AMERICAN BIRD CONSERVANCY

Bringing back the birds

February 2, 2024

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

Dear Friends:

Please accept this comment on behalf of American Bird Conservancy which works to conserve birds and their habitats throughout the Americas. We wish to thank President Biden, Secretary Vilsack, and Chief Moore for their leadership to advance to this old growth forest conservation initiative which will have significant benefits for both climate mitigation and maintaining and restoring biodiversity, including assisting the recovery of endangered birds such the Northern Spotted Owl, Marbled Murrelet, and California Spotted Owl.

Northern Spotted Owl, USFWS

American Bird Conservancy supports the nuanced approach being taken to amend national forest plans to provide for the protection and recruitment of old growth. By protecting old growth and considering best management options for mature forests, we believe that both replacement old growth and habitat diversity can be provided to support all suites of birds. To bolster this policy, we recommend interim protection also be provided to prohibit commercial logging of old growth forests.

Based on the best available science, the administration is well justified in taking this step and could propose an even more protective rule. Leading climate and biodiversity scientists have repeatedly called for protection of old growth forests for their multiple benefits of providing both wildlife habitat and carbon storage.

Most recently in regard to this proposed rulemaking over 200 top scientists stated:

> Because of the global loss of mature and old-growth forests, and large trees generally,[1] and their importance in mitigating the climate and biodiversity crisis on federal lands[2], we fully support calls by fellow scientists for a moratorium[3] on logging in these critically important

> forests. Therefore, we request that you now direct the Forest Service and BLM to suspend all timber sales in mature and old-growth forests, and refrain from proposing new timber sales in these forests, while the federal agencies develop their Environmental Impact Statements that best comply with Executive Order 14072 in securing a national network of conservation areas.

A key climate solution comes from protecting existing high carbon stores such as old growth forests and allowing for their expansion. Twelve percent of U.S. emissions were absorbed by forests in 2021. Protecting these high carbon areas benefit the climate *and* provide increased habitat for birds.

Other scientific studies support the connection between mature and old growth protection and reduced carbon emissions. For a recent example see ***Mature and old-growth forests contribute to large-scale conservation targets in the conterminous United States*** which found:

> [Mature Old Growth] on national forest lands supported the highest concentration of conservation values. However, national forests and BLM lands did not meet lower bound (30%) targets with only _24% of MOG in GAP1,2 (5.9 M ha) protection status. The vast majority (76%, 20.8 M ha) of MOG on federal lands that store 10.64 Gt CO2 (e) are vulnerable to logging (GAP3). If federal MOG are logged over a decade, and half their carbon stock emitted, there would be an estimated 0.5 ppm increase in atmospheric CO2 by 2030, which is equivalent to 9% of United States total annual emissions.

A broad national coalition of climate change and wildlife conservation groups support this rulemaking:

> The severe loss of biodiversity and the worsening impacts of climate change require solutions that match the magnitude of the threats we face. We need transformational change, not the status quo or incremental steps towards future outcomes. Done properly, this Nationwide Forest Plan amendment could have a meaningful, near-term impact on confronting the climate crisis and on addressing the loss of biodiversity, and we look forward to working with the agency to see this potential realized.

We are concerned that carbon losses from logging old growth and other forests are not currently being adequately accounted for or mitigated and recommend new agency mitigation policies to address this shortcoming. We appreciate that the Bureau of Land Management has included a mitigation policy in the proposed national conservation rule. We recommend the Forest Service develop a mitigation regulation to help ensure full consideration of endangered wildlife, carbon and clean water, and the potential replacement cost of those ecosystem benefits that mature and old growth forests provide in abundance.

In 2016, President Barack Obama issued "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment." This Presidential Directive promoted appropriate mitigation and protection of our natural resources, particularly on public lands. This Presidential directive called for the development of a Forest Service mitigation regulation.

The Analysis of Threats to Mature and Old-Growth Forests on Lands Managed by the Forest Service and Bureau of Land Management confirms there is opportunity to enhance biodiversity and climate mitigation by conserving old growth forests.

> Over the next five decades, the growth of younger and mature forests is projected to result in an increase of mature and old-growth forests despite increasing disturbances.
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> Despite the threats highlighted in this analysis, the RPA assessment predicted an increasing trend in the amount of mature and old-growth forests on NFS and BLM lands until at least mid-century (2070), as the large amount of younger and mature forest age into older forests.

In a changing climate, old growth forests are also likely to be important refugia for diminishing wildlife populations. In a 2017 study, *Old-growth forests buffer climate-sensitive bird populations from warming,* researchers at Oregon State University's College of Forestry found that two tracked species of songbird—Wilson's Warbler and Hermit Warbler suffering from limited population growth from increasing climate change—were finding refuge in old growth forests.

In a similar follow up study *Forest microclimate and composition mediate long-term trends of breeding bird populations* the authors conclude that "Conservation of old-growth forests, or their characteristics in managed forests, could help slow the negative effects of climate warming on some breeding bird populations via microclimate buffering and possibly insurance effects."

At least five bird species—Swainson's Thrush, Chestnut-backed Chickadee, Hermit Warbler, Varied Thrush and Wilson's Warbler —benefited from the buffering effect provided by cooler microclimates. And, the Wilson's Warbler and the Red Crossbill were found to benefit from the insurance effect provided by complex forest structure.

Many other species of birds are supported by old growth forests. For example, in magnificent California redwood forests, one might see Pacific-slope Flycatcher, Pacific Wren, Varied Thrush, Golden-crowned Kinglet, Wilson's Warbler, Pileated Woodpecker, Hutton's Vireo, Steller's Jay, Chestnut-backed Chickadee, Swainson's Thrush, Hermit Warbler, Dark-eyed Junco, Red-breasted Nuthatch, Hairy Woodpecker, and Brown Creeper.

Old growth and mature forests are also critically important to recovering and sustaining a number of bird species of conservation concern in the eastern U.S. including Cerulean Warblers and Wood Thrush. And, it is important to note, that while some species are not dependent on old growth, it is in these high-quality habitats that they reach their maximum densities.

Assemblages of Bird Species in Western Coniferous Old-Growth Forests found that the Pileated Woodpecker, Goshawk, Vaux's Swift, Townsend's Warbler, and Hermit Thrush are in this category of birds particularly benefitting from old growth forests. The Spotted Owl and its connection to old growth forests are also well-known.

The Northwest Forest Plan: Working to Recover Biodiversity and Mitigate Climate Change

We greatly appreciate that President Biden's E.O. 14072 calls particular attention to the importance of Mature and Old-Growth (MOG) forests on Federal lands for their role in contributing to nature-based climate solutions by storing large amounts of carbon and increasing biodiversity. For example, increasing the amount of MOG forests within the range of the Northern Spotted Owl is essential to its recovery, and due to the very high concentrations of carbon found in the region's mature and old growth forests, is also an important strategy needed to ameliorate climate change.

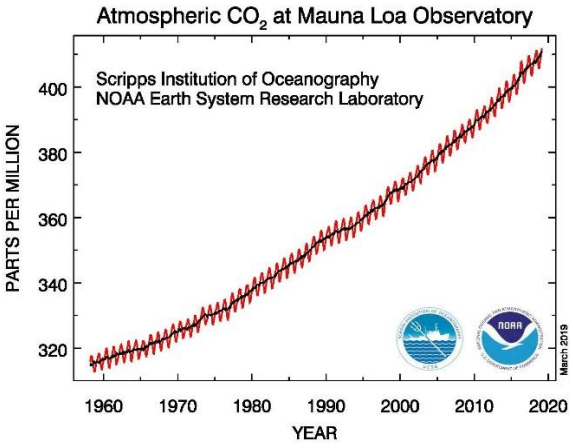
The Northwest Forest Plan demonstrates the benefits to be gained through an old growth protection policy. It marks a rare climate change success story by reducing logging emissions, and allowing for continued storage and sequestration in mature and old growth forests. We believe this rulemaking under EO 14072 can build upon that success.

The Northwest Forest Plan is also undertaking a plan amendment. To address the dual biodiversity and climate crises, for Northwest Forests we recommend these two rulemakings result in:

1. Protection of all stands 80 years and older. This is the age where forests begin to mature and become suitable Northern Spotted Owl habitat. Given the severe shortage of contiguous old growth in the region, continuing the Northwest Forest Plan restoration strategy and reserve designation are essential to recover the owl and threatened Marbled Murrelet, and at the same time continue and increase climate change benefits.
2. Limitations on post-fire logging within the late-successional reserves. Other than maintaining public safety, post-fire logging in the reserves should be prohibited.

Where proposed recommendation number 1. above would have the most effect is on the Plan's designated matrix, non-reserve areas where logging is allowed, which currently is seeing commercial timber sales in owl critical habitat up to 150 years. The owl critical habitat designated in the matrix in 2012 could have and still should be shifted to and managed the same as the reserves. This would improve the NW Forest Plan and benefit the climate by restricting logging of mature federal forests 80-150 years old.

Our comments are informed by a growing body of analysis indicating that much stronger conservation measures are needed to address the duel biodiversity and climate crisis. The [Three Billion Bird Loss] report found that since 1970 the total number of birds has greatly declined. At the same time, atmospheric carbon continues to increase at a dangerous pace.



Additionally, we remain concerned about the degree of political interference in endangered species management. This should be considered and precautionary standards provided to ensure that listed species and the ecosystem will not be harmed or degraded by similar machinations.

For example, the need for new and added protections for mature and old growth forests within the range of the Northern Spotted Owl became gravely apparent when in 2021 the US Fish and Wildlife Service issued a rule exempting 3.4 million acres of Northern Spotted Owl critical habitat from protection. Agency scientists alerted us and warned that in their view, if implemented this rule would cause the eventual extinction of the Northern Spotted Owl. This potentially devastating rule has since been withdrawn.

Attacks on the Marbled Murrelet's ESA status have also been particularly intense. This has included proposals for delisting, and as recently as 2013, eliminating all or most of the murrelet's critical habitat designation. American Bird Conservancy and partners successfully litigated against a flawed Northern Spotted Owl critical habitat rule (2008), and the recently withdrawn critical habitat exemptions rule that allowed for the 3.4 million-acre exemption to Northern Spotted Owl critical habitat in 2021.

The proposed EO rulemaking as outlined above should provide needed additional protection to at-risk old growth and mature forests in the Pacific Northwest, northern California National Forests, and to the reserves whose effectiveness is being diminished by post-fire logging. It is also essential to provide the mature and old growth habitat increases needed to recover the owl and murrelet. Similar standards in the Sierra Nevada range would greatly benefit the California Spotted Owl whose habitat has been heavily logged over the past twenty years since the science-based Sierra Framework was abandoned.

Spotted Owl and Fire Management

Relevant to the Threats Analysis and consideration of fire risks, the 2012 Northern Spotted Owl critical habitat rulemaking included controversial elements promoting logging in Northern Spotted Owl habitat to reduce fire risks. To date, these projects have not been shown to benefit the recovery of the Northern Spotted Owl.

The owl is relatively well-adapted to fires, but can be forced to move from an area if the percentage of canopy cover drops too low. Stand replacing fires can cause this degree of habitat loss, as can salvage logging which very frequently is being conducted after low, mixed, and high severity fires. We are concerned that negative impacts being attributed to wildland fire by federal agencies, are in fact, the result of aggressive post-fire logging.

Post-fire logging is a threat to the Northern Spotted Owl by removing features needed for survival such as large snags and downed woody debris that take a long time to form on the landscape. The Northern Spotted Owl recovery action 12 recognizes this issue, but overly aggressive post-fire logging is continuing to degrade Northern and California Spotted Owl habitat. We recommend that the EO provide for added protection for burned mature and old growth forests to ensure that their benefits to wildlife, and the substantial carbon stores that are typically salvage logged today, will not be completely lost.

There is a lack of consistent empirical data on the effectiveness of fuel reduction projects on the National Forests which have now been taking place forthe past 30 years. The handful of studies that didlook back at what happened to the treated acres found that fires rarely intersected with the project area during the treatment's 10 to 20-year period of effectiveness. In response to the EO, we recommend that an empirical analysis be conducted of all of the federal acres treated for the past 30 years to help better target future fire-risk reduction efforts.

We recommend any Northwest Forest Plan amendment, and conservation rule stemming from the EO to include all public lands under the Bureau of Land Management's jurisdiction in the Pacific Northwest including the Public Domain and O & C Lands. These areas are particularly important for Northern Spotted Owl and Marbled Murrelet recovery.

The proposed 3.4 million-acre Northern Spotted Owl critical habitat exemption proposed by the US Fish and Wildlife Service in 2021 included this important portion of the owl's range. Scientists assessing the rule concluded loss of critical habitat in this area would jeopardize the continued existence of Northern Spotted Owl population.

Northwest Forest Plan: A Rare Climate Change Success Story

Monitoring reports conducted on the Northwest Forest Plan indicate that it is working as intended to restore blocks of mature and old growth forests, and is improving water quality across the entire region. EPA studies indicate that the plan is also helping to fight climate change.

Since protections were put in place for Spotted Owls and salmon under the Northwest Forest Plan, the region's forests have gone from a source of polluting emissions into a carbon sink according to EPA annual emissions data. This is a rare climate change success story that needs to be maintained and built upon. Attached is a letter from scientists on the importance of conserving large trees to address both climate and biodiversity.

The Plan's 20-year monitoring report offers a clear picture of progress within expected parameters:

> The maps showed net changes in amount of older forests on federal lands managed under the NWFP have been small (a 2.8 to 2.9 percent net decrease). This occurred despite gross losses from wildfire (4.2 to 5.4 percent), timber harvest (1.2 to 1.3 percent), and from insects or other causes (0.7 to 0.9 percent), suggesting that processes of forest succession have compensated for some of the losses resulting from disturbance. The Plan anticipated a continued decline in older forests for the first few decades until the rate of forest succession exceeds the rate of gross losses. Decadal gross losses of about 5 percent per decade as a result of timber harvesting and wildfire were expected.
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> Observed losses from wildfire were about what was expected, but losses from timber harvesting were about one quarter of what was anticipated. Results were consistent with expectations for older forest abundance, diversity, and connectivity outcomes for this period of time. Nothing in the findings suggests that attainment of desired outcomes over the next few decades is not feasible; however, we noted some portions of the NWFP federal landscape that had been set back from those outcomes, particularly resulting from large wildfires in the fire-prone portions of the NWFP area.

The Plan assumed a certain amount of loss to fire, and incorporated a redundant reserve design to help ensure connectivity for owl dispersal. However, the potential for an increase in climate-induced large-scale fires is a concern. To reduce potential recovery habitat loss and take of Northern Spotted Owl and Marbled Murrelet, we recommend fire risk reduction activities be limited to stands younger than 80 years.

As these reports indicate, the Northwest Forest Plan is working and offers a strategy to both manage threats appropriately, and to provide for climate refugia for at-risk wildlife. We support language in the preamble stating that where stronger conservation measures are in place, they would take precedence over the national rule. The time-tested and effective wildlife and habitat protections provided by the Northwest Forest Plan may fit into this exception and therefore it is important to retain this language in the final old growth rule.

We believe the national old growth rule has the potential to replicate this success of the Northwest Forest Plan on a national scale, and make a major contribution to maintaining and recovering threatened biodiversity, and reducing climate change.

Thank you for this important conservation initiative and considering these comments.

Sincerely,

Steve Holmer
Vice President of Policy
American Bird Conservancy
sholmer@abcbirds.org