



July 26, 2022

United States Forest Service
Att: Chief Randy Moore
1400 Independence Ave, SW
Washington DC 20250

RE: Revisions to Forest Planning Process

Dear Chief Moore:

The above Organizations are contacting you regarding the May 20, 2022 memo issued by your Office outlining a revised forest planning process with the development of a Planning Services Organization ("PSO"). Prior to addressing our specific concerns with the revision, 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. 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 including national forests. Collectively, TPA, CSA, CORE, IRC, RwR, and COHVCO will be referred to as "The Organizations" for purposes of these comments.

The Organizations believe it is important to note that we have been very involved in development and implementation of almost every phase of the USFS 2012 Planning Rule. The Organizations have been involved in subsequent efforts on Forest Plan development with several of the early adopter National Forests across the Country. The Organizations have found the new Planning Rule to be reasonably successful in efficiently developing quality proactively focused Forest Management Plans that will efficiently guide the planning area over the life of the Plan. At the 30k foot level, the PSO model appears to implement an almost ongoing educational component in the planning process, which is a good change to the planning process. The Organizations vigorously assert education of anyone is always a good thing, as exemplified by our support of Tread Lightly, Stay the Trail and the large number of avalanche safety efforts now present.

While the Organizations vigorously support education generally, we are also aware that educational efforts must be relevant to the issues being faced by users and be efficiently provided. Without alignment and efficiency, negative impacts of education can rapidly occur. The Organizations are concerned about possible negative impacts from the PSO model, which as

proposed does not appear to align with challenges being faced now or in the future at the local level and will create inefficiencies and conflict rather than reduce them. The PSO model appears to focus on challenges previously addressed rather than proactively addressing future challenges. This conflict will result in inefficiencies and negative collateral impacts, such as partners with high quality information or resources on a particular topic being overlooked or not properly engaged with. The Organizations would like to avoid this situation as the current planning model generally works well.

The Organizations believe anywhere efficiencies can be gained in the plan development process, such as effective education of USFS staff on successful management models for issues used in other planning efforts, they should be pursued. Equally important is the need to provide flexibility for each new Forest Plan to allow the plan to remain efficient over the life of the Plan. This type of ongoing education effort, as outlined in the PSO model of planning, could be highly effective in addressing implementation of issue specific concerns where consistency is needed across management units. An example of this type of issue might be implementation of the 2020 US Supreme Court's *Cowpasture*¹ decision specifying that NTSA designations do not alter the multiple use mandates. Another challenge where the PSO model could be highly effective is in correctly applying regional level concepts such as sufficient snow in winter travel decisions. It has been the Organizations experience that consistent Forest level planning is a critical tool in achieving the successful implementation of standards such as these. We are also all too familiar with the situation where misdirected attempts at efficiency are creating significant barriers to effective management responses to a wide range of challenges.

We also believe this PSO model is highly timely and could be a huge resource for the USFS given the critical shortage of employees being experienced currently. While we are hopeful that the hiring efforts occurring over the summer will be successful, we have concerns that many of these new agency employees may lack the experience and expertise to tackle a forest plan revision

¹ See, *UNITED STATES FOREST SERVICE ET AL. v. COWPASTURE RIVER PRESERVATION ASSOCIATION ET AL.* No. 18–1584. Argued February 24, 2020—Decided June 15, 2020.

effectively, given the almost niche market of this expertise. Having skilled resources available to guide these newly hired staff through planning processes could provide significant benefits in developing effective, efficient forest plans and ensuring these new forest plans remain efficient over the life of the plan. It is from these points of agreement and support we must also voice our concerns on the revision to the Planning process outlined in the memo.

Concern 1- The four core areas of expertise do not align with pressing challenges identified in your memo.

The Organizations are concerned the four core areas of expertise for the PSO model do not align with the three pressing challenges identified by forest planners on the first page of your memo. Our concerns on this issue are expanded by the fact there is almost no overlap of the identified PSO areas of expertise and pressing challenges identified by the Forests. As an example, sustainable recreation and wildfire risk are at best only partially reflected in the adaptive management area of expertise for the PSO model. The Organizations are concerned that challenges of this scale should not be addressed through supposition and possibility. Challenges such as these can only be effectively addressed when they are meaningfully targeted in a timely manner and significant resources are directed towards these challenges. The Organizations are concerned that when challenges such as these are not properly weighted in national efforts, but are weighted to reflect the imminence of the threats at the local level, this will result in significant conflict and inefficiency.

While local identified priority challenges are not weighted sufficiently in the PSO model, other issues have been overly weighted in the PSO model. Wilderness inventory processes for forest plans are largely settled, as are Wild and Scenic River inventory processes. Without significant changes in the management of these areas by Congress, we must question why these concerns would be thought to be a priority for local managers creating plans addressing in the next 50 years. The PSO model should be efficient and responsive to forest concerns and challenges

forests are seeing on the ground in the long term as well. This long-term efficiency is simply not achieved by prioritizing challenges the forests faced 40 years ago.

As we have participated dozens of forest plan revisions across the Country, we can state with high levels of certainty that Wilderness and Wild and Scenic inventory are the basis of numerous comments and challenges to Forest Plans despite these being well understood by planners. These comments continue to be submitted despite Wilderness inventories and Wild and Scenic River inventories are largely complete and are based on a highly litigated process now used by the USFS. It has been our experience that these comments are submitted for a variety of social factors including the commentors continued opposition to the multiple use mandates rather than a substantive concern on the forest. Most of these comments are form letters and most challenges are unsuccessful, which should mitigate possible concern for these issues as management priorities. While there is still significant political discussion around these issues, the management process is reasonably settled. While the Organizations could see a brief discussion of this issue in an adaptive management type category, this is simply not a priority issue that warrants a separate area of expertise.

The Organizations also submit that these are issue generally legislative in nature and resolution of these concerns generally falls outside the Forest Planning process. The legislative nature of this issues is evidenced by the fact that many comments received by the forests in planning represent a failure to accept the conclusions of previous Wilderness designations by Congress by the commentor. Thousands of separate pieces of legislation have identified areas that could be protected as Wilderness by Congress. A much smaller portion has passed and these laws have identified areas to be protected as Wilderness and other areas released back to multiple uses by Congress. The Organizations vigorously assert that areas being identified for management as recommended Wilderness in a Forest Plan after the same area has been specifically reviewed and declined for designation by Congress is simply inefficient and should be avoided. Many States Wilderness Acts also specifically provide hard release language for areas Congress has declined to designate and clearly stating these areas should be returned to management for multiple uses.

Despite this clarity in Congressional action, many comments would like to see this resolution anyway. The PSO model should avoid facilitating this type of situation.

The proposed PSO model simply does not reflect headway that many states have made on Wilderness and Wild and Scenic River issues. Gone are the days of RARE inventories and the challenges the agency faced in these processes. Almost every state the USFS operates in has a state Wilderness Act which resolves challenges to the RARE process and specifically addressing Wilderness designations with high levels of clarity and also releases of other USFS managed areas for multiple uses. These issue areas might have represented monumental challenges for forest planners 40 years ago but now these represent processes and designations that are well settled. We simply don't see that situation changing in the foreseeable future either.

The management of species of conservation concern is also another area with a reasonably formal process for review and designation and functionally poorly suited to an area of expertise in the PSO model. For Endangered and Threatened Species the §7 Consultation process is well developed and heavily litigated, based on our decades of involvement and support for these efforts. For species of conservation concern and most other species the engagement of state wildlife agencies as a partner in the planning process is again pretty resolved in terms of how and when to engage. Any further discussion of this type of an issue would be hugely forest or area specific simply because of the large number of species and diverse numbers of forests, which would drive discussions to locations of habitat areas, uses in habitat areas, winter range and other issues. This type of diversity of issues and facts would heavily undermine the benefits of identifying species of conservation concern as a specific area in the PSO model.

We believe that currently there are simply larger concerns for managers to be addressing in Forest Plans and the PSO model must be placed on a foundation of addressing future challenges rather than looking 40 years into the history of the agency. This is simply not efficient and the Organizations would really encourage the PSO model/process to look forward. Under the designations for the PSO model, the Organizations submit resolved issues such as this might be

most effectively addressed in a general category, such as adaptive management but simply should not be addressed as a separate category of expertise.

Concern 2 – The four core expertise areas do not align with current USFS strategic efforts to address resource protection.

The identified core areas of expertise in the PSO model fail to effectively address more abstract concepts of planning such as effective resource protection, which has a strong alignment with pressing issues like climate change and wildfire. Again, these important challenges are only arguably reflected in the adaptive management area of expertise. Resource protection has been a cornerstone of numerous legislative efforts, public concern and USFS efforts for decades as evidenced by the USFS 10 Year Wildfire Crisis Strategy released in January 2022² and the 10 Year Shared Stewardship Challenge³ mandated by the National Forest System Trails Stewardship Act. These are efforts that have now spanned several Presidential Administrations and were the basis of bipartisan support in their development, and have generally been well received by the public. These strategic efforts that have engaged partners through assertions that these were attempts by the Agency to transform their basic structure and methods of doing business. A strong negative message to the partners that have engaged in the efforts for decades, would be sent if these strategic efforts are not carried into forest plans. Ensuring these efforts are effectively incorporated into forest plans to continue efforts to undertake foundational changes in the way the agency does business will send a more important message to partners. While we are aware that adaptive management might cover a portion of this type of concern but it does not provide balance or address the detailed nature of information that could be provided.

As an example of why these issues warrant specific recognition in the PSO model would include the fact that these planning efforts and legislative changes have resulted in major transformation of good neighbor authority in firefighting and trails management. The multifaceted nature of

² See, [Confronting the Wildfire Crisis | US Forest Service \(usda.gov\)](https://www.usda.gov/land-management/land-use-planning/10-year-wildfire-crisis-strategy)

³ See, [10-Year Trail Shared Stewardship Challenge | US Forest Service \(usda.gov\)](https://www.usda.gov/land-management/land-use-planning/10-year-trail-shared-stewardship-challenge)

many of the challenges the agency is facing is exemplified by the identification of wildfire risk as a pressing concern for planners. The Organizations are able to identify numerous concerns that would each warrant inclusion as an area of expertise for the PSO teams, such as:

- High intensity wildfire could be the most critical issue facing the forests and barrier to almost every value on the forests currently;
- Proactively addressing fuel mitigation concerns by utilization of tools such as thinning and ensuring access to areas to allow emergency response should be a high priority for education of planners;
- Allowing flexibility for managers to effectively fight active fires with every resource available now and over the next 40 to 50 years;
- Allowing flexibility for managers to address post fire impacts – many forests currently in RMP revisions have been hugely impacted by the new high intensity wildfires but lack good information on long term challenges;
- Research indicates significant impacts of burn scars on predators many of whom are ESA listed;
- Fire scars could take centuries to recover after high intensity impacts; and
- Massive impacts from fire occur on watersheds well outside burn scars and exposes public to safety concerns when using areas adjacent to watersheds impacted by wildfire.

The Organizations would be remiss if the relationship of forest health/wildfire to recreational opportunities on USFS lands was not identified as a priority concern for the recreational community. The value of these resources to our Organizations is evidenced by the fact programs we have championed have provided hundreds of millions a year to the USFS for maintenance grants for trails on USFS lands. We would like to ensure these funds are used as efficiently and effectively as possible in mitigation efforts for fire before, during and after areas are impacted by fire. If there are provisions in forest plans that are facilitating this type of efficiency, we would like to know. If there are existing barriers in forest plans prohibiting the effective management

of this issue, we would like to know this as well. It is critically important to the recreational community and our partnerships with land managers.

The confluence of two parallel efforts on firefighting that highlight the need to provide flexibility in plans to address wildfire as a priority management concern. This type of issue warrants inclusion as an expertise area for the PSO model. This is the release of the change of condition report by the Sierra and Sequoia NF as part of their final Forest Plan revision.⁴ This report highlighted impacts to the Sierra and Sequoia NF from the high intensity fires that have impacted as much as 80% of these forests in the last 20 years. It is unfortunate that any forest is facing this situation, but the Organizations submit this situation is becoming more viable on many forests by the day making summaries such as this highly valuable for education.

The Sierra/Sequoia NF change in condition report was released in close proximity to a recent 60 Minutes news story entitled *“Taking the Fight to the Night against California’s Wildfires with new Helicopters”*⁵ which aired on June 26, 2022. This article highlighted firefighting efforts that were functionally impossible only a few years ago. With new technology, firefighters were now able to fight fires at night with aircraft which has been demonstrated to be highly effective. Could we be fighting fire with robots or drones in the near future? As this is already commonplace in the search and rescue operations, that is entirely possible and we must be ensuring these technological advancements are not precluded on forests due to barriers in the Forest Plan. It is unfortunate that we are aware of several forest plan provisions that have made responding to forest health and fighting efforts more difficult.

The confluence of these two resources is critical to our concerns on areas of focus under the PSO models. While these types of issues could be addressed with adaptive management analysis, is this reflecting the gravity of the challenge being faced by huge portions of USFS lands. We don’t

⁴ See, USDA Forest Service; *2020 Creek Fire and SQF Complex: Effects on Terrestrial Ecosystems on the Sierra and Sequoia National Forests*; A full copy of this report is available here [Forest Service \(usda.gov\)](https://www.usda.gov/forestservice/2020-creek-fire-and-sqf-complex-effects-on-terrestrial-ecosystems-on-the-sierra-and-sequoia-national-forests)

⁵ A full copy of this portion of 60 minutes is available here: [Taking the fight to the night against California's wildfires with new helicopters - YouTube](https://www.youtube.com/watch?v=...)

think it does and avoiding barriers to effectively addressing these types of challenges in the planning process must be a priority for the effort. This creates efficiency in the planning process and over the life of the plan while protecting resources.

Concern 3 – The four core expertise areas do not align with the multiple use mandate of the USFS.

The Organizations are concerned that the 4 core areas identified as centers for the PSO model entirely fail to embrace the multiple use mandate of the USFS. Entire sectors of the community around any USFS managed area are simply omitted entirely from the benefits of PSO model. The current PSO model lacks representation of agricultural, timber and recreational interests, which we believe are critical components of multiple use. The Organizations must express serious concern that the current PSO model must strive to proactively comply with the multiple use mandate in the most efficient and effective manner possible. The impacts of failing to weight these types of concerns in the PSO model will have many negative impacts over the life of these plans. We believe that properly weighting all multiple uses in the PSO model will minimize possible impacts from this type of issue.

Accurately and effectively understanding how the forest planning process supports and conflicts with the economic transformation of local communities that are relying on the forest lands for their existence. This cannot be overlooked and is an important reason for the core areas of expertise more completely reflecting the general areas of multiple uses identified in the statutory requirements for the agency. Again, this type of important concern is not accurately weighted by including these types of concerns under an adaptive management type standard.

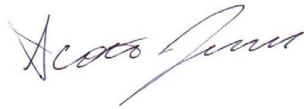
Conclusion.

The Organizations are aware that implementation of the PSO model will heavily influence the development of forest plans moving forward and our hope is to ensure the PSO model and planning process works as efficiently and effectively as possible. There can be significant and wide-ranging benefits from development of this type of model for the agency moving forward.

For these benefits to occur, the PSO model must focus proactively on addressing challenges that are anticipated rather than reopening largely settled political issues in the forest plan development process. Many of these issues are issues that the Forests may have faced 40 years ago but are now well settled policies. Proactive standards will result in the development of forest plans that remain efficient and flexible over the life of the plan. The Organizations have significant concerns that the current four core areas will create conflict between national team and local planners and this conflict will result in inefficiencies and negative collateral impacts, such as partners with high quality information on a topic being overlooked. It is our hope that these concerns can be addressed quickly to ensure that forest plan development continues efficiently and effectively.

If you have questions, please feel free to contact Scott Jones, Esq. (518-281-5810 / scott.jones46@yahoo.com), Chad Hixon (719-221-8329 / chad@coloradotpa.org), or Clif Koontz (435-259-8334 / clif@ridewithrespect.org).

Respectfully Submitted,



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