

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

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Christopher French
Deputy Chief
U.S. Forest Service
1400 Independence Avenue S.W.
Washington, D.C. 20250

Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street N.W.
Washington, D.C. 20240

Dear Agency Officials:

Thank you for the opportunity to submit comments to the United States Department of Agriculture (USDA), United States Forest Service (USFS), United States Department of the Interior (DOI), and the Bureau of Land Management (BLM) pertaining to the definition of old-growth and mature forests on Federal lands (Executive Order 14072). Comments are organized in response to the questions posed in the *Request for Information* (FS-2022-0003).

The Montana Department of Natural Resources and Conservation (DNRC) fundamentally disagrees with the premise in Executive Order 14072 that a national definition of old-growth and mature forests is needed or would be beneficial. We do not believe there is currently an issue with old-growth forest definitions, or the lack thereof for mature forests. Furthermore, old-growth is a complex ecological concept, and the very idea that a universal definition could apply across the entire United States is problematic at its core. There are tremendous problems we as land managers are facing, such as the lack of landscape-scale forest management, administrative delays, and uncertainties associated with forest management on federal lands. Changing, refining, or creating new definitions to designate old-growth, or mature stands, will not assist land managers in meeting the ambitious goals set forward in the USFS' "Confronting the Wildfire Crisis Strategy," or in addressing the forest health and wildfire crisis Montana is facing. Instead, by creating new forest type designations and changing existing designations, this misguided effort will split workforce efforts away from the critical and necessary work to sustain the health, diversity, and productivity of our nation's forests and grasslands to meet the needs of present and future generations.

We are facing a forest health crisis in Montana. Our forests are emitting more carbon than they capture. Our core fire season is 40 days longer than it was thirty years ago. Due to bureaucracy and uncertainty, our forest products industry continues to struggle amid record high lumber prices. Over 64 percent of forested lands in Montana are federally owned, and of that federal ownership, 53 percent is not available for active management due to existing use designations. If we do not address overall degraded forest conditions, we will not have future stands to classify as “old-growth.”

Montanans respect and value old-growth forests and understand the ecological importance of developing and maintaining this resource. As such, we have already gone through significant effort to develop a definition of “old-growth” that is practical and suitable for Montana. Defining old-growth is complex at a statewide level and attempting to create a one-size-fits-all, national old-growth definition is not scientifically or practically sound. Going forward with this effort would create an ambiguous definition that is inapplicable and locally irrelevant. Further, the effort undermines the extensive work local land managers have invested to create definitions that are applicable for the landscapes they work in. Confidence and trust should be placed in state and local efforts to make decisions based on existing definitions and planning frameworks.

USDA and DOI efforts would be better focused on removing administrative bottlenecks and working with partners to increase the pace and scale of forest management projects. Creating nuanced, unscientific, and vague national definitions will not assist local land managers, who are striving to address staggering challenges. In fact, it will have the opposite effect, as it will become yet another reason to slow or stop management activities through increased litigation.

In response to the questions posed in the Federal Register Notice, the DNRC offers the following feedback:

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 definitions, inventories, policies, and plans will need to be based on the best available science and data and have strong coordination among agencies and stakeholders. The current status and progress of these efforts vary across regions and units. The products to be developed involve complex inputs and analysis and vary significantly across the nation.
- Recognize and use current land management plans and state forest action plans that have addressed old-growth and mature forests through established planning rules and processes. These are sound plans developed with a high level of analysis and collaboration. There should not be rapid development of new components that override those developed with established process and diligence.
- Policies and measures should recognize that fire exclusion and other past management activities have yielded forests that are out of the range of historic variability and pose at-risk conditions. It should be acknowledged that active management may be required to restore many of these stands to conditions within their historic range of variability.

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

- Policies and measures should not be prescriptive or restrictive. They should be flexible to accommodate active management necessary to address the national fire strategy, climate plans, specific land management plans, and collaboratively developed frameworks like state forest action plans.
- A definition framework should focus on managing ecosystems at the landscape scale and allow for flexibility in areas, such as the Wildland Urban Interface, where certain mature and old-growth forest types may present an unacceptable risk to human safety or infrastructure.
- A definition framework should include metrics related to large trees ("large" will vary based on forest type), two or multi-storied stand structure, and decadence indicators such as presence of snags/standing dead trees, down logs/coarse woody debris, and/or evidence of decay agents.

How can a definition reflect changes based on disturbance and variation in forest type/composition, climate, site productivity and geographic region?

- The definitions and inventories should not be broad or overarching. There are important differences in characteristics in each region and habitat type that warrant specific criteria.
- A universal framework should be a description of components and/or a flowchart that sets up and shapes the development of definitions and inventories at the appropriate scale.
- Definitions should not exclude stands managed with treatments that retain old-growth characteristics/attributes.
- Designation should not be a permanent status. Stands should be permitted to move in and out of old-growth designation as local land managers deem appropriate, and conditions warrant.

How can a definition be durable but also accommodate and reflect changes in climate and forest composition?

- Policies and measures to protect old-growth and mature forests and the definition framework should focus on managing ecosystems at the landscape scale and allow for flexibility in areas, such as the Wildland Urban Interface, where certain mature and old-growth forest types may present an unacceptable risk to human safety or infrastructure.
- Definitions must be tied to attributes that are consistently measurable and that can incorporate historic forest inventory information to make meaningful comparisons against past forest conditions, establish a historic range of variability under a "new" definition, and monitor and detect changes that will occur in the future.

What, if any, forest characteristics should a definition exclude?

- Recent federal land management plans and state forest action plans address forest health in-depth. Any new definitions, policies, and measure for old-growth and mature forests should be compatible with newly established forest health strategies, standards, and guidelines in these plans.
- It should not be assumed that because a forest is designated as old-growth or mature, that it is "healthy" or a static condition. Forests, by nature, are dynamic and no identified condition will last in perpetuity.

Additionally, the State of Montana would like to add the following:

- USFS and BLM will need more time to complete required activities laid out in Executive Order 14072 to provide meaningful results. The proposed timeline will lead to inconsistencies and problems with application and should be extended by at least a year.
- The framework and funding for monitoring and evaluation with decision criteria will be important for assessing policies and plans on retention of old-growth and mature forests.
- Montana has an old-growth definition that applies to forested State Trust lands, memorialized in Administrative Rule as follows:
 - "Old-growth" means forest stands that meet or exceed the minimum criteria for number, diameter, age of large trees, and stand basal area as noted in "Old-Growth Forest Types of the Northern Region" by P. Green, J. Joy, D. Sirucek, W. Hann, A. Zack, and B. Naumann (1992 and subsequent revisions, USFS Northern Region, internal report).
 - This definition is also the same one that USFS Region 1 currently uses to identify old-growth on USFS land.

Unprecedented forest health and wildfire issues plague Montana's forests. Overstocked and decaying forests are contributing to longer, more severe fire seasons that endanger our communities and infrastructure, while insects and disease continue to spread at epidemic proportions. The Montana Forest Action Plan identified approximately one-third of the forested landscape in Montana with "significant forest health concerns and high wildfire risk to communities and infrastructure." In order to successfully accomplish collaboratively developed goals in state forest action plans, the national fire strategy, and local land management plans, flexibility is required when addressing old-growth and mature forests. Without management flexibility, we will fall short in our efforts to address the broader context of landscape scale degraded forest health and wildfire risk.

Thank you again for the opportunity to provide feedback. If you have any questions, please reach out to Shawn Thomas, DNRC Division Administrator for Trust Lands Management, at 406-444-4978 or stthomas@mt.gov.

Sincerely,



Amanda Kaster, Director
Montana Department of Natural Resources and Conservation