



September 13th, 2024

Jennifer McRae, Forest Service Team Leader
ATTN: Ecosystem Management Coordination
201 14th Street SW
Washington, DC 20250

RE: Comments on Mature/Old Growth Plan Amendment DEIS

Dear Ms. McRae;

Thank you for the opportunity to comment on the draft environmental impact statement (DEIS) for Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System. CSE has been a strong advocate for protection and restoration of late successional and old growth forest ecosystems across the nation as a way to help slow and reverse converging crises over biodiversity loss, climate change, and rural poverty.

Sadly, the proposed plan amendments do nothing to protect these forests and will, in fact, allow harmful activities such as commercial logging, grazing, mining, oil and gas leasing, road building, intensive recreation (including off road vehicle use) and infrastructure development to continue or even expand on Forest Service lands by helping to insulate these activities from legal challenges based on effects on old growth forests and by providing a basis for increased federal subsidies for commercial logging under the guise of ‘proactive stewardship.’

With respect to the former, the proposed plan amendments (and preferred alternative in the DEIS) will do nothing to affect projects that are adversely affecting mature and old growth forest ecosystems. This point is reiterated time and time again in the DEIS. For example:

- Commercial logging: “...no economic effects to the timber industry outside of Alaska are anticipated because there will be no change in forest Allowable Sale Quantity (ASQ)...”. DEIS at 121. “Negligible effects are anticipated from the proposed amendment on overall National Forest System timber resources and timber resource management.”¹
- Mining: “...mineral operations could occur in old-growth forests as the proposed amendment is subject to valid existing rights for use and occupancy (NOGA-FW-STD-02c) and the proposed amendment does not change the mineral status of the lands (i.e., does not propose a mineral withdrawal).” DEIS at 121.

¹ Draft Social, Economic and Cultural Impacts Report at 39.

- Oil and gas: “Management activities in old-growth forest that could include incidental tree cutting or removal not associated with proactive stewardship include, but are not limited to...energy developments.” DEIS at 17.
- Special uses: “...special use authorizations managed by the Forest Service lands program would not be affected.” DEIS at 122.
- Grazing: “...there are no anticipated impacts to livestock grazing opportunities on National Forest System lands, nor impacts to the economic and social well-being of permittee holders.” DEIS at 128.
- Intensive recreation: “All alternatives allow for continued management of nearly all existing recreation sites, facilities, and assets; continuation of existing special use authorizations; and implementation of activities that have already been analyzed and approved without additional planning and analysis.” DEIS at S-14.

Nonetheless, the existence of a FEIS and plan amendments addressing the management of old growth forests gives the appearance of doing something significant, and in any court of law the Forest Service will no doubt be making this argument by citing the tens of thousands of pages contained in the FEIS, appendices, and related studies as evidence that the agency took the requisite “hard look” at the issue.

With respect to the latter, the DEIS is clear that the proposed plan amendments will make it easier for the Forest Service to generate funding for more logging and persuade members of Congress to increase the agency’s budgets to carry out commercial logging projects under the guise of proactive stewardship and restoration. For example, the DEIS concludes that “[t]he proposed old-growth amendment encourages units to plan and implement projects (subject to funding) that would be supportive of ecological stewardship of old-growth.” DEIS at S-12. The type of stewardship mentioned here is based on commercial logging. In addition, the DEIS states that “[a]lternative 3 contributions to social and economic sustainability may be less than the other alternatives because less restoration related economic activity would contribute to rural well-being without funding for restoration through commercial timber sales.” S-12.

As such, all this work seems to be more of a way to sustain money allocated to the Forest Service for commercial logging under the guise of proactive stewardship, restoration and the like, rather than a way to advance measures that truly protect and restore old growth forest ecosystems to the landscape. In addition to these general comments, we have a number of specific concerns, including:

Lack of specificity

The DEIS lacks any metrics to compare alternatives or disclose environmental impacts, beneficial or harmful. As such, it fails to meet standards for specificity under NEPA. For example, in *N. Alaska Envtl. Ctr. v. Lujan*, 961 F.2d 886, 890–91 (9th Cir. 1992), the court stated: ‘[a]n EIS for a programmatic plan’ . . . must provide ‘sufficient detail to foster informed decision-making,’ but ‘site-specific impacts need not be fully evaluated until a critical decision has been made to act

on site development.’ The 9th Circuit expanded further in *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062 (9th Cir. 2002) by saying:

Regardless of whether a programmatic or site-specific plan is at issue, NEPA requires that an EIS analyze environmental consequences of a proposed plan as soon as it is “reasonably possible” to do so. Once an agency has an obligation to prepare an EIS, the scope of its analysis of environmental consequences in that EIS must be appropriate to the action in question. NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done. If it is reasonably possible to analyze the environmental consequences in an EIS for [a Resource Management Plan], the agency is required to perform that analysis.

For effects on mature and old growth forests, responsive metrics may include: (a) acres of old growth forest by management prescription by decade; (b) acres of mature forest by management prescription by decade; (c) volume of commercial timber sales offered annually; (d) annual acres treated by commercial timber sales for any purpose; (e) acres of suitable habitat for late successional/old growth species by decade. For economic and social effects, such metrics may include information such as jobs supported, payments to counties, levels and values of ecosystem services, etc. In fact, some of these are specifically identified by the DEIS as important criteria for the comparison of alternatives:

Under Alternative 3, contributions to rural community well-being would be less than for the other alternatives, given the lower level of restoration-related economic activity. Payments to counties from federal timber receipts under Alternative 3 would be less than Alternatives 2 and 4, providing less associated funding to local governments. Effects on the pace and scale of restoration under Alternative 3 would not provide the level of ecosystem services associated with the improved ecosystem integrity expected under the other action alternatives. DEIS at 120 – 121.

As such, the FEIS should remedy the lack of meaningful metrics to compare alternatives by presenting data for as many of these variables as possible.

Facially inadequate cumulative effects analysis

The cumulative impacts section of the DEIS omits critical information: state and private actions that are currently degrading or destroying old growth forests.² According to EPA, cumulative impacts of an action can be viewed as the total effects on a resource, ecosystem, or human community of that action and all other activities affecting that resource no matter what entity (federal, non-federal, or private) is taking the actions.³

² For example, in the cumulative impacts section, the DEIS notes that “[r]easonably foreseeable Forest Service actions that could further impact old-growth forests include development, amendment, or revision of Forest Service management strategies, policies, and regulations.” DEIS at 126. The DEIS is silent on state and private actions.

³ US EPA, 1999. Consideration Of Cumulative Impacts In EPA Review of NEPA Documents U.S. Environmental Protection Agency, Office of Federal Activities (2252A) EPA 315-R-99-002/May 1999. Washington, DC: Environmental Protection Agency.

Failure to include state and private actions in the cumulative effects section renders several DEIS findings inaccurate, and misleading. For example, the DEIS asserts that “mortality from wildfires is currently the leading threat to mature and old-growth forests, followed by insects and disease. The analysis also found that tree cutting is now a relatively minor threat compared to climate amplified disturbances such as wildfire, insects, and disease” DEIS at S-4. But when actions of state and private entities are included, as required by NEPA regulations, the story changes dramatically.

Logging (for timber or to clear the way for development) on state and private lands is the chief cause of the decline of mature and old growth forests nationwide. The threats analysis accompanying this DEIS clearly shows that logging of mature and old growth forests is expected to increase significantly over the next few decades, doubling in some scenarios that considered long term effects of warming and forest growth combined.⁴ As such, any assertion about the insignificance of harm to old growth forests from Forest Service actions alone is superseded by the fact that from a cumulative impacts perspective, any further degradation on Forest Service lands is by definition highly significant.

Failure to consider climate impacts

Consideration of climate impacts is a fundamental requirement of the National Environmental Policy Act (NEPA) and thus must be part of any EIS prepared at the programmatic or project level. The most recent interim CEQ guidance requires all federal agencies to:

- (1) quantify the reasonably foreseeable GHG emissions (including direct and indirect emissions) of a proposed action, the no action alternative, and any reasonable alternatives;
- (2) disclose and provide context for the GHG emissions and climate impacts associated with a proposed action and alternatives, including by, as relevant, monetizing climate damages using the social cost of carbon, and;
- (3) analyze reasonable alternatives, including those that would reduce GHG emissions relative to baseline conditions, and identify available mitigation measures to avoid, minimize, or compensate for climate effects.⁵

These required elements are entirely missing from the DEIS. To demonstrate how the Forest Service can meet these obligations within the plan amendment process, CSE recently prepared a climate impacts report for the proposed Nez Perce – Clearwater Land and Resource Management Plan. The report is incorporated here by reference.⁶

⁴ Mature and Old Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management, page 42, Figure 19.

⁵ Council on Environmental Quality, 2023. National Environmental Policy Act on Consideration of Greenhouse Gas Emissions and Climate Change. Federal Register Vol. 88, No. 5, January 9th, 2023 at 1196 to 1212. The guidance is applicable to all pre-decisional NEPA documents.

⁶ Talberth, J., 2023. Climate Impacts of the Nez Perce – Clearwater Revised Land and Resource Management Plan. Port Townsend, WA: Center for Sustainable Economy and Friends of the Clearwater. Available online at: <https://www.friendsoftheclearwater.org/forestclimate/#:~:text=Logging%2C%20road%20construction%20and%20grazing,disease%2C%20exotic%20species%2C%20and%20biodiversity.>

Failure to consider a reasonable alternative based on the Northwest Forest Plan

The most obvious, and scientifically credible approach to managing late successional and old growth ecosystems across the national forest system is to replicate the successful strategies embodied in the Northwest Forest Plan. CSE specifically requested an alternative based on the PNW model, which includes designated areas of late successional reserves (LSRs) that contain both remnant old growth forests as well as mature “recruitment” stands to ensure persistence of LSRs across the landscape over time and in a well-distributed manner that is representative of all plant community types. In particular, our February 1st, 2024 comments requested:

Based on the precedent set with national forests in the Pacific Northwest, each national forest should amend its land and resource management plans to designate late successional/old growth forest reserves (LSRs) that are well distributed across all major plant community types, which reflect an abundance consistent with pre-settlement conditions, and which contain adequate amounts of existing and recruitment stands to maintain these LSRs on the landscape over time. Within LSRs, commercial activity and other human uses that involve logging or degradation of such stands should be expressly prohibited.⁷

This alternative was not considered, nor does the DEIS contain any information about why it was not considered.

Failure to consider adverse effects of grazing on old growth ecosystems

In fire-adapted ecosystems, grazing is one of the leading threats to the resiliency of old growth forests. Livestock grazing tramples and destroys old growth riparian habitats, and in the uplands, removes native grasses that serve as an ecological vector for beneficial, low intensity fires. When lands are heavily grazed, these fine fuels are destroyed and replaced by more flammable invasive species and thickets of young trees that would otherwise be outcompeted. These effects are complicated by logging of old growth overstory trees, which helps suppress seedling growth under the canopies. The combined effects of logging, grazing, and fire suppression has increased tree densities and risk of high-severity fires.⁸ Despite this, “[t]he old-growth amendment is not anticipated to adjust plan components associated with existing relevant land management plans to a degree that would impact existing and/or future grazing and/or livestock use permits.” DEIS at 128.

Failure to protect mature and old growth forests

In passing the Inflation Reduction Act, Congress clearly signaled its intent for the US Forest Service to “protect” old growth forests and awarded \$50 million towards that end.⁹ In addition, Executive Order 14072 makes it clear that the proposed plan amendments should institutionalize

⁷ Talberth, J., 2024. Scoping Comments on Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System. Delivered electronically to Linda Walker, Acting Director of Ecosystem Management Coordination on February 1st.

⁸ See, e.g. Baker, W.L., Veblen, T.T., Sherriff, R.L., 2007. Fire, Fuels and Restoration of Ponderosa Pine-Douglas fir Forests in the Rocky Mountains, USA. J. Biogeogr. 34, 251-269.

⁹ IRA Section 23001(3).

“conservation strategies that address threats to mature and old-growth forests.”¹⁰ There is nothing in the proposed plan amendments that would offer that protection. Instead, the Forest Service, parroting timber industry disinformation, is using this forest plan amendment process to make the case for more logging – this time to enhance old growth forest conditions under the guise of “proactive stewardship,” a euphemism for commercial logging. Remarkably, the DEIS even goes on to claim that the one alternative that would prohibit commercial logging in old growth forests would “not provide the level of ecosystem services associated with the improved ecosystem integrity expected under the other action alternatives.” DEIS at 120 – 121.

The preponderance of scientific information available does not support the use of commercial logging in any form to promote the composition, structure, pattern, or ecological processes necessary for old-growth forests to be resilient and adaptable to stressors and likely future environments. Rather, the preponderance of scientific information available suggests that commercial logging, by compacting soils, fragmenting and removing habitat, introducing invasive species, increasing wildfire risk and driving climate change will make the goal of replenishing and sustaining climate-resilient older forests to the landscape increasingly unlikely.

Thank you for the opportunity to offer these initial comments. We trust you will address them in the FEIS and make substantial changes to the preferred alternative to address these concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Talberth", enclosed within a thin rectangular border.

John Talberth, Ph.D.
President and Senior Economist
Center for Sustainable Economy
Co-Director, Forest Carbon Coalition
1322 Washington Street Box 705
Port Townsend, WA 98368

¹⁰ Federal Register Vol. 87, No. 81 at 24852, Section 2(b)iii.