Friends of the Clearwater
Keeping Idaho's Clearwater Basin Wild
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February 2, 2024

Joseph Biden, President
The White House

Thomas Vilsack, Secretary
United States Department of Agriculture

Transmitted to President Biden at: president@whitehouse.gov

Submitted via webform at: https://cara.fs2c.usda.gov/Public//CommentInput?Project=65356

Dear President Biden and Secretary Vilsack:

Friends of the Clearwater transmits these scoping comments on the U.S. Department of Agriculture (USDA) notice, "Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System" (Federal Register / Vol. 88, No. 243 / Wednesday, December 20, 2023) (hereinafter "Notice).

Friends of the Clearwater, a nonprofit organization since 1987, defends the wildlands and biodiversity of the Clearwater Bioregion through a Forest Watch program, grassroots public involvement, and education. The Wild Clearwater Country, the northern portion of central Idaho's "Big Wild," contains many unprotected roadless areas and wild rivers and provides crucial habitat for countless rare species. We strive to protect these areas, promote their values as natural climate solutions, restore degraded habitats, preserve viable populations of native species, recognize national and international wildlife corridors, and end industrialization of public lands.

Introduction

Friends of the Clearwater (FOC) very much appreciates the opportunity to comment on the proposal to amend each forest plan of the national forest system in response to the climate and biodiversity crises. And we find much content in the Notice leading to optimism:

- "The Department believes that reaffirming, at a national scale, the commitment to maintaining …old-growth forests conditions across the National Forest System is prudent and warranted…"
- USDA seeks to "promote the long-term persistence, distribution, and recruitment of old-growth forest conditions across the National Forest System."
- "This proposed amendment is intended to create a consistent approach to manage for old-growth forest conditions with sufficient distribution, abundance, and ecological integrity (composition, structure, function, connectivity) to be persistent over the long term, in the context of climate amplified stressors."

- "The proposed action recognizes the role of old-growth forest conditions in contributing to ecological integrity."

Yet our optimism is tempered because the Notice vastly downplays the persistent and ongoing threats to old growth posed by human activities (logging and other vegetation manipulations) while being distracted by alleged "threats" posed by Mother Nature (specifically, "mortality from wildfires" and "insects and disease").

Additionally the USDA apparently lacks sufficient understanding of the role unmanaged old-growth ecosystems play in serving biological diversity and reducing greenhouse gas emissions. This is perhaps best exemplified by the Notice biasing the outcome of the amendment process toward a conclusion that old growth—and the mature forests we want to become old growth—need active human intervention to better serve biological diversity and reduce greenhouse gas emissions. The Notice ignores the scientific controversy of this USDA position.

The Assessment process

The Notice vilifies the natural processes that are so vital for creating the diversity and resilience inherent to forest ecosystems: "The **initial analysis** found that mortality from wildfires is currently the leading threat to mature and old-growth forest conditions, followed by insects and disease" (emphasis added). The Notice fails to explain what is meant by "initial analysis" and cites no basis for its questionable conclusion. A more thorough, objective and formally structured consideration of scientific information is needed to set the stage for a process as important as these plan amendments. This would be the **assessment**, as described in the 2012 Planning Rule: "Assessments rapidly evaluate existing information about relevant ecological, economic, and social conditions, trends, and sustainability and their relationship to the land management plan within the context of the broader landscape… ."

The Rule amending the 2012 Planning rule (Fed. Reg. Vol. 81, No. 241, Dec. 15, 2016) clarifies USDA direction for plan amendments: "The planning framework set forth in the 2012 rule includes three phases: **Assessment; plan development, amendment,** or revision; **and monitoring**." It clarifies that "the best available scientific information is to be used to inform the plan amendment process, as well as all other parts of the planning framework (36 CFR 219.5)." (Emphases added.)

The 2012 Planning Rule states, "Assessments rapidly evaluate existing information about relevant ecological, economic, and social conditions, trends, and sustainability and their relationship to the land management plan within the context of the broader landscape" and requires the USDA to "Document the assessment in a report available to the public. The report should document information needs relevant to the topics" including the following relating directly to climate change and ecological integrity:

- Terrestrial ecosystems, aquatic ecosystems, and watersheds;
- Air, soil, and water resources and quality;
- System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change;

- Baseline assessment of carbon stocks;
- Threatened, endangered, proposed and candidate species, and potential species of conservation concern present in the plan area;
- Social, cultural, and economic conditions;
- Benefits people obtain from the NFS planning area (ecosystem services);
- Areas of tribal importance;
- Cultural and historic resources and uses;

Also, "The plan-level monitoring program is informed by the assessment phase" (Id.) and "The responsible official shall document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program… (Id.).

The Notice signals that USDA is skipping the Assessment process, dismissing the benefits it would provide for informing this amendment process from "Review(ing) relevant information from the assessment and monitoring to identify a preliminary need to change the existing plan and to inform the development of plan components and other plan content." (Id.)

Leaving forests unmanaged best serve to meet climate goals

President Biden, your Executive Order 13990 of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis) set as policy for your Administration to "…reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change… ." And in Executive Order 13990 you state, "It is essential that agencies capture the full costs of greenhouse gas emissions as accurately as possible, including by taking global damages into account. Doing so facilitates sound decision-making, recognizes the breadth of climate impacts, and supports the international leadership of the United States on climate issues."

And you begin your Executive Order 14008 of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad) with: "The United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents." Further, your Executive Order on the Establishment of the Climate Change Support Office (May 7, 2021) recognizes the "global climate crisis."

Even a rapid but objective Assessment would better inform USDA of the natural resilience and role of forest ecosystems for sequestering atmospheric carbon and long-term storage. We cannot afford to make decisions lacking firm empirical basis in forest/climate research.

The proposed manipulation of forests to "increase the resilience" of our forests with the goal of reducing wildfire effects is inconsistent with best available science. For example, scientists Beverly Law and Mark Harmon (2011) conducted a literature review and concluded:

> Thinning forests to reduce potential carbon losses due to wildfire is in direct conflict with carbon sequestration goals, and, if implemented, would result in a net emission of CO_2 to the atmosphere because the amount of carbon removed to change fire behavior is often far

> larger than that saved by changing fire behavior, and more area has to be harvested than will ultimately burn over the period of effectiveness of the thinning treatment.

The mechanical manipulations embraced in the Notice and Proposed Action would continue chronic unnatural emission of carbon from national forests to the atmosphere. Results from Hudiberg et al. (2019) indicate harvest-related carbon emissions between 2001 and 2016 in the states of California, Oregon and Washington averaged five times the emissions from wildfires.

In dry forests of the western U.S. even modest "thinning" operations emit three times more CO_2 into the atmosphere per acre than does wildfire alone. (Campbell et al. (2012.) And Mildrexler et al. (2023) found that 58% of the aboveground forest carbon in dry forests is comprised of trees less than 21 inches in diameter, and those are the trees that are typically targeted in current thinning operations to "increase resilience."

The fallacy of active management for creating or maintaining old growth

The Notice takes the position that the results of many decades and even centuries of forest successional processes can be replicated or shortcut by active management:

> The purpose of this amendment is to establish consistent plan direction **to foster**[1] ecologically appropriate management across the National Forest System by maintaining and **developing old-growth forest conditions** while improving and expanding their abundance and distribution and protecting them from the increasing threats posed by climate change, wildfire, insects and disease, encroachment pressures from urban development, and other potential stressors, within the context of the National Forest System's multiple-use mandate.

(Emphases added.) Such a position lacks empirical support. It is of great concern that the USDA wants to address climate and ecological integrity issues by including direction for logging within old growth and even exempting more intensive old growth logging from the proposed restraints. The USDA is failing the science test. Please see FOC's old-growth policy paper, which takes up this subject, among others related to U.S. Forest Service management of old growth.

Steel, 2009 notes "special interests and symbolic politics, a powerful combination that has proven its worth in muddying the waters of public knowledge and stopping intelligent progress in the thoughtful management" of old growth. This situation is recognized in a 2006 Ninth Circuit U.S. Court of Appeals opinion (*Earth Island Institute v. United States Forest Service* 442 F.3d 1147 (2006)):

> We have noticed a disturbing trend in the [Forest Service's] recent timber-harvesting and timber-sale activities…It has not escaped our notice that the [Forest Service] has a substantial financial interest in the harvesting of timber in the National Forest. We regret to say that in this case, like the others just cited, the [Forest Service] appears to have been more interested in harvesting timber than in complying with our environmental laws."

[1] An online dictionary defines "foster" as: "to promote the growth or development of; further; encourage."

There is simply no science supporting the position that vegetation manipulation can help to maintain old growth over time, or "foster" development of non-old growth into old growth. As stated by Thomas et al. (1988):

> The ecological complexity of old growth makes it unlikely that forest managers can create functional old growth through silvicultural manipulations of younger-aged, second-growth forests. Certainly, such knowledge does not now exist. …If silviculture is used to expedite this process, it should be done with the understanding that such action is experimental, and results lie many decades or centuries in the future. Accordingly, management options that include retention of existing old growth must be given priority.

Pfister et al. (2000) note that the outcome of legitimate experimentation for creating old growth can only be known far into the future:

> (T)here is the question of the appropriateness of management manipulation of old-growth stands… Opinions of well-qualified experts vary in this regard. As long term results from active management lie in the future—likely quite far in the future—considering such manipulation as appropriate and relatively certain to yield anticipated results is an informed guess at best and, therefore, encompasses some unknown level of risk. In other words, producing "old-growth" habitat through active management is an untested hypothesis.

Hunter (1989) quotes from writing by the Society of American Foresters:

> With present knowledge, it is not possible to create old-growth stands or markedly hasten the process by which nature creates them. Certain attributes, such as species composition and structural elements, could perhaps be developed or enhanced through silviculture, but we are not aware of any successful attempts. Old growth is a complex ecosystem, and lack of information makes the risk of failure high. In view of the time required, errors could be very costly. At least until substantial research can be completed, the best way to manage for old growth is to conserve an adequate supply of present stands and leave them alone.

Speaking to the kind of hubris exemplified by the Notice, Franklin and Spies (1991) ask, "How can we presume to maintain or re-create what we do not understand?"

Misguided Policies

The proposed action "is intended to complement the Department's continued focus on, funding, and implementation of the Forest Service's Wildfire Crisis Strategy." However, some policies in the Wildfire Crisis Strategy conflict with the attainment of protecting old growth and preserving forests for their climate benefits.

That strategy, called "Confronting the Wildfire Crisis" (January 2022) states, "We will focus on key "firesheds"—large forested landscapes and rangelands with a high likelihood that an ignition could expose homes, communities, and infrastructure to wildfire. Firesheds, typically about 250,000 acres in size, are mapped to match the scale of community exposure to wildfire."

The problems inherent to the Wildfire Crisis Strategy are well-illustrated with the Nez Perce-Clearwater National Forests' proposed Twentymile Project. The Twentymile Proposed Action (PA) states:

> The Secretary of Agriculture, Tom Vilsack, has determined that the Forest Service may carry out Authorized Emergency Actions under section 40807 of the Infrastructure Investment and Jobs Act (PL 117-58) on National Forest System lands in 250 **identified High Risk Firesheds**. Emergency actions are taken to achieve relief from threats to public health and safety, critical infrastructure, and/or to mitigate threats to natural resources. Forests projects proposed under an emergency authority must be approved by the Secretary.
>
> The NPC is requesting approval from the Secretary to implement the Twentymile project as an **Emergency Action Determination** project. The project lies within one of the 250 identified High Risk Firesheds. The reason for requesting this emergency authority is **to mitigate the harm to life and property adjacent to NFS land; to control insects or disease; remove hazardous fuels; and protect and restore water resources and infrastructure.**

(Emphases added.) The Forest Service's April 5, 2023 "Twentymile Project Update" introducing the public to the Proposed Action stated, "If approved, the Twentymile project **will not be subject to the pre-decisional objection review process**." (Emphases added.)

Prior to the so-called "Update" the public had never heard of the Twentymile Project. It had not appeared in any Schedule of Proposed Actions. So without any analysis or previous public involvement, the Forest Service proclaims the project meets the criteria in Section 40807 of Public Law 117-58 (enacted on November 15, 2021) for emergency actions needed to reduce the risk of wildfire. And Forest Supervisor Cheryl Probert prefers that outside a mere 30-day comment period, citizens have no further say in the matter. Oddly enough, the Twentymile PA states, "**There are no private lands within the project area**" to save from wildfire. And of the "nearby communities at risk" the PA says, "The Twentymile project is located on the forest's Red River Ranger District approximately **16 miles** southwest of Elk City, **15 miles** northwest of the township of Orogrande, and **12 miles** south of Newsome… ." (Emphases added.) To top it off, "the Proposed Action would create openings greater than 40 acres in size and require Regional Forester approval… Regeneration prescription would result in eleven openings created that are greater than 40 acres in size, ranging from 41 to 642 acres." (Id.)

We cite this situation because the Notice embraces the implementation of the Wildfire Crisis Strategy. Just as important, the Proposed Action described in this Notice includes a Guideline that embraces the same set of rationales the Twentymile PA uses to shortcut the public process:

> …landscape-level proactive stewardship activities should… be developed …to retain and promote the development of resilient old-growth conditions …including **for the purposes of reducing fire hazard, altering potential fire spread or fire severity, or reducing potential insect or disease outbreak that may spread to adjacent old-growth forest**.

(Emphasis added.) Use of the concept "resilience" in the Notice also concerns us greatly. Asaro et al. (2023) recognize, "Forest health is a difficult concept to define using terms such as integrity, resilience, or balance, which are problematic because **they do not provide objective, scale-independent criteria that can easily be assessed quantitatively and applied consistently across forest ecosystems.**" (Emphasis added.) The Proposed Action in the Notice provides absolutely no direction to create objective **measurement** of forest ecosystems' resilience as they are now, nor for monitoring the changes in resilience following implementation of management strategies under the amendment.

The risks posed by wildland fire are best dealt with in the immediate vicinity of homes, not by large-scale vegetation manipulations of national forest lands well away from human occupied neighborhoods. The forthcoming Environmental Impact Statement must explore the vast body of scientific information demonstrating that the only effective way to prevent structure damage is to manage ignition sources in the immediate vicinity of those homes, which happens to a very small portion of the wildland-urban interface and covers a minuscule extent of national forest land.

Inadequate Old-Growth Inventory

The Notice states the federal government completed the Executive Order 14072 requirement to "inventory mature and old-growth forest conditions on National Forest System lands, which the Forest Service completed an initial draft in April 2023 (Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management." It represents the results of the inventory being "…the Forest Service identifying an estimated 24.7 million acres of old-growth forest conditions and 68.1 million acres of mature forest conditions representing 17 and 47 percent, respectively, of the 144.3 million acres of forested National Forest System lands."

A reasonable interpretation and expectation of that inventory is that it identifies the location of the old-growth forests the government says it's inventoried. However it's important to realize that from using that inventory nobody can locate a single stand of old growth anywhere in the entire national forest system. Not even a single centuries-old tree.

This is because of the nature of the data used—that proceeding from the federal Forest Inventory and Analysis (FIA) program sampling protocol. Sample design for FIA plots is semi-systematic; samples are taken at randomly located spots within a systematically placed grid consisting of fixed polygons. The location of plots is confidential, to prevent skewing of data which would result from intentionally managing differently at known plot locations. Yet this situation prevents independent peer review—a hallmark of the scientific method. The FIA "inventory" of old growth is akin to an anonymous poll or survey. Not even the USDA Secretary or Forest Service Chief know FIA plot locations.

This inherently leads to problems in monitoring, and therefore adaptive management. Conclusions based on FIA cannot be verified by independent investigators, thwarting independent review of data interpretation and thus scientific integrity.

Furthermore the size of FIA plots, covering "an area that is nominally one acre in size"

(Czaplewski, 2004), prevents assessment or implementation of ecological definitions of old growth, including the contiguity and connectivity needed to insure viability of old-growth associated wildlife and the long-term persistence of their populations.

Problems with the Notice's Proposed Plan Components

The USDA ignores the science and ecology of old-growth ecosystems, thus failing to meet common and realistic public expectations. The wording in Standard 1 fails to propose a clear and unambiguous prohibition of the degradation and logging of old growth: "(I)n a manner that prevents the long-term persistence of…" is highly subjective and open to various and even conflicting interpretations. Other ambiguous language promotes active management, which is misguided as we've already discussed. This includes Standard 2: "Vegetation management in old-growth forest conditions must be for the purpose of proactive stewardship, to promote the composition, structure, pattern, or ecological processes necessary for the old-growth forest conditions to be resilient and adaptable to stressors and likely future environments." Alarmingly, these standards would give excessive discretion to Forest Service responsible officials facing political pressures to increase logging, and would shield them from accountability. This would be a grave disservice to the public, our forests and our climate.

Along with those problems, in Standard 2 section (b) the "Exceptions to this standard" grants further discretion and unaccountability to responsible officials, who would only be required to "include the rationale in a decision document" no matter how absurd or lacking in scientific basis their rationale might be.

The exception for "cases where it is determined that the direction in this amendment is not relevant or beneficial to a particular forest ecosystem type" lends far too much credence to scientifically unproven or otherwise irrelevant distinctions between "types." This would routinely result in, e.g., 300-year old trees being logged because they are in some way out of bounds, and stands dominated by such trees being clearcut because they were somehow located wrongly by Mother Nature according to arbitrary Responsible Official decree. We already see this stretched logic being applied routinely in project analyses within our area of interest and beyond, resulting in clearcuts hundreds of acres in extent.

The aspirational language of "Desired Conditions" also lends wide discretion and doesn't contribute to accountability. Furthermore, the third and fourth Desired Conditions are mere statements of fact and accomplish nothing.

Science Consistency Review

The importance of this nationwide amendment process for ecological sustainability and the livability of the planet's climate calls for undertaking a science consistency review of the preliminary products of the proposed forest plan amendment process. Guldin et al. (2003a) describe such a review—a process the Forest Service created. Nie and Schembra (2014) recommend that the agency solicit independent feedback on its use of science. And Schultz (2010) recommends independent peer review of large-scale assessments and project level management guidelines.

Undertaking a science consistency review is particularly crucial in the absence of an Assessment being part of the amendment process.

Conclusion and recommendations

The science on climate change is clear. Regarding the growing climate chaos in which we find ourselves, we have no time to lose, and no opportunity to forgo in meeting the challenges.

Unfortunately this Notice represents a weak response to the climate and biodiversity crises. The Proposed Action, with its false solutions and loopholes, may reduce logging somewhat but would continue to facilitate forest exploitation and degradation, making the prospects of a decent quality of life for future generations more remote.

We recommend:

Initiate the Assessment process to better state the **need for change** based on best available scientific information indicating forests' natural resilience and capacity to best capture and store carbon in the absence of human manipulations.

Undertake an independent science consistency review of key preliminary products following from the above-mentioned Executive Orders, including the inventory for mature and old growth forests and this Notice/Proposed Action.

Drop all the exceptions to standards in the Proposed Action.

Include standards that require a comprehensive project area inventory of mature and old-growth forest conditions to inform analyses prior to decisions for vegetation management, prescribed fire and road construction projects. Set interim direction to implement these steps on all national forests by taking immediate executive action.

Initiate another set of nationwide forest plan amendments to transition our national forests and grasslands into a system of Strategic Climate Reserves, where natural ecological processes are allowed to mitigate the impacts of our past errors.

Again, thank you for the opportunity to comment.

Sincerely submitted,

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