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August 12, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C.

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
Washington, D.C.

Dear Secretary Haaland and Secretary Vilsack:

On behalf of the Intertribal Timber Council, I am submitting these comments in response to the departments' Request for Information (RFI) on Federal Old-growth and Mature Forests, associated with provisions of Executive Order (E.O.) 14072: Strengthening the Nation's Forests, Communities, and Local Economies, issued April 22, 2022.

Established in 1976, the ITC is a nonprofit nation-wide consortium of Indian Tribes, Alaska Native Corporations, and individuals dedicated to improving the management of natural resources of importance to Native American communities. ITC and our member tribes and organizations are actively working with the Department of the Interior and the U.S. Forest Service to improve forest health conditions and reduce the threat of catastrophic wildfire across the landscape. Many tribes have treaty rights, subsistence or ceremonial interests for plants, fish and wildlife on federal lands. E.O. 14072 does not apply to lands held in trust for Indian tribes but does potentially affect federal lands to which tribes maintain active interests.

With a large diversity of forest types, species composition, and structure across Forest Service and BLM managed land across the country it will be unlikely that we can find a definition that fits across that range of diversity. No management direction can be contemplated without having localized definitions appropriate to forest types; therefore, the ITC recommends that such definitions must be developed first.

The ITC has concerns that managing strictly for old trees does not account for the diversity of species, age classes, and succession that would have historically occurred in most western forests. An approach that limits management options will likely be detrimental to both Forest Service and BLM goals for forest restoration and fire resilience.

Likewise, an approach that simply “protects” older stands quickly becomes counter-productive in a stand replacement fire that resets the age of a stand to zero. Trees of any age and size can and will be burned in high intensity fires fueled by a changing climate and more frequent extreme weather events. Over the last 20 years, wildfire has been the predominant cause of the loss of older stands on federal lands in the western United States – with nearly 150 million acres burnt between 2001-2021.

Climate change, past forest management practices, and the historic fire suppression culture are exacerbating the threat of wildfire and, in some instances, forest adaptation may require transitions to different forest species, stocking and composition to survive. Any management protection for older trees should recognize resilient forest conditions and allow for climate adaptation strategies to achieve these goals systematically through time. Landscapes are not static, and growth and succession must be considered in any management approach targeted at maintaining current old growth and creating conditions that will become old growth in the future. Similarly, forest carbon storage should be seen as a dynamic process associated with living trees. Wildfire not only releases massive amounts of CO₂, but also kills sequestering trees (of all age classes) and releases their stored carbon over time through decomposition.

Case Study: Tule River, Sequoia Protection

In 2008, the Tule River Tribe submitted a proposal to the Sequoia National Forest for a Tribal Forest Protection Act (“TFPA”) project in the Western Divide Ranger District located in the Southern Sierra in California. The project included a mix of shaded fuels, planted stand treatments, under burning, and prescribed burning including maintenance within the Giant Sequoia National Monument, managed by the Sequoia National Forest. The project’s intent was to protect large, old sequoias from the threat of fire. The Regional Forester quickly accepted the proposal, and the forest issued a Notice of Intent for the Environmental Impact Statement (EIS).

The TFPA project, named the "Tule River Reservation Protection Project" (aka the "Black Mountain Forest Protection Project"), went forward for NEPA analysis. After years of little movement on the EIS on the Sequoia NF’s side of the boundary, due in part to the controversies associated with active management within the Giant Sequoia National Monument, a draft EIS was published in 2014.

Nearly a decade later, the Forest Service and Members of Congress are discussing new and expedited management measures needed to protect the sequoias from fire. This serves as an example of the importance of tribal input in the management and protection of old growth stands from wildfire.

Recommendations

- Any approach should consider desired future conditions, forest succession, and resilience to ensure management flexibility to assist natural processes that protect current old growth and put other areas on a path to reach characteristics.
- Consult with each local or historically/legally relevant tribe to capture site specific recommendations for old growth management;
 - Meaningful government-to-government consultation should be with individual tribal governments whenever possible and not national webinars;
- Ensure that the adopted management approaches do not interfere with or diminish protected tribal rights or interests;
- Allow for added management flexibility for tribal input and co-management opportunities such as TFPA, Good Neighbor Authority, Reserved Treaty Rights Lands projects, or similar authorities;
- Develops site-specific plans or goals, not national mandates.

Thank you for consideration of the ITC's comments. Please do not hesitate to contact me for additional detail or background.

Sincerely,



Cody Desautel
President