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Director, Policy Office
201 14th Street SW, Mailstop 1108
Washington, DC 20250-1124

*Comments submitted via Federal eRulemaking Portal www.regulations.gov at:
<https://www.regulations.gov/commenton/FS-2023-0006-0002>*

Dear Secretary Vilsack,

Friends of the Clearwater submits these comments in response to the U.S. Forest Service's advance notice of proposed rulemaking on managing forests for climate resilience, 88 Fed. Reg. 24497-24503, RIN 0596-AD59 (April 21, 2023).

Friends of the Clearwater (FOC), a nonprofit organization since 1987, defends the Clearwater Bioregion's wildlands and biodiversity through a Forest Watch program, litigation, grassroots public involvement, and education. The Wild Clearwater Country, the northern half of central Idaho's "Big Wild," contains many unprotected roadless areas and wild rivers and provides crucial habitat for countless rare species. FOC strives to protect these areas, restore degraded habitats, preserve viable populations of native species, recognize national and international wildlife corridors, and bring an end to industrialization on public lands.

Rulemaking must comply with the Administrative Procedure Act (APA) and the National Environmental Policy Act (NEPA). Rules promulgated under the APA must be supported by facts and result from rational decisionmaking. Rational decisionmaking includes meaningfully considering the best available science and information received through the public comment process. Complying with the APA also includes soliciting future comment on the language of a proposed rule. Additionally, promulgating the type of rule suggested would be a major federal action with potentially significant environmental effects. For this reason, the Forest Service must prepare an Environmental Impact Statement (EIS), analyzing alternative rule language and assessing those alternatives. We also request that the Forest Service review the science provided by public comments and utilize the best available scientific information to support rulemaking. And we request notification of any actions taken pursuant to this rule as required by NEPA.

At this time the Forest Service has asked for feedback on the following question:

Given that climate change and related stressors are resulting in increasing impacts with rapid and variable rates of change on national forests and grasslands, how should the Forest Service adapt current policies to protect, conserve, and manage the national forests and grasslands for climate resilience, so that the Agency can provide for ecological integrity and support social and economic sustainability over time?

While FOC responds to that question in comments to which we contributed and signed onto, which are being submitted to you by other conservation organizations or coalitions, the Forest Service should also refer to, incorporate, and explicitly respond to public comments received in previous related proceedings. Since the beginning of the Biden Administration, the Forest Service has held multiple comment periods concerning climate change and wildfire in the context of publicly owned forests. FOC has consistently requested protection for national forests, supplying supporting scientific and other relevant information. For the present rulemaking, those comments we signed onto discuss forests and habitat, helping communities effectively manage wildfire risks, and the inconsistencies with best available science invoked by the Forest Service logging forests allegedly for fuel reduction and climate mitigation. However, we do not see evidence that the Forest Service has responded to our previous comments nor updated its policies to reflect the latest scientific understanding of forests and the climate. To the contrary, the Forest Service continues to target, destroy, and degrade mature and old-growth forests.

Here's an example of what the Forest Service should have already responded to in the context of this rulemaking. In our August 5, 2022 letter to Forest Service Deputy Chief Christopher French, responding to the Biden Administration's July 15, 2022 Request For Information in the Federal Register, seeking input on the development of a definition for old-growth and mature forests on Federal lands and requesting public input on a series of questions, among other concerns FOC explained what is wrong with using the Forest Inventory and Analysis (FIA) for the national inventory effort. We stated, "FIA data do not reliably measure ecologically functioning old growth, so its use for conducting inventories to meet the E.O. conservation and biological diversity goals would be inappropriate." If the Forest Service were to genuinely respond to our concerns, it would admit what it acknowledged in another context, which resonates with our concerns. Specifically, from the Lolo National Forest's 2023 Draft Assessment¹ the Forest Service states, "Forest Inventory and Analysis data ...is ideal for broad scale assessment and monitoring. However, because there is only approximately one plot per 6,000 acres, **this data is less useful at finer spatial scales.** Forest Inventory and Analysis data is **essentially nonspatial and cannot be used to understand how attributes vary across space or at finer spatial scales...**" (emphasis added). In other words, the "inventory" the Biden Administration eventually issued (earlier this year) doesn't allow anyone to identify specific stands of old growth and mature forests anywhere on national forest lands, so they might be considered for protection as climate mitigation or other purposes.

Not only are old growth and mature forests critical for mitigating climate change. They

¹ The Lolo National Forest is currently undergoing the forest plan revision process, as governed by the 2012 Planning Rule.

are also extremely important for the priceless diversity of life our public lands uniquely sustains. As the 1987 Nez Perce Forest Plan Final Environmental Impact Statement points out (at p. III-35):

Habitat diversity is a measure of the variety, distribution, and structure of plant communities as the progress through various stages. Each stage supports different wildlife species. **One of the most critical elements of diversity in a managed forest is old growth. If sufficient old growth is retained, all other vegetative stages from grassland through mature forest will be represented in a managed forest.**

(Emphasis added.) Why this matters in regards to nonspatial and remote data inventories is expressed in the 2019 Draft Resource Management Plan and Environmental Impact Statement (Volume II) for the Bureau of Land Management’s Missoula Field Office:

The disadvantage of remotely sensed data is that it usually has a certain degree of error. Bitterroot/Lolo National Forest VMap data (Ahl and Brown 2017) concluded, based on a comparison to 4,404 ground-surveyed data points, that the accuracy for canopy closure was 84 percent, whereas the accuracy for cover type was 71 percent, and the accuracy for size class was only 62 percent. **The low level of accuracy for size class is of particular concern since many forest planning wildlife issues focus of on the availability of certain tree size classes.**

(Emphasis added.) Granted, VMap data may not be the same as FIA data, but the problems inherent in applying either dataset for conserving habitat attributes wildlife depend upon in specific places, such as the habitat components that define old growth or older/mature forests, are the same: The datasets don’t accurately identify or measure the habitat components that express this biodiversity at the local scale. Yet it’s only at this local scale where they can be specifically considered for protection during analysis processes governed by the National Environmental Policy Act prior to approval of land disturbing management activities.

Therefore we request that this rulemaking result in explicit, nondiscretionary mandates for identifying the location of mature and old-growth forests during programmatic and project-level NEPA planning processes on national forest lands, so that the public may be fully informed of the climate and biodiversity risks posed by such planning.

Before closing, we point out that 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 opportunities to forgo in meeting the challenges. Greenhouse gas emissions must be immediately minimized. Although most steps to meet that necessity are beyond the scope of this rulemaking, it’s not entirely so. Most [active management on public lands causes carbon emissions](#) even though the “outputs” of those actions are much, much less important than saving our imperiled climate. And the ongoing damage to the carbon sequestering potential of national forests and grasslands, as the Forest Service routinely authorizes, is not anything anyone should have to stomach. This Administration has the

authority and moral mandate to quickly transition our forests and grasslands into a system of [Strategic Climate Reserves](#), where nature will be allowed to act to mitigate the impacts of our past errors. Please muster the will to act in accordance with the level of urgency required!

Sincerely submitted,

A handwritten signature in black ink that reads "Jeff Juel". The signature is written in a cursive, flowing style.

Jeff Juel, Forest Policy Director
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