

Amended
RESOLUTION # 38-2024

Resolution to submit opposition letter to the US Forest Service (USFS) regarding proposed planning process to change Land Management Plans, i.e. Old Growth standards

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Forestry, Land & Recreation Committee

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the USFS owns lands within the boundaries of Oneida County, Wisconsin; and

WHEREAS, the USFS has proposed a change to all 128 Property Management Plans for USFS lands in the United States in regard to Old Growth; and

WHEREAS, the 2012 Planning Rule states the USFS will “...Provide for a transparent, collaborative process that allows effective public participation...”; and

WHEREAS, Oneida County and the Towns within Oneida County have not been consulted or collaborated with during the drafting of these proposed changes; and

WHEREAS, it is the belief of the Oneida County Board of Supervisors that local governmental units have a stake in the outcome of the proposed changes and should have been consulted with early in the planning process; and

WHEREAS, The 2012 Planning Rule sought to create a planning process which “is science-based and additionally recognizes the value of local knowledge,” and was intended to “balance the need for national consistency with the need for local flexibility to reflect conditions and information on each unit.”

WHEREAS, it is the belief of the Oneida County Board of Supervisors that each individual USFS property should consider changes to their management plans on an individual property basis to account for the wide variety of conditions present on each property and in the communities surrounding them; so

~~**THEREFORE, BE IT RESOLVED**, that the Oneida County Board of Supervisors hereby submits the attached letter of opposition to any changes to property plan(s) within its boundaries until such time the County and its citizens and local units of government have been consulted with; and~~

THEREFORE, BE IT FURTHER RESOLVED, that the Oneida County Board of Supervisors request that plan revisions be done on a property by property basis, not as a blanket change to all property management plans.

Vote Required: Majority = 2/3 Majority = 3/4 Majority =

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The County Board has the legal authority to adopt: Yes No _____ as reviewed by the Corporation Counsel, _____, Date: 3.12.24

Approved for presentation to the County Board by the Forestry, Land & Recreation Committee this 12th day of March, 2024.

Consent Agenda Item: YES NO

Offered and passage moved by:

[Signature]
Supervisor
[Signature]
Supervisor
[Signature]
Supervisor
[Signature]
Supervisor
[Signature]
Supervisor

19 Ayes
0 Nays
2 Absent
0 Abstain
X Adopted

by the County Board of Supervisors this 19 day March, 2024.

Defeated
[Signature] Tracy Hartman, County Clerk
[Signature] Scott Holewinski, County Board Chair

Resolution #38-2024

Supervisors	AYE	NAY	ABS	ABSTAIN
Rio	—	—	X	
Condado	X			
Newman	X			
Schreier	X			
Timmons	X			
Winkler	X			
Harris	X			
Oettinger	X			
Briggs	X			
Fried	X			
Showalter	—	—	X	
Almekinder	X			
Cushing	X			
Ryden	X			
Schultz	X			
Fisher	X			
Roach	X			
Sorgel	X			
Hanus	X			
Jensen	X			
Holewinski	X			
TOTALS	19		2	
TAGS				

Resolution # 38 – 2024: Offered by the Supervisors of the Forestry, Land & Recreation Committee to Submit Opposition Letter to the US Forest Service (USFS) Regarding Proposed Planning Process to Change Land Management Plans, i.e. Old Growth Standards.

Resolution: # 38-2024

Amendment Passes

Supervisors	AYE	NAY	ABS	ABSTAIN
Jensen	X			
Fried	X			
Roach	X			
Fisher	X			
Hanus	X			
Ryden	X			
Oettinger	X			
Condado	X			
Briggs	X			
Winkler	X			
Newman	X			
Rio			X	
Showalter			X	
Schreier	X			
Almekinder	X			
Sorgel	X			
Timmons	X			
Cushing	X			
Schultz	X			
Harris	X			
Holewinski	X			
TOTALS	19		2	
TAGS				

Motion by Schreier to strike lines 37 through 40.
 Seconded by Hanus.

Resolution # 38-2024

Amendment Passed

Supervisors	AYE	NAY	ABS	ABSTAIN
Fried	X			
Cushing	X			
Hanus	X			
Briggs	X			
Rio			X	
Almekinder	X			
Schultz	X			
Winkler	X			
Fisher	X			
Showalter			X	
Newman	X			
Oettinger	X			
Jensen	X			
Roach	X			
Timmons	X			
Ryden	X			
Condado	X			
Schreier	X			
Sorgel	X			
Harris	X			
Holewinski	X			
TOTALS	19		2	
TAGS				

Motion by Jensen to strike the word "further" from line 42.

Seconded by Winkler

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

Dear Sir or Madame:

On behalf of the County Board of Oneida County, Wisconsin we submit this letter as a response to the request for comments pertaining to the Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System. (Fed. Reg. Vol. 88 Issue 243, Wednesday, December 20, 2023).

67.26% of Oneida County is non-taxable or has a reduced tax value base. Every acre of land that is placed in a reduced tax vehicle, including reductions in National Forest timber harvesting, that reduced National Forest PILT and 25% funding, harms the county's ability to pay for the roads, schools, hospitals, emergency services, utilities and other necessary services. Changes in management of National Forest Lands must be carefully considered and coordinated with local governments to avoid irreparable harm to our counties, municipalities and citizens.

Summary: The Forest Service should reconsider the current proposal of amending 128 Land Management Plans through a single Environmental Impact Statement developed in less than a year. This approach risks undermining public trust and confidence in the agency, the science it is relying on to inform its management approach, and any policy outcome around old growth.

Oneida County also questions if this approach legally conforms to NEPA requirements of economic considerations for impacted low income communities when the Environmental Impact Statement is likely to be at the National scale, excluding impacts to local communities, including those represented here in Oneida County, Wisconsin.

Federal forest policy decisions should be accomplished through robust local engagement, public participation and coordination with local government units, not through a top-down directive from Washington, D.C. All forests, including our national forests, are dynamic systems, not static. Forests are geographically and ecologically unique and require different approaches based on local conditions. The Forest Service, and the public, would be better served through individual plan revisions and amendments at the Regional and forest levels. Utilizing local ecological and forest management knowledge to better meet local forest management and community needs.

All proposed plan component changes should recognize that old growth can help meet some forest plan objectives, but these objectives must be balanced with others to comply with the National Forest Management Act including the coordination of local government land use plans.

We appreciate the opportunity to comment on the Notice and the proposed nationwide plan amendment. To the extent that the process launched by Executive Order 14072 has been worthwhile, it has illustrated that old growth forests have been expanding on the National Forest System, partially because of existing Forest Plan components developed and implemented at the individual NFS level through coordination with local governments. This expansion has taken

place in spite of significant disturbances such as mega-fires and large-scale insect and drought related mortality in many parts of the United States.

All of this demonstrates there is little to no value pursuing a nationwide forest plan amendment that may violate substantive provisions of the 2012 Planning Rule. Furthermore the comment process also demonstrates there is little value in pursuing a nationwide forest plan amendment which may violate local government coordination contained in the National Forest Management Act and also may violate local economic considerations under NEPA. Given the generally poor conditions on many acres of National Forests-, allocating limited staff time to a national plan amendment is a strategic misallocation of resources to the detriment of local communities.

Rather than pursue this ill-advised directive, we urge the Forest Service to continue addressing old growth issues through the locally-led coordinated planning process. This process should engage forestry practices, which seek to manage stocking levels appropriately for each forest type, engage in regulated harvest on unreserved acres, support substantial carbon storage in long-lived wood products from harvested timber, and include more aggressive recovery of damaged timber and reforestation following disturbances. Further Forest Plans should be revised as scheduled and forest monitoring should be required at intervals which provide for detailed and accurate data to allow for effective plans responding to forest changes as they occur. This will promote forest health and resilience at the landscape level, protecting all forest lands.

Sincerely,

Scott Holewinski, Oneida County Board Chair

Date

Robert Almekinder, Oneida County Forestry, Land and Recreation Committee Chair

Date

Cc: Honorable Senator Tammy Baldwin
Honorable Senator Ron Johnson
Honorable Representative Thomas Tiffany
Honorable Representative Mike Gallagher

Director, Ecosystem Management Coordination
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Summary: The Forest Service should reconsider the current proposal of amending 128 Land Management Plans through a single Environmental Impact Statement developed in less than a year. This approach risks undermining public trust and confidence in the agency, the science it is relying on to inform its management approach, and any policy outcome around old growth.

Oneida County also questions if this approach legally conforms to NEPA requirements of economic considerations for impacted low income communities when the Environmental Impact Statement is likely to be at the National scale, excluding impacts to local communities, including those represented here in Oneida County, Wisconsin.

Federal forest policy decisions should be accomplished through robust local engagement, public participation and coordination with local government units, not through a top-down directive from Washington, D.C. All forests, including our national forests, are dynamic systems, not static. Forests are geographically and ecologically unique and require different approaches based on local conditions. The Forest Service, and the public, would be better served through individual plan revisions and amendments at the Regional and forest levels. Utilizing local ecological and forest management knowledge to better meet local forest management and community needs.

All proposed plan components changes should recognize that old growth can help meet some forest plan objectives, but ~~that~~ these objectives must be balanced with others to comply with the National Forest Management Act including the ~~requirements of C~~oordination of ~~L~~ocal ~~G~~overnment ~~L~~and ~~U~~se ~~P~~plans.

The Proposed Nationwide Plan Amendment Likely Violates the Requirements of the 2012 Planning Rule: The 2012 Planning Rule was intended, according to the preamble, to take "a new approach that engages the American people and stakeholders in conserving and restoring ... our

National Forests...” Among the 2012 rule’s purposes was to “provide for a transparent, coordinated that allows effective public participation.” The Forest Service’s willingness to now convert its commitment to “a transparent, collaborative process” rather than a coordinated process for the proposed nationwide old growth amendment undermines implementation of the 2012 Planning Rule, especially for the entities, including local governments in northern Wisconsin, who invested tremendous time and energy to work with the Forest Service on plans already completed under that Rule.

The 2012 Planning Rule sought to create a planning process which “is science-based and additionally recognizes the value of local knowledge,” and was intended to “balance the need for national consistency with the need for local flexibility to reflect conditions and information on each unit.” In developing the 2012 Planning Rule, the Forest Service specifically considered and rejected the idea of promulgating specific regulations on timber harvest in old growth stands, noting that “More specific requirements were not included in the final rule, *because these issues are best identified and determined at the forest or grassland level, reflecting ecosystems and plant and animal communities on the unit.*”

The 2012 Planning Rule establishes (in Section 219.2) that the Supervisor of the national forest or grassland is generally the responsible official for development and approval of a plan, plan amendment, or plan revision, except for “rare occurrences” when the Chief, Under Secretary, or Secretary acts as the Responsible Officialⁱ. This represented a change from the 1982 Planning Rule and was premised on the idea that the Forest Supervisor is most familiar with resources, issues, and people relevant to the unit. The 2012 Planning Rule and its associated directives provides that the Regional Forester and Chief will have oversight over Forest Supervisors during the planning process.

Instead of respecting this rule (which the Department previously defended in court as part of their general defense of the 2012 Planning Rule), the Department now proposes to establish significant changes to each plan through a nationwide plan amendment, limiting or ignoring local government input and coordination as required by policy and law.

The Proposed Nationwide Plan Amendment Likely Violates the Requirements of the National Forest Management Act: Oneida County is not aware of any direct contact made by National Forest Staff that provides the County with the potential impacts that Nationwide Plan Amendments may have on local government land use plans. The State of Wisconsin has delegated broad local planning and zoning authorities to the counties over all the lands within its jurisdiction. Specifically, Wisconsin law states:

"It is the purpose of this section to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air,

~~including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. To accomplish this purpose the board may plan for the physical development and zoning of territory within the county ...” ((59.69(1) Wis. Statute))~~

~~Under this, Oneida County questions if the proposed Nationwide Plan Amendment legally conforms to coordination requirements of the National Forest Management Planning Act as required to be led by National Forest Staffing.~~

~~***The Proposed Nationwide Plan Amendment Likely Violates the Requirements of the National Environmental Policy Act (NEPA):*** The communities impacted by National Forest Lands qualify as low-income communities under NEPA. Oneida County questions if NEPA requirements of economic considerations for impacted low-income communities will be met when the Environmental Impact Statement is likely to be at the National scale, excluding appropriate reporting or assessment of impacts to local communities, including those represented here in Oneida County, Wisconsin.~~

~~**Conclusion:** We appreciate the opportunity to comment on the Notice and the proposed nationwide plan amendment. To the extent that the process launched by Executive Order 14072 has been worthwhile, it has illustrated that old growth forests have been expanding on the National Forest System, partially because of existing Forest Plan components developed and implemented at the individual NFS level through coordination with local governments. This expansion has taken place in spite of significant disturbances such as megafires and large-scale insect and drought related mortality in many parts of the United States.~~

All of this demonstrates ~~that~~ there is little to no value ~~with~~ pursuing a nationwide forest plan amendment that ~~inherently may~~ violates substantive provisions of the 2012 Planning Rule. Furthermore the comment process also demonstrates ~~that~~ there is little value in pursuing a nationwide forest plan amendment which ~~likely may~~ violate local government coordination contained in the National Forest Management Act and also likely violates local economic considerations under NEPA. Given the generally poor conditions on many acres of National Forests ~~at a National level~~, allocating limited staff time to a national plan amendment is a strategic misallocation of resources to the detriment of local communities.

Rather than pursue this ill-advised directive, we urge the Forest Service to continue addressing old growth issues through the locally-led coordinated planning process. This process should engage forestry practices, which seek to manage stocking levels appropriately for each forest type, engage in regulated harvest on unreserved acres, support substantial carbon storage in long-lived wood products from harvested timber, and include more aggressive recovery of damaged timber and reforestation following disturbances. Further Forest Plans should be revised as scheduled and forest monitoring should be required at intervals which provide for detailed and accurate data to allow for effective plans responding to forest changes as they occur. This will promote forest health and resilience at the landscape level, protecting all forest lands.

Sincerely,

Oneida County Board Chair

Oneida County Forestry, Land and Recreation Committee Chair

Cc: Honorable Senator Tammy Baldwin
Honorable Senator Ron Johnson
Honorable Representative Thomas Tiffany
Honorable Representative Mike Gallagher

~~Comment letter requested to be delivered by February 2, 2024~~