goals for protection of old growth timber have already been achieved, many of the goals and objectives for other issues have not been achieved and this cannot be overlooked.

**2(c) EO 14008 specifically requires an expansion of recreational opportunities issued by President Biden should continue to be accurately addressed in the Proposal.**

Numerous actions over the last decade by Congress and the Executive Branch have been directly targeting landscape level planning requirements and improving multiple use benefits from public lands. While the Proposal does balance and reflect these efforts accurately, we would ask that these reasonably clear goals and objectives be addressed in any analysis for the Proposal to ensure that



resources are leveraged fully now and into the future. We are very concerned that if these goals are not accurately and meaningfully addressed in the process, unintended impacts would result from the artificial urgency to act that seems to have become some commonplace in any discussion.

The recent issuance of Executive Order # 14008 by President Biden on January 27, 2021 would be an example of a decision that must be accurately summarized and applied in the Proposal. Not only does EO 14008 provide the 30% protection threshold, it requires many other objectives that have not been achieved. EO 14008 specifically requires the following:

“Executive Order 14008: Tackling the Climate Crisis at Home and Abroad calls for quick action to build resilience against the impacts of climate change, bolster adaptation, and increase resilience across all operations, programs, assets, and mission responsibilities with a focus on the most pressing climate vulnerabilities. Section 211 of Executive Order 14008, calls on Federal agencies to develop a Climate Action Plan.”<sup>5</sup>

EO 14008 specifically addresses the requirement of expanding recreational access and economic benefits three different times, giving this requirement a prominent position in the EO. §214 of EO 14008 clearly mandates improved recreational access to public lands through management as follows:

“It is the policy of my Administration to put a new generation of Americans to work conserving our public lands and waters. The Federal Government must protect America’s natural treasures, increase reforestation, ***improve access to recreation***, and increase resilience to wildfires and storms, while creating well-paying union jobs for more Americans, including more opportunities for women and people of color in occupations where they are underrepresented.”

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<sup>5</sup> See, Proposal at pg. 19587

The clear and concise mandate of the EO to improve recreational access to public lands is again repeated in §215 of the EO 14008 as follows:

“The initiative shall aim to conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, **improve access to recreation**, and address the changing climate.”

§217 of EO 14008 also clearly requires improvement of economic contributions from recreation on public lands as follows:

“Plugging leaks in oil and gas wells and reclaiming abandoned mine land can create well-paying union jobs in coal, oil, and gas communities while restoring natural assets, **revitalizing recreation economies**, and curbing methane emissions.”

The Organizations are aware the 30 by 30 concept and climate plans that are memorialized in EO 14008. While the EO does not define what “protected” means, we submit that Congressionally designated Wilderness monuments and roadless areas satisfy this requirement. The EO also provided clear and extensive guidance on other values to be balanced with. The fact that large tracts of USFS land are Congressionally designated or managed pursuant to Executive Order or managed under various USFS Roadless Area designations far exceeds any goals for EO 14008.

The Organizations are supportive of the balanced nature of these EO and the importance of protecting and expanding recreational access that is required in these Executive Orders. The Organizations would be concerned that any major change in direction for the Proposal would disrupt the balance that is provided currently. Effective engagement with partners will continue to carry the balance of these EO and the Proposal more generally into on the ground implementation, and this goal must be a priority moving into implementation. The balance in these Executive Orders must be reflected in the Proposal that is provided to manage old growth

timber. This balance is a critical component of successfully implementing both the old growth timber effort but also balancing multiple uses. This cannot be overlooked.

**2(d) Secretarial Order 1077-044 also reflects a balance of climate concerns and recreational access and economic benefits from recreation to communities.**

The Organizations would also identify that the balancing of multiple uses, more particularly the value of recreational access and its economic benefits, are also recognized in the Secretarial Order 1077-044 issued by Secretary of Agriculture Thomas Vilsack on June 23, 2022. This Secretarial Order recognizes the need to balance and improve recreational access as follows:

“(6) Outdoor Access and Recreation.

Develop recommendations for supporting climate-resilient community well-being, jobs and economic opportunity through equitable access to the outdoors and the outdoor recreation economy. Recommendations should reflect wildfire and climate-related risks to recreation infrastructure and assets and opportunities for integrating recreation outcomes into wildfire risk-reduction and restoration projects, where appropriate.”<sup>6</sup>

The Organizations are supportive of the balanced nature of this Secretarial Order and the importance of protecting and expanding recreational access that is required in this Secretarial Order. The Organizations would be concerned that any major change in direction for the Proposal would disrupt the balance that is provided currently. Effective engagement with partners will continue to carry the balance of this Secretarial Order and the Proposal more generally into on the ground implementation, and this goal must be a priority moving into implementation.

**3(a) Recreational impacts will be significant if the Proposal is overly prescriptive as has already been proven on State owned lands.**

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<sup>6</sup> See, USDA Secretarial Order pg. 6.

The Organizations must express specific concerns about possible impacts of the desire to protect old growth timber and possible impacts on the ability of local land managers to address concerns and impacts to other uses on public lands. The Organizations are aware that the cutting of trees on and around trails, roads, trailheads and other recreational infrastructure is a critical part of management necessary to provide a safe high quality recreational experience for all users, regardless of their chosen recreational pursuit. The need for this type of management of multiple uses must be recognized and balanced in the Proposal. The Organizations would be vigorously opposed to any old growth management policy that required management efforts to be undertaken only after another inventory was added to the analysis process. Resources are limited and must be used as effectively as possible.

The Organizations concerns on the need for a streamlined and efficient policy on this issue is also driven by the fact staffing is very short on USFS managed lands currently. While we are aware that the USFS is working diligently to hire staff, many of the newly hired staff in positions currently have minimal experience or background in their position. This has proven to be a barrier to addressing a wide range of issues.

As a result, we welcome the clarity in the definitions of old growth and density thresholds that are provided in the April 2023 release on old growth. We must also state our concern that many of the minimum tree diameters seem small even when measured at breast height and could easily encompass trees that are not old growth. We believe it is important to identify that our concerns on possible recreational impacts from overly strict or overly cautious management authority being provided for cutting of trees are not abstract or remote. This is a major concern as we have already encountered major challenges in maintenance of recreational trails and the need for minimum tree diameter in New York State on State owned lands.<sup>7</sup> A complete copy of the NYS Court of Appeals decision on this issue is also attached as Exhibit 1 to these comments.

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<sup>7</sup> More information on this challenge is available here: [New York's highest court rules against DEC tree cutting | News, Sports, Jobs - Adirondack Daily Enterprise](#). A full copy of the NYS Court of Appeals decision is available here [Protect the Adirondacks! Inc. v New York State Dept. of Env'tl. Conservation \(2021 NY Slip Op 02734\) \(nycourts.gov\)](#)

While the situation addressed by the NY Court of Appeals was narrow in its interpretation and application, this situation represents a worst-case scenario for management of recreation in balance with protecting timber and other resources. The Organizations would submit that this situation can only be resolved and avoided in the future by placing tree diameters as wide as possible and developing a complete understanding of the effectiveness of current management simply to avoid the possibility of unintended consequences as the Proposal is rolled out. The immense scale of what is being proposed cannot be overlooked and overly cautious standards and requirements could have immense and immediate negative impacts to recreational access to millions of acres of public lands. As was noted by many of the communities adjacent to the trails that were lost as a result of the NYS Court of Appeals ruling, the economic impacts of this lost revenue to the communities were immense and could not be replaced.

**3(b) We need more information to understand the relationship of tree diameter to management standards and how this will change over time.**

The Organizations welcome the detail that was provided in the April 2023 initial planning document. It was helpful in our development of basic understanding of what was being proposed. This analysis also created a significant number of questions around the relationship of variables in the analysis. As we have previously noted, the minimum tree diameter for many trees seems small and we would support increasing these diameters in the alternatives. This would allow the public to understand where truly large old growth trees are located. Are they predominately in Wilderness or Roadless areas or outside these areas?

The Proposal does not provide any information regarding how changes in tree diameter would impact percentages of areas to be designated under various standards. This is an issue we would like to see addressed in the range of alternatives for the EIS. Our question would generally be if the minimum diameter requirements went from 21 inches to 24 inches for older growth and a similar change was applied for mature how would this alter the percentages of area under each

designation. This would be highly valuable information for us to develop understanding of how these designations would interact with other management standards and what these designations might look like in the future.

The Organizations would also ask that the EIS provide forecasts for how management standards might impact the progression of areas from younger to mature to old growth designations. Clearly a tree that is growing in a designated Wilderness area is the least apt to get cut and removed and this relationship will relate to almost every management standard. Possibly applying something like a recreational opportunity spectrum type of analysis to this effort would be helpful in addressing this question and helping the public understand what is being proposed and how it could impact the forests moving forward. If there are management changes proposed, we would ask that the analysis include how these restrictions would impact existing management and how this would increase or decrease the percentages of trees in particular categories of age and management areas.

#### **4. The Organizations support the use of a full EIS for this effort.**

The Organizations are thrilled that the USFS has clearly stated that the subsequent planning efforts will be supported by a full EIS process. The Organizations believe it is important to recognize this step in the Proposal development as the Department of Interior has consistently sought to develop national rules and amendments with a NEPA analysis level of a categorical exclusion. This is a decision we have been opposed to as it fails to meaningfully engage the public in both rulemaking and the NEPA process.

The Organizations also support a full EIS being developed for the Proposal simply due to the immense number of factors that could be involved in the analysis and the basic size of the analysis being undertaken. Even small alterations in projections or characteristics being analyzed could have significant impacts on millions of acres of land. These impacts to other uses of public lands

could have significant economic impacts to local communities and again this warrants meaningful analysis. This warrants meaningful review and public engagement.

The Organizations also support the development of a full EIS as this could be the first time that managers can develop an alternative that reflects current management and the preferred alternative for the analysis. We are not aware of any major planning effort being able to make this claim. While an EIS may be more costly and time consuming to develop, the issues it identifies and resolves early in the planning process are often immense and lead to a more effective implementation of the Proposal on the ground. This efficiency is important as we are aware resources for the agencies are limited and staff to develop and implement efforts such as this are more limited than ever before. When there are inefficiencies in any process it draws resources away from other projects.

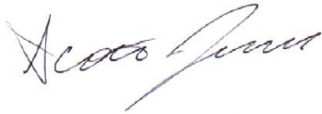
#### **5. Conclusions.**

Please accept this correspondence as our cautious support for the proposed amendments to the 128 LRMP to address old growth forest conditions on both USFS and BLM lands. Our caution is based on the limited scope of analysis provided in the Proposal regarding how multiple uses are addressed and protected in the Proposal and its implementation.

We must state our concerns regarding the fact that many of the tree diameters proposed to be the minimum for designation as old growth are small in size, even if they are measured at breast height. The Organizations are aware that immense amounts of conflict has resulted from competing interests in timber and recreation as evidenced by the NYS litigation on tree diameter and its impact on the ability to maintain trails on NYS lands. The Organizations vigorously assert the NYS experience must be used as a learning experience for the USFS effort and allow us to avoid the USFS effort to avoid these problems moving forward. The Organizations would also request more information in the EIS related to altered determinations on tree diameter and how this could relate to management designations and progression of forests through their anticipated lifespan

The Organizations and our partners remain committed to providing high quality and sustainable recreational resources on federal public lands while protecting resources and would welcome discussions on how to further these goals and objectives with new tools and resources. If you have questions, please feel free to contact Scott Jones, Esq. (518-281-5810 / [scott.jones46@yahoo.com](mailto:scott.jones46@yahoo.com)).

Respectfully Submitted,



Scott Jones, Esq.  
CSA Executive Director  
COHVCO Authorized Representative



Chad Hixon  
TPA Executive Director



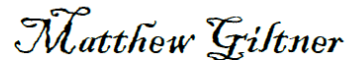
Marcus Trusty  
President – CORE



Sandra Mitchell  
Executive Director – IRC  
Authorized Representative – ISSA



Clif Koontz  
Executive Director  
Ride with Respect



Matthew Giltner  
Executive Director  
Nevada Offroad Association



Will Mook  
Executive Director  
AMPL