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THEODORE ROOSEVELT

BOONEANDCROCKETT CLUB

Boone and Crockett Club Comments on Fed. Reg. 42493-42494 Vol. 87, No. 135 July 15, 2022

Mr. Jamie Barbour Assistant Director Ecosystem Management Coordination USDA Forest Service Washington, DC:

Dear Mr. Barbour:

Please see our comments regarding the above captioned Federal Register Notice.

The Boone and Crockett Club was founded in 1887 by Theodore Roosevelt and George Bird Grinnell and is the oldest wildlife conservation organization in North America. The Club's mission is to promote the conservation and management of wildlife, especially big game, and its habitat, to preserve and encourage hunting, and to maintain the highest ethical standards of fair chase and sportsmanship in North America.

General Comments.

The preamble to the Federal Register Notice states that the Department of Interior's Bureau of Land Management (BLM) and the USDA Forest Service (USFS) "shall, within one year of the date of this order, define, identify, and complete an inventory of old-growth and mature forests on Federal lands."

The Boone and Crockett Club has an overarching concern with this exercise. As the Forest Service has repeatedly said, and with which the Boone and Crockett Club fully agrees, the primary need for our public forests is better management with a goal to restore millions of forest acres to healthier conditions, which in turn will make them resilient to wildfires and better habitat, while continuing to maintain economic vitality in surrounding communities. The task under the Federal Register notice will, instead, draw major resources away from that primary need. The magnitude of the task guarantees that: 244 million acres of land managed by the Bureau of Land Management, and 193 million acres of land administered by the USDA Forest Service.

The resiliency of our public forests is not hampered by an absence of old growth stands (under any definition of old growth)—well more than 60 million acres of federal land forest stands are more than 100 years old.

Unmanaged forests, by contrast, are increasingly risky, unstable stores of carbon. Emissions from 2020 wildfires in just California, which burned predominantly on National Forest System (NFS) lands, emitted over 112 million metric tons of carbon dioxide. That's equivalent to the emissions from over 24 million gas powered passenger cars driven for one year.

<u>The Federal Statutes Regarding Management of Federal Forest Lands Do Not Prioritize or Require</u> Old-Growth or Mature Forest Conservation.

The Boone and Crockett Club is equally concerned by the inclusion of the term "mature" in the Federal Register notice, which is not established as a system-wide objective in relevant law. Elevating this characteristic to a class infers an intention for administrative set-asides. This would divert the Forest Service and Bureau of Land Management from adherence to federal statutes, and the foundational laws under which each manages forests requires management of mature forest stands.

The legal basis for all management activities, including timber harvest, on the National Forest System comprises four basic laws – the Forest Service Organic Act of 1897, the Multiple Use Sustained Yield Act of 1960 (MUSYA), the Renewable Resources Planning Act of 1974 (RPA), and the National Forest Management Act of 1976 (NFMA). π

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Congress has refined these basic laws by enacting several statutes streamlining the required analysis for certain types of forest management projects on the NFS, focusing on projects intended to reduce hazardous fuels, protect communities from fire, and reduce the threat of insect and disease on certain acres. These laws include the Healthy Forest Restoration Act of 2003 (HFRA) and the forestry provisions of the 2014 and 2018 Farm Bills.

These latter "streamlining" statutes direct the Forest Service to provide direction for old-growth conservation, and to ensure that streamlined projects "contribute to" the development of old-growth characteristics. However, these directions only apply to specific projects, and failure to provide specific direction on old-growth conservation in a forest plan only prohibits the agency from using the expedited fuels reduction authorities. Both HFRA and the Farm Bill authorities include provisions regarding large tree retention, however, they are conditioned upon several factors, primarily whether the trees contribute to fire resilience and healthier forests. Neither constitute a prohibition on old-growth, mature, or even "large" tree harvest.

Without question, Congress has been very specific about the narrow relevancy of old growth when the agencies carry out activities under the foundational laws. By contrast, Congress has established that timber harvest, including the harvest of mature trees, is an objective on unreserved lands on the National Forests. The latter of the four basic laws (RPA and NFMA) direct the Forest Service to set upper bounds on timber harvest levels through the Forest Planning process, identify lands which are not suitable for timber production, and recommend lands for restricted land uses (like Wilderness Areas). None of these provisions targets "old-growth" or mature forests as a specific conservation goal on the National Forest System, and they restate the MUSYA's focus on timber production as one of the main goals of the system.

At no point has Congress established that old-growth or mature forests required system-wide treatment on the NFS or other federal lands. As the U.S. Supreme Court recently noted, absent a specific grant of legislative authority, there is ample "reason to hesitate before concluding that Congress" meant to confer such authority.

Old-Growth and Mature Forests Are Addressed through the Forest Planning Process.

The Boone and Crockett Club believes that old growth stand management is best undertaken consistent with Forest Plans, and as specifically implemented at a project level, because it focuses decisions on specific characteristics; and the process anticipates that forests are dynamic. The 2012 National Forest Planning Rule (36 CFR Part 219) agrees. It requires identification of a desired future conditions, defined as "a description of specific social, economic, and/or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed."

Forest Plans must "provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area," and "maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds." Plans must provide for "the diversity of plant and animal communities, within Forest Service authority," including "Ecosystem integrity" and "Ecosystem diversity."

In the preamble to the 2012 Planning Rule, the Forest Service noted that some commenters "felt the rule should have specific requirements for old-growth and large, intact blocks of forest; leaving more snags and dead wood; reforestation guidelines that include diverse tree mixtures; and use of herbicides." In response the Forest Service noted that the requirements of § 219.9(a)(2)(iii) "provide for key characteristics associated with terrestrial and aquatic ecosystem types and rare aquatic and terrestrial plant and animal communities, which may include old growth stands, meadows, snags, or other characteristics." The agency said that "(m)ore 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."

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Most of the Forest Plans have management guidelines for old-growth management that is tailored to the types of forests found on each unit. The Boone and Crockett Club supports the existing approach and comments that it should be maintained.

What criteria are needed for a universal definition framework that motivates mature and old-growth forest conservation and can be used for planning and adaptive management?

The Boone and Crockett Club does not support a universal definition of mature and old growth forests. Because of the wide variety of forest types, elevations, climate regimes, disturbance regimes, and land ownership history, age and size of trees are imprecise indicators and will vary widely.

What are the overarching old-growth and mature forest characteristics that belong in a definition framework?

The Boone and Crockett Club questions the value of the USFS and BLM attempting to create "overarching old-growth and mature forest characteristics". Rather, we agree with the Eastern Region (Region 9), which when previously tasked with developing an old-growth definition, concluded that "there is no consensus on the concept of old-growth", noting that there were at least ten different definitions in the scientific literature at that time, each specific to a unique forest type.

Additional comments.

The Boone and Crockett notes that, for many forest types, late successional forest development is a transitory stage – eventually to be replaced by an early successional phase due to management or natural disturbance, or transition to a different forest type. The benefits of early successional forests, like the benefits of older stands, are best addressed through Forest Plans and project implementation. Today, most National Forests, and especially eastern and midwestern units, are having difficulty meeting early successional stand goals. From a wildlife habitat standpoint, that failure is negatively impacting population sustainability. The time, resources, and focus of this old growth definition and mapping exercise will exacerbate the significant problem of inadequate early seral forests.

On behalf of the Boone and Crockett Club, I appreciate your consideration of these comments.

Sincerely,

Tony A. Schoonen Chief Executive Officer Boone and Crockett Club

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