



# FEDERAL FOREST

## RESOURCE COALITION

January 29, 2024

FFRC Comments on December 20, 2023 Federal Register Vol. 88, No. 243  
88042 – 88048

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

Dear Sir or Madame:

On behalf of the Federal Forest Resource Coalition and the undersigned groups, we submit the following comments on the above captioned Federal Register Notice.

We submit as attachments to this letter the comments we filed on the Advanced Notice of Proposed Rulemaking (ANPR) (Fed. Reg. 42493-42494 (Vol. 87, No. 135 July 15, 2022), and the comments we filed on the Request for Information on Old Growth and Mature Forests (RFI) (Fed. Reg. 24497 – 24503 (Vol. 88 Issue 77, Friday, April 21, 2023).

**Summary:** The Department 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.

Major forest policy decisions should be accomplished through robust local engagement and public participation, not through a top-down directive from Washington, D.C. Our National Forests are dynamic systems, not static. They are also geographically and ecologically unique and require different approaches based on local conditions. The Department, and the public, would be better served through individual plan revisions and amendments.

Old growth forests are a relatively abundant but transitory condition that is extremely varied across ecosystems, criteria for old growth vary substantially among forest types even on individual NFS units, and the *locally led forest planning process* (in contrast to the unprecedented proposed nationwide plan amendment to adopt “consistent” management direction) is the most appropriate way for the Forest Service to develop conservation strategies for old growth forests. We emphasize that direction for old growth has been included in forest plans since the very first plans in 1984 and new direction for old growth management and conservation is being updated as Forest Plans undergo revisions. The Department has demonstrated no compelling need for change that justifies the proposed nationwide plan amendment.

A nationwide plan amendment seeking “consistency” among forests is incompatible with what the Forest Service describes as “vast variation in old-growth forest character that occurs across North America.” The Forest Service notes that definitions (and forest characteristics) considered to be “old growth” are “specific to vegetation types,” and that “even within a specific geographic area, no one definition represents the diversity of old-growth ecosystems.”<sup>i</sup> Unfortunately, in spite of its own analysis showing that old growth is a basket term that varies widely in age, tree size, stand structure by forest type and by stands, the Department is pursuing a top-down effort to establish nationwide “consistency” that makes little sense.

The Forest Service and Bureau of Land Management were directed by Executive Order 14072 to inventory the lands under their control to ascertain the extent of mature and old growth forests. By generalizing from regional definitions of old growth and Forest Inventory and Analysis (FIA) data, the Forest Service determined that a substantial portion (24.4 million acres) of the NFS was already considered “old growth,” and that, moreover, *more than 54 percent of these old growth acres are already in “protected areas.”* The inventory also determined that a large portion of “mature” forests on the National Forest System were similarly off limits to management. Presumably,

these unmanaged “mature” forests on reserved lands provide a significant pool from which to recruit additional “old growth” into the future, without the need for nationwide policy changes.

The proposed nationwide plan amendment is unnecessary and likely violates the requirements of the 2012 Planning Rule. The preliminary threat assessment provides no basis to find a “need for change” in existing forest plans – particularly not through an unprecedented nationwide plan amendment. The proposed nationwide plan amendment is being promulgated concurrently with the threat assessment, which the Executive Order requires to be completed first.

It is now our understanding that an “Executive Summary” of the threat assessment required by the Executive Order will be release in late January, less than two weeks before the Department expects informed comments to be submitted on the Notice of Intent. The public needs to see the full results of the threat assessment before they can comment intelligently on the proposal.

The proposed nationwide plan amendment is focused on restricting timber harvest in old growth areas (and areas “adjacent” to existing old growth) outside of currently designated reserves. The preliminary threat assessment has shown that tree cutting (which we take to mean timber harvest) has had a negligible impact on old growth on the National Forest System over the last twenty years. The proposed amendment would disrupt current plan revisions and prioritize one stage of forest succession at a moment when many Forest Plans are both badly out of date and poorly monitored. The proposed nationwide plan amendment prioritizes monitoring of old growth stands over other monitoring requirements, which the agency is already failing to meet in spectacular fashion.

The proposed nationwide plan amendment also, ironically, violates the purported policy of the Administration, as described in Executive Order 14072, which claims that they “support collaborative, locally led conservation solutions.”<sup>ii</sup> If this were the case, the Department would have simply directed the few remaining NFS units which have not done so to adopt old growth management standards and guidelines in their next Forest Plan revision, through the Forest Plan revision process in coordination with local governments, rather than directing a top-down, one-size fits all “consistent” old growth policy.

***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 “(p)rovide for a transparent, collaborative process that allows effective public participation.” The Forest Service’s willingness to now jettison its commitment to “a transparent, collaborative process” undermines implementation of the 2012 Planning Rule, especially for the entities who invested tremendous time and energy to work with the Forest Service on plans already completed under that Rule. This is particularly true because the Notice admits that the agency won’t know which forest stands are covered by the proposed amendment and how the proposed standards and guidelines will be applied until the completion of a 2-year process to develop “management approaches” which are excluded from the 2012 Planning Rule’s (or NEPA’s) public involvement requirements.

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.*”<sup>iii</sup>

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 Official<sup>iv</sup>. 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 arrangement (which the Department previously defended in court as part of their general defense of the 2012 Planning Rule), the Department now proposes to parachute significant changes to each plan through an unprecedented (and poorly justified) nationwide plan amendment.

Despite the logical approach taken in the 2012 Planning Rule, and even though the inventory conducted pursuant to EO 14072 which found that there were *over 200 definitions of old growth*, the Department now proposes to adopt what it repeatedly calls a “consistent” approach to old growth management across the National Forest System. The calls for “consistency” found throughout the Notice are incompatible with the nature of “old growth” forests, which vary tremendously depending on forest type, slope, aspect, site productivity, and a host of other variables.

As we noted in our comments on the RFI on the definition of old growth, depending on the forest type, old growth stands can be remarkably dissimilar. An old growth Sitka spruce stand on the Tongass National Forest, for instance, would have a largely closed canopy, characterized by large trees, some with broken tops, and a dense understory of alder and ferns. By contrast, an old growth Longleaf pine stand on the Kisatchie National Forest would have an open canopy that allows sunlight to penetrate through a mostly vacant midstory to reach a forest floor characterized by tightly packed grasses and flowering plants. It is difficult to discern a “consistent” management approach to management that applies in both forest types.

The 2012 Planning Rule (36 CFR 219.13) “requires” a plan amendment “to change how or where one or more plan components apply to all or part of the plan area”. The Management Approaches proposed in the Notice are clearly intended to change “how or where one or more [existing] plan components apply to all or part of the plan area”. The Department wouldn’t be embarking on this whole exercise if it didn’t intend to change “how or where one or more plan components apply to all or part of the plan area.” However, rather than analyze and disclose how existing plan components or outputs would be changed, the Department now proposes to make those changes through “additional plan materials,” i.e. – the “management approaches” that will be developed following the adoption of the nationwide plan amendment with no analysis or disclosure of changes and effects.

By shunting the actual application of the proposed Standards and Guidelines to “management approaches,” the Department is effectively limiting substantive public involvement (much less forest-specific analysis) in discerning what the proposed changes and their effects would be.

Further, the planning rule (36 CFR. 219.5(2)(ii)) requires the responsible official to consider the “*environmental effects of the proposal*” (emphasis added). The Notice claims that following the current comment period, the Department will issue an EIS in May of 2024. Put simply, there is no way the Department can consider the environmental effects of changing 128 forest plans (which the Notice admits already have over 2,700 components addressing old growth conservation) in any meaningful way in the limited time available, much less through a “collaborative, locally led conservation” effort.

The Notice all but admits that there is no way to accurately “consider the environmental effects of the proposal” because it proposed to spend two years developing Management Approaches which will “identify criteria used to indicate conditions where plan components will apply... (p)rioritize areas for the retention and promotion of old-growth forest conditions...” and “(d)velop additional proactive climate-informed stewardship, conservation, and management approaches.” The Department is proposing to change Forest Plans in one fell swoop but cannot say where the new standards and guidelines will apply, where new old growth will come from, and how existing (or future) old growth will be retained. Nor can they say how the proposed plan amendment’s direction to “increase amounts and improve distributions” of old growth will impact existing land allocations and identified management areas in currently approved Forest Plans.

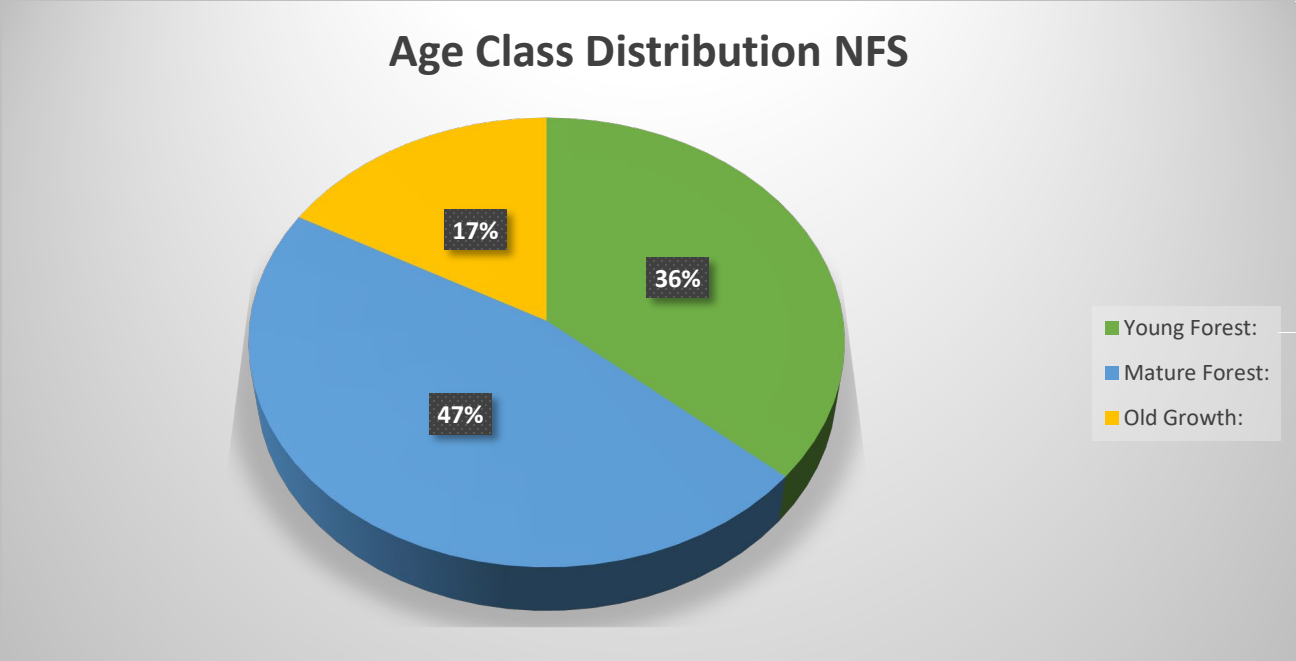
The 2012 Planning Rule (following MUSYA, NFMA, and other statutes) requires calculation of projected wood sale quantities (PWSQ’s), and projected timber sale quantities (PTSQ’s). The Department has no way of knowing that the proposed nationwide plan amendment will not impact these required plan components, which again argues strongly against the nationwide plan amendment approach.

The commenting public has no way of knowing which of the existing 2,700 plan components on old growth conservation will change, and it will take at least two years to determine where the changed plan components will apply,

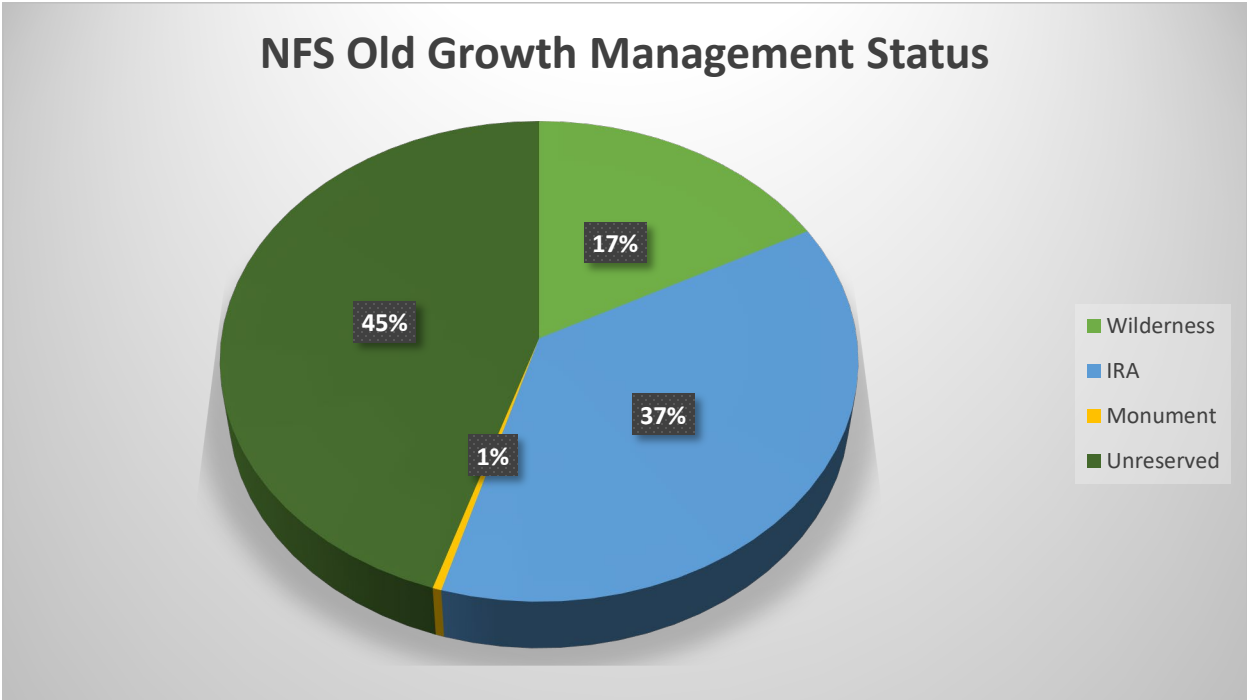
and what practices and management approaches will be used to implement them. This is precisely why, rather than pursue a nationwide plan amendment, the Department should ensure that as existing Forest Plans come up for revision, components pertaining to old growth conservation are updated to reflect the best available scientific information, particularly regarding the need to adapt stands to changing climatic conditions.

***The Proposed Plan Amendment is Unnecessary:*** The report “Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management” (FS-1215a, April 2023) and the Federal Register Notice of April 21<sup>st</sup>, 2023 (Vol. 88 Issue 77, 2023; 24497 – 24503 36) demonstrated that old growth and mature forests are widespread across the National Forest System, and that there are substantial acreages of unmanaged forests which will continue to grow in perpetuity. Over 61.1 million acres of forest land across the National Forests are in restricted land uses already (National Monuments, Congressionally designed Wilderness Areas, or Inventoried Roadless Areas). This is a land mass equivalent to 2.5 percent of the United States and is larger than all but 10 States. We hasten to note that these tens of millions of acres of “protected” forest lands sit next to millions of additional acres of Management Areas such as Backcountry, Primitive Recreation, Research Natural Areas, Special Interest Areas, Trail corridors, Scenic corridors, Wild and Scenic River Corridors, Botanical Areas, Geological Areas, and Historical Areas that are similarly off limits to most resource management.

Assuming that simply leaving these stands to age and experience natural disturbances will create more old growth over the coming decades, the proposed restrictions on harvest in older stands outside of these areas seem superfluous at best, and may, at worst, make it more difficult to engage in needed restoration activities on these acres.



*Figure 1: 64 percent of NFS forested acres are either “mature” or “old growth”*



*Figure 2: More than half of NFS old growth is already in no management status.*

Moreover, the Inventory found old growth forest occurring on 29 different forest types, over 9 million acres of which are pinyon-juniper. Most of the pinyon-juniper acres have developed old growth characteristics largely due to fire exclusion, which has allowed this cover type to both expand its range into



former grasslands and shrublands, while allowing stands of pinyon-juniper to live far longer than they did historically. Many of these acres – even if they currently meet regional definitions of “old growth”, should likely be returned to non-forest conditions (in the case of pinyon-juniper), or should be harvested to reset the successional process to ensure future stands of old growth. In either case, there is no need for (not to mention no plausible way to develop) a “a consistent approach to manage for old-growth forest conditions,” as the Notice proposes.

The other key point in managing any stage of forest development is that these stages are *inherently transitory* – while some forest types may remain relatively stable over long periods of time, most will not, particularly under a changing climate. Many forest types regenerate through relatively high intensity disturbances (insect infestation followed by high intensity wildfire in the case of lodgepole pine, for instance). With significant acreage of forest in both reserved and unreserved management areas on the National Forest System, it makes no sense to foreclose (or even reduce) management options on unreserved acres in the name of “protecting” a forest type that can regenerated either through management (harvest) or natural disturbance. Current Forest Plans and Congressionally or administratively set aside areas provide a broad landscape on which old growth stands can develop, mature, and succumb to natural disturbance on unmanaged acres.

Although it has not been formally released, preliminary information from the “Threat Assessment” required by Executive Order 14072 indicates that natural disturbances (wildfire, insect and disease mortality), exacerbated by climate change, are the primary threats to existing old growth stands. Despite these threats, the extent of old growth forests on the National Forest System has *increased over the last twenty years*. Moreover, timber harvest of any kind has impacted very few acres of old growth forests since 2000, and very little harvest in old growth is contemplated in current Forest Plans.

The Inventory and preliminary Threat Assessment have demonstrated that older forests are not a rare successional stage across the forested landscape of the United States. The Forest Service surveyed the 144.3 million acres of forest land under their control and found that 24.4 million acres was old growth, about 17 percent of the total. BLM surveyed their 34.1 million acres of forest land and found 8.2 million acres was old growth – about 24 percent of

the total. Out of 178.4 million acres of forest surveyed by the two agencies, they found that just more than 18.2 percent was old growth.

Even if we assume that old growth is less common on other forest ownerships, it is not unreasonable to assume that some old growth can be found on the 640.4 million acres of state, tribal, county, corporate, and privately owned forests in the United States. If old growth is half as common on non-FS or BLM lands, that's an additional 58.3 million acres of old growth on top of the 32.6 million identified by the Forest Service and BLM. If old growth is 75 percent less common on these other ownerships, that's still an additional 28.8 million acres of old growth.

Beyond the widespread extent of old growth on the NFS (as well as millions of acres of unmanaged lands that will – to one degree or another – mature into old growth), the preliminary findings of the Threat Assessment indicate that timber harvest is not a threat that should be prioritized in the development of old growth conservation strategies.

According to the slides provided by the Forest Service following briefings held in November 2023, around 10,000 acres of old growth was lost to “tree cutting” over the last two decades, or about 500 acres a year. Assuming old growth harvesting continues at the same pace seen in the last 20 years on unreserved acres, it would take nearly *twenty-two centuries* before the remaining old growth was cut (while all old growth in reserved areas would remain in place, assuming it doesn't succumb to natural disturbance). This “pace” of loss hardly justifies simultaneously amending all forest plans at the same time, a policy shift never attempted before in the agency's history.

The Notice also asserts (without evidence) that “nationally consistent direction” for old growth “is connected to and should complement... the Wildfire Crisis Strategy.” Unfortunately, in the real world, Forest Service staff who do the lion's share of project level NEPA analysis will inevitably be drawn away from the priority work of designing needed hazardous fuels reduction and forest restoration projects to develop the *Adaptive Strategy for Old-Growth Forest Conservation* each unit must develop within two years of the nationwide plan amendment proposed by the Notice. It is simply impossible for the same staff to develop the detailed adaptative strategies called for in the Notice and to implement the Wildfire Crisis Strategy simultaneously.

Given the extremely low rate of old growth loss from harvest, the existence of over 2,700 current forest plan components addressing old growth conservation, and the need for the limited NEPA staff of the agency to focus on urgently needed hazardous fuels reduction work, the Department has not demonstrated a “need for change” that necessitates an unprecedented effort to revise all 128 Forest Plans in the space of less than 13 months.

The notice also maintains that the purpose of the nationwide plan amendment is to “improve and expand” the abundance and distribution of old growth “while protecting them from the increasing threats posed by climate change, wildfire, insects and disease, encroachment pressures from urban development, and other potential stressors.” There is no evidence that additional “consistent” standards and guidelines for old growth will be more effective than the 2,700 existing plan components in meeting that purpose. There is also no way to analyze the impact of expanding the abundance of old growth forests on other key multiple use objectives mandated by Congress, except at the individual plan level.

Neither the proposed plan components in the proposed Amendment nor the proposed Management Approach describe how the agency will go about “improving durability, resilience, and resistance to fire, insects and disease within old growth conditions”. This is particularly true for the discussion of “proactive stewardship”. This once again demonstrates that any effort to conserve or restore any successional stage of forests is best accomplished through local level planning, which can recognize the needs of specific forest types, local indigenous knowledge, and design projects that the local NFS unit is capable of implementing.

***The proposed amendment would disrupt current plan revisions and prioritize one stage of forest succession at a moment when many Forest Plans are both badly out of date and poorly monitored:*** The Forest Service struggles to revise, implement, and monitor existing Forest Plans. Based on a review of publicly available Forest Plans, the average plan is more than 20 years old (the National Forest Management Act calls for plan revisions at least every 12 years). The oldest unrevised Forest Plan we could locate –for the Pike San Isabel National Forest in Colorado – was over 39 years old. Even that 39-year-old plan included direction for retention of old growth as part of overall direction for forest diversity<sup>v</sup>.

With widespread mortality and large fires threatening to create additional widespread loss of forest cover across the National Forest System, plans should continue to be revised on schedule, following locally led assessments of the threats identified by the local unit and the communities closest to the resource. Imposing a top-down “consistent” approach to old growth management (restricting management on still more acres) is a misallocation of limited planning resources.

The Notice also calls for the establishment of a “National Old-Growth Monitoring Network” along with the addition of old growth specific monitoring questions and indicators to be adopted in all Forest Plans (including the 39-year-old Pike-San Isabel plan). We must point out that Forest Plan monitoring (particularly monitoring of forest plan objectives and desired future conditions) has been an unmitigated disaster.

Based on a review of public facing webpages and a FOIA request for the latest Biennial Monitoring Reports, we identified 10 NFS units for which we could locate no monitoring reports. Although the 2012 planning rule requires biennial monitoring reports, we found that on average, most NFS units haven’t published a report *in more than eight years*. Some units haven’t published a report in more than a quarter century.

As we noted on our comments on the ANPR that proceeded this notice, we also found at least 17 different resource specific plans promulgated on individual NFS units, for which we could find no evidence that implementation (much less effectiveness) was monitored.

Given the crucial role of a variety of forest successional stages play in fostering a range of habitats, and the poor record of plan monitoring the Forest Service has compiled, now is not the time to direct the limited monitoring resources to focus on a resource which is widely distributed across the NFS, including with substantial acreages in set asides. Both the 2012 Planning Rule and the proposed nationwide plan amendment require the Forest Service to develop both plans and monitoring programs that are within the capability of each individual NFS unit. Current evidence strongly suggests that even without the addition of old growth questions to the monitoring program, monitoring of any NFS plans is currently beyond the capacity of most units. Adding old growth questions does not fix the challenges in the monitoring program.

***Old Growth & the Distinctive Role of the NFS:*** FFRC believes that the extensive system of reserves (Wilderness Areas, Inventoried Roadless Areas, National Monuments, etc.) on the National Forest System and the existing 2,700 distinct plan components dealing with old growth forests is more than adequate to ensure that the Forest Service meets the “distinctive and key role in providing the nation with benefits related to national forests and grasslands within the broader landscape, including old growth forest conditions.” Moreover, the best way to ensure the perpetuation of older forest conditions is to allocate limited planning and NEPA staff time to designing badly needed wildfire risk reduction projects using expedited authorities to treat landscapes at a meaningful scale – a challenge which has been affirmed by agency officials in budget submissions dating back at least twenty years.

The Department must also acknowledge that we already have another Federal agency whose management of forest resources is “distinctive” – the National Park Service.

The National Park Service manages substantial areas of forest for strictly non-commercial purposes. While the agency does occasionally remove hazard trees, it does not sell timber to meet a multiple use mandate established by Congress. Barring a change in those statutes, most forest on the National Park system will also continue to mature into older forests, which diminishes the “distinctive and key” role the Department is attempting to arrogate to itself with the Notice of Intent.

**Specific Comments on the Proposed Amendment:**

The *Statement of Distinctive Roles and Contributions* uses a very general description of old growth that is not relevant to many forest types. As noted above, given large areas of unmanaged forests on the National Forest System, the National Park System, Bureau of Land Management lands, and National Wildlife Refuges, it is not clear how “distinctive” old growth is, even on Federal lands.

The statement claims that “Old-growth forest conditions support ecological integrity and contribute to distinctive ecosystem services—such as long-term storage of carbon, increased biodiversity, improved watershed health, and social, cultural, and economic values.” As our comments on the RFI and the ANPR demonstrated, many older forests on the NFS are experiencing

widespread mortality, including through large wildfires, that are leading to forest cover loss, habitat destruction, and significant carbon emissions.

The assertion that old growth forests are contributing to carbon storage willfully ignores the massive emissions from wildfires that have disproportionately impacted unmanaged National Forests for the last two decades. It ignores the fact that forest carbon is stored in long-lived wood products, and that regenerating young forests rapidly sequester carbon in the trees and in underground root systems.

By imposing more restrictions on management, the proposed nationwide plan amendment threatens to make an already bad situation worse. Currently every state where National Forests make up the majority of timberland are net forest carbon emitters<sup>vi</sup>. Carbon emissions from wildfires in the United States (not all of which are forest fires) increased by more than seven-fold between 2005 to 2018, from 20.5 million metric tons per year to 141.1 million metric tons per year.<sup>vii</sup>

Further, it should not be assumed that allowing unmanaged older forests to persist on the landscape is a viable, science-based approach to carbon storage. For instance, Ponderosa pine in Oregon generally sequesters carbon most effectively for 150 years, after which these stands face “significant risk of carbon loss from wildfires.”<sup>viii</sup>

*Goal:* The goal proposed in the notice largely restates the (meritorious) existing Forest Service policy of actively engaging with tribal partners. While the 2012 Planning Rule says that goals should be “broad statements of intent,” it is bizarre to indicate that the only goal in an unprecedented plan amendment regarding old growth is to comply with an existing policy of the entire federal government regarding interactions with tribes. If the Department is using this unprecedented plan amendment to add this goal to all forest plans (in addition to the stated purpose and need regarding old growth), the preamble should state this specifically.

If the Department merely highlighted the role of indigenous knowledge in the goal because it couldn't figure out where else to put it in the Notice, the agency should revisit this goal to make it broader and require coordination with other stakeholders as well.

*Management Approach: Management Approach:* The proposed amendment would task each NFS unit (or groups of units) with developing an “*Adaptive Strategy for Old-Growth Forest Conservation*” that, among other things, must “Identify criteria used to indicate conditions where plan components will apply; Prioritize areas for the retention and promotion of old-growth forest conditions...; Establish target milestones for management specific to the plan area; Develop additional proactive climate-informed stewardship, conservation, and management approaches as needed to effectively achieve the desired conditions, standards, and guidelines in the amendment; and Provide geographically relevant information about threats, stressors, and management opportunities relevant to the ecosystem of the plan area to facilitate effective implementation.”

Management Approach 1(a) second bullet calls for each unit to “effectively braid place-based Indigenous Knowledge and Western science to inform and prioritize” old growth conservation. We are concerned that the term “prioritize” is intended to elevate old growth conservation above other multiple use objectives, again while intentionally ignoring the considerable acreages of older forests that are already in permanent legislative or administrative set asides. We would also suggest that local knowledge – including the perspectives of the current NFS unit-level staff and the assessments underlying current Forest Plans, can help contextualize old growth management and conservation.

The 2012 Planning Rule requires objectives to be “Concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition.” The notice states that the objective of the nationwide plan amendment is to “Within ten years, at the unit level, at least one landscape prioritized within an *Adaptive Strategy for Old-Growth Forest Conservation* will exhibit measurable improvements in old growth desired conditions as a result of retention, recruitment, and proactive stewardship activities and natural succession.” Since old growth conditions can be so varied, we maintain that this objective falls short of the requirements of the 2012 Planning Rule, since it depends on an entirely separate process (the development of a local “adaptive strategy”) to identify the desired conditions. Adaptive strategies should be coordinated at the local level with local units of government.

Sec. 219.8(a) of the 2012 Planning Rule already requires individual forest plans to “include plan components, including standards and guidelines to

maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds, including plan components to maintain or restore structure, function, composition, and connectivity.” On top of this existing requirement (which has led the agency to develop over 2,700 old growth specific plan components), the Department now proposes to adopt a plan amendment which is essentially unimplementable until individual units develop adaptive strategies that may conflict with existing standards, guidelines, and significantly alter land use allocations. This is not an appropriate use of the planning process.

The proposed amendment must be clear that the required development and adoption of management approaches is not exempt from the public engagement or any of the other requirements of the 2012 planning rule.

The Department should (if it moves forward with the amendment, which we oppose) be very clear that the *Adaptive Strategy for Old-Growth Forest Conservation* is directed toward stands with old growth characteristics, not stands with some large trees. Further, there are no sideboards in the Management Approach to limit the number of acres to be managed for old growth recruitment, to limit the effects on other objectives or desired conditions, to limit the effects on other multiple use objectives, or to limit the effects on existing forest plan outcomes and outputs.

*Desired Conditions:* Desired Condition 1 calls for an “improved” “amount and distribution” of old growth. It does not say whether this pertains to each NFS unit, a group of units, Regions, or the entire National Forest System (see concerns with Desired Conditions 3 and 4, below). It also glosses over the fact that this improved amount and distribution will inherently have to come from areas which already have management direction which may not include permanent old growth stands (a condition that the Forest Service cannot supply). This elevates old growth over other land uses and will cause major conflicts with existing plans.

Desired Condition 2 is ambiguous and unhelpful. The Department should (if it moves forward with the amendment, which we oppose), make it clear that it is referring to proactive “management,” (not “proactive stewardship”) including management within old growth stands, to help ensure old growth “retention and recruitment.” This desired condition as proposed is clearly premised on the idea that what is needed is less management (even though millions of



acres are already off limits to management). The Department is fully aware that dense, closed canopy forests are suffering disproportionately from catastrophic fires, insect and disease, and conversion to long-term, non-forest vegetation<sup>ix</sup>. Proactive management, beyond natural succession, should lead to healthier, more resilient older forests. Proactive management should be prioritized in older stands, not merely allowed.

Desired Condition 3 once again demonstrates the inappropriateness of trying to achieve a specific conservation objective across the NFS through one plan amendment. Desired Condition 3 describes the status of carbon “across the National Forest System.” The 2012 Planning Rule clearly states that desired conditions should describe “ecological characteristics *of the plan area*, or a portion of the plan area, *toward which management of the land and resources should be directed.*” (2012 Planning Rule, emphasis added). Proposed Desired Condition 3 violates the 2012 rule. Beyond the shaky premise (the old growth forests provide stable, long-term storage pools for carbon), this demonstrates the inappropriateness of a nationwide plan amendment, and why Congress directed the Forest Service to develop plans for *National Forests*, not the *National Forest System*.

Desired condition 4 likewise is abstract and unrelated to the characteristics of the plan area and is presented as a stand-alone condition unrelated to the other desired conditions on each individual National Forest.

All the plan components 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.

The proposed Desired Conditions must be rewritten to conform to the requirements of 36 CFR 219.7. The Department is attempting to evade analyzing and disclosing the effects of the proposed amendment, plan components, and management approaches in conformance with the NEPA by claiming during the analysis of the amendments that the Management Approaches required by the amendments are not yet known and then claiming during the development of the Management Approaches that those are not plan components, therefore, NEPA analysis will not be required for the Management Approaches required by the Amendments.

*Standards for Management Actions Within Old-Growth Forest Conditions:* The standards proposed in the Notice potentially limit the ability of the Forest Service to comply with the legally mandated multiple use mandates found in the underlying forest management statutes we have mentioned in our comments on the RFI and the ANPR.

Section 219.8 of the 2012 Planning Rule states that the plan “must provide for social, economic **and** ecological sustainability, within USFS authority and inherent capability of the plan area,” (emphasis added) and the preamble to the 2012 rule says these considerations are “equal and independent” of one another. The proposed standards in the Notice instead elevates the “composition, structure, pattern, or ecological processes necessary for the old growth forest conditions” over other Forest Plan standards, land use objectives, economic considerations, and other factors.

The proposed standards also elevate “species diversity, and presence and abundance of rare and unique habitat types associated with old-growth forest conditions” without regard to their relative abundance on each NFS unit, or whether these species are identified as species of conservation concern pursuant to current Forest Plans. As we noted in our comments on the RFI and ANPR, younger forest types are frequently the most underrepresented on the NFS and play a unique and distinctive role in providing essential habitat and public access to a wide range of forest successional stages. Again, outside of the substantial acreages of unmanaged mature and old growth forests identified through the inventory, the Department is proposing to impose additional (unnecessary) management restrictions on additional acres, without regard to how locally developed, court-validated Forest Plans allocate land uses, management objectives, etc.

The notice provides several worthwhile exemptions, including one for “cases where it is determined that the direction in this amendment is not relevant or beneficial to a particular forest ecosystem type.” This exemption demonstrates exactly why the better approach to old growth is handled through the Forest-specific planning process, where decisions can be guided by local knowledge (including indigenous knowledge) and regionally-appropriate definitions of old growth. We recommend exempting application of the proposed nationwide plan amendment to any Forest which has revised its Forest Plan since Congress provided direction to adopt management

direction to retain old growth consistent with the need for forest health and resilience (the Healthy Forest Restoration Act of 2003).

Proposed Standard 2 names 11 attributes which “proactive stewardship” (which should be called forest management) should promote. It should be made clear that in some instances, management may temporarily or permanently reduce or eliminate some of these attributes. For instance, if the Forest Service determines that a fire adapted pine type should have a patchier structure, with gaps between patches of larger, older trees, it may be necessary to reduce “patch size.” This reduction in patch size may be temporary or permanent. Again, this demonstrates the inflexibility of a nationwide plan amendment.

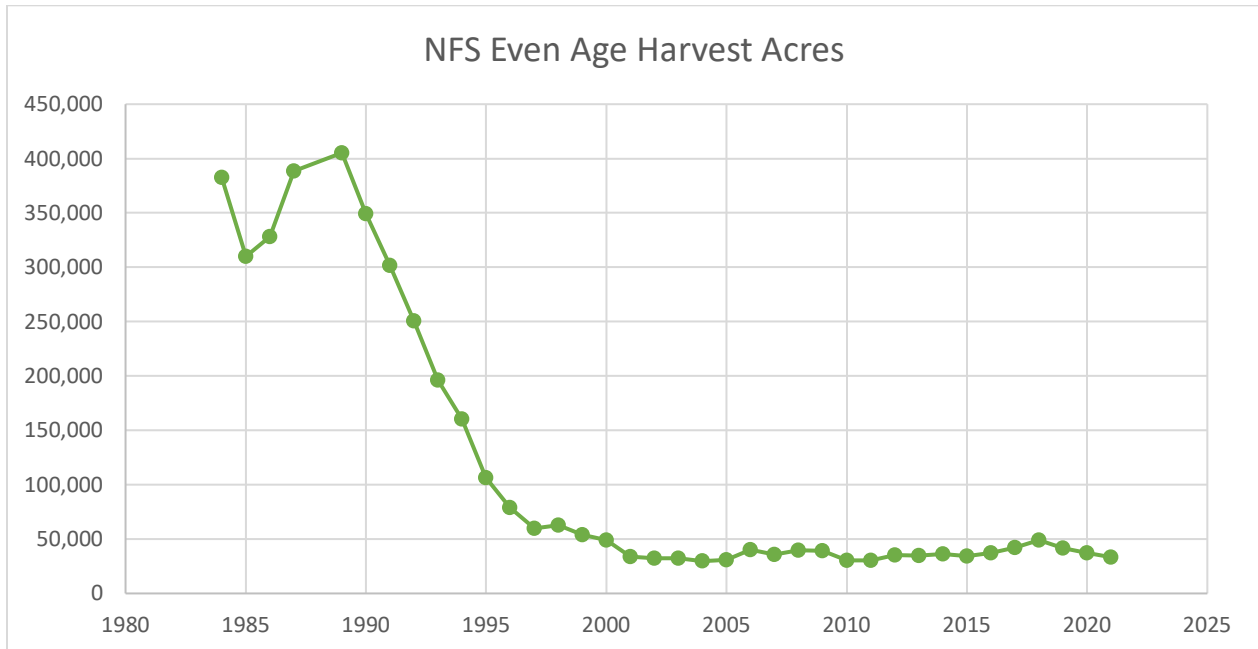
Proposed Standard 2(i) relates to the “density and distribution of old trees, downed logs, and standing snags.” It is not at all clear what “density” is referring to. Again, this demonstrates the inappropriateness of a nationwide plan amendment – the number (or density) of old trees varies widely among different types of old growth stands, as does the number of downed logs and standing snags.

Proposed Standard 2(b)(v), requires the responsible official to document the rationale for applying an exemption in a decision document. The Department should clarify that these decision documents can and do include Decision Memos documenting the use of any established and relevant categorical exclusion.

Proposed Standard 3 directs that timber harvest in old growth “may not be for the primary purpose of growing, tending, harvesting, or regeneration of trees for economic reasons. Ecologically appropriate harvest is permitted...” This proposed standard perpetuates the idea that the Forest Service is, somewhere, engaged in “ecologically inappropriate” timber harvest on the National Forest System. This is preposterous. Timber harvest levels on the National Forest System, while they have recovered from previous lows, remain well below Forest Plan ASQ’s, PTSQ’s, and any other measure of basic forest sustainability.

Even as Congress has provided new tools for management, including expedited analysis, streamlined objection process, and others, the level of

management on the National Forest System is, if anything, ecologically inappropriate due to its unacceptably low level.



*Even Age Harvest takes place on an average of less than 40,000 acres of NFS lands per year for the last decade.\**

The Department should make clear that “proactive stewardship” (i.e. – forest management) is encouraged in old growth stands. However, we are not at all clear how the Department will determine which NFS lands are “within old growth forest conditions.” Further, it should be clear that just because a specific management approach (i.e. – thinning in fire adapted pine types, or patch cuts in hardwood intended to create greater age class diversity) involves the use of timber harvest does not mean that the “primary purpose” is “growing, tending, harvesting, or regeneration of trees for economic reasons.” This limitation will ensure that the Forest Service has the flexibility, for instance, to remove large (but unwanted) shade tolerant trees from old growth stands of fire adapted conifers.

*Guidelines:*

Guideline 1 is intended to “increase amounts and improve distributions and climate resilience of future old-growth forest conditions.” Once again, the 2012 Planning Rule requires the Forest Service to analyze the “effects of the proposal.” Since land uses are mutually exclusive (at least, old and young forests cannot exist on the same acre at the same time), any new acres with increased amounts of old growth will come out of acres in other management

areas, land use emphases, and theoretically scheduled management in the future. By proposing a nationwide plan amendment, the Department has made it impossible to comply with the requirements of the 2012 Planning Rule.

The guideline also requires old growth management to ensure that “loss due to natural disturbance events does not result in a loss or isolation of the old growth conditions.” Put simply, this guideline will lead to calls for reduced management across additional acreages following large scale disturbances, even if those disturbances were the result of (or were exacerbated by) unnaturally dense forest conditions. Ironically, at just the moment many NFS units should be pursuing aggressive management to restore historic stand structures and fire return intervals, the proposed guideline sets the stage for never-ending increases in management restrictions.

Similarly, guideline 1(c) calls for units to “retain and promote the development of resilient old-growth conditions adjacent to existing old growth forest conditions.” Inevitably, this will lead to further changes to land use allocations and management areas in existing forest plans, again not as a result of a locally based assessment (as required by the 2012 planning rule) but instead through a nationwide plan amendment with no legitimate finding of a need for change.

Guideline 1(b) is ambiguous and poorly drafted. First it calls upon the agency to develop old growth conditions “adjacent to existing old growth forest conditions.” This threatens to create a system of “buffers” around old growth stands, where management is more restricted than required by current plans. If stands adjacent to current old growth must be managed to develop old growth characteristics, this forecloses management options on an ever-expanding area and threatens to undermine the overall multiple use mandate across the National Forest System. It could also significantly limit the Forest Service’s ability to use shaded fuel breaks around existing stands of old growth to protect them from catastrophic fire before their stand densities can be appropriately managed. Again, this is imposing additional restrictions, not just on existing unreserved old growth stands, but across additional acreages that may be in other management areas under the current Forest Plans.

Guideline 1(b) then goes on to discuss the need to reduce fire hazard and potential fire spread. We’d argue that to the extent that there are site specific

old growth guidelines which need to be developed, this should be the focus. Management in old growth must recognize that current stands have unique histories and origins, and in many places are not healthy. Some forest conditions (chestnut dominated hardwoods in the former range of the passenger pigeon, for instances) simply cannot be restored (chestnuts are functionally absent from most of their former range, and passenger pigeons, which contributed millions of tons of nitrogen to forest ecosystems, are extinct). Others can be – particularly when the most pressing threats are unnaturally high stand densities and proliferation of shade tolerant species which modify fire behavior in negative ways. Forest specific guidelines to address these stand conditions should be developed through individual forest plans.

Guideline 1(d) seems to require the development of time travel technology, or faster than light forestry.

Guideline 1(e) creates the potential for an endlessly varied set of demands for new old growth on a wide variety of scales, which are likely to conflict with land allocations in current Forest Plans. Again, this is yet another reason to leave old growth plan components to the local Forest Planning process.

The proposed nationwide plan amendment and the management approaches are subject to the requirements of the NEPA, and therefore the Department must analyze and disclose the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, and alternatives to the proposed action. This would specifically include effects on timber outputs, desired conditions, and objectives in existing forest plans.

The guidelines also specify several ways in which the Forest Service will be required to provide “redundancy” (which is not adequately explained) to meet “climate adaptation” goals. This prioritizes old growth forests as a climate adaptation strategy, when the 2012 Planning Rule already requires consideration of climate change impacts as part of the locally led forest planning process. Again, as we noted in our comments on the RFI, unmanaged forests are increasingly risky, unstable pools of carbon. Emissions from 2020 wildfires in California, which burned predominantly on National Forest System lands, emitted over 112 million metric tons of carbon dioxide<sup>xi</sup>. That’s

equivalent to the emissions from over 24 million gas powered passenger cars driven for one year.

*Plan Monitoring:* As noted above, the current Forest Service track record of effective Forest Plan monitoring is, at best, poor. While a few NFS units produce biennial plan monitoring reports regularly, most do not. As noted above, average NFS units have missed 4 biennial reporting cycles. Moreover, as we noted in our comments on the ANPR, the individual NFS units have adopted several additional “plans” (beyond the legally required Forest Plan) and in general have a very poor track record of monitoring either their implementation or effectiveness. We cannot make recommendations on how to improve the proposed Old Growth Monitoring Network absent fundamental reforms to the overall biennial Forest Plan monitoring process.

**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 older forests are a diverse and transitory set of ecosystems found throughout the United States, and are found across wide swaths of the National Forests, including millions of acres in legally protected areas where no management will take place under current laws. 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. This expansion has taken place despite significant disturbances such as megafires and large-scale insect and drought related mortality.

All of this demonstrates that there is little to no value with pursuing a nationwide forest plan amendment that inherently violates substantive provisions of the 2012 Planning Rule, and which would potentially hinder individual Forest’s ability to meet other, equally valid forest management objectives in current Forest Plans. 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.

Rather than pursue this ill-advised strategy, we urge the Department to continue addressing old growth issues through the locally-led, coordinated planning process. This process should engage in true climate smart forestry, which seeks to manage stocking levels appropriately for each forest type, engage in regulated harvest on unreserved acres, with substantial carbon

storage in long-lived wood products, and should include more aggressive recovery of damaged timber and reforestation following disturbances. Further, as Forest Plans are revised, each NFS unit should be responsible for developing salvage and wood recovery standards and guidelines to guide restoration of forest cover on the massive amounts of forest which have experienced mortality through disturbances in the last quarter century.

Sincerely,



Bill Imbergamo  
Executive Director

On behalf of:

Alabama Forestry Association	Alaska Forest Association
Allegheny Hardwood Utilization Group	American Loggers Council
American Forest Resource Council	Associated Oregon Loggers
Associated Logging Contractors – Idaho	Associated California Loggers
Black Hills Forest Resources Assoc.	California Forestry Association
Colorado Timber Industry Association	Forest Resource Association
Great Lakes Timber Professionals Assoc.	Hardwood Federation
Intermountain Forest Association	Louisiana Forestry Association
Louisiana Logging Council	Minnesota Forest Industries
Minnesota Timber Producers Assoc.	Mississippi Forestry Association
Missouri Forest Products Association	Montana Logging Association
Montana Wood Products Assoc.	New Mexico Forest Industries Assoc.
Oregon Forest Industries Council	Pennsylvania Forest Products Assoc.
Pulp & Paperworkers Resource Council	

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<sup>i</sup> Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management FS-1215a April 2023

<sup>ii</sup> Executive Order 14072 of April 22, 2022 Strengthening the Nation’s Forests, Communities, and Local Economies

<sup>iii</sup> 36 CFR 219, Fed. Reg. Vol. 77 No. 68

<sup>iv</sup> 2012 Planning Rule Preamble, p 21247-21248)

<sup>v</sup> 1985 Pike-San Isabel National Forest Plan, page III-12, Diversity on National Forests and National Grasslands

<sup>vi</sup> Greenhouse Gas Emissions and Removals From Forest Land, Woodlands, and Urban Trees in the United States, 1990–2019 Northern Research Station Resource Update FS–307 April 2021

<sup>vii</sup> Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2018 US Environmental Protection Agency April 2020



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<sup>viii</sup> Malmshheimer et. al. *Managing Forests Because Carbon Matters: Integrating Energy, Products, and Land Management Policy* Journal of Forestry October 2011

<sup>ix</sup> Mega-disturbances cause rapid decline of mature conifer forest habitat in California Z.L. Steel, et. al.; *Ecological Applications* December 2022

<sup>x</sup> Harvest Trends on the National Forest System, 1984 – 2012;

<https://www.fs.usda.gov/forestmanagement/documents/harvest-trends/NFS-HarvestHistory1984-2021.pdf>

<sup>xi</sup> *California's 2020 Wildfire Emissions Akin to 24 Million Cars*, Emily Dooley, Bloomberg Law, January 2021