



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

3305 WEST SOUTH STREET
RAPID CITY SD 57702-8160
danr.sd.gov

September 19, 2024

Thomas J Vilsack, Secretary of Agriculture
Attn: EIS No. 20240110
USDA Forest Service
1400 Independence Ave. SW
Washington, DC 20250

RE: Comments on the National Old Growth Amendment Draft Environmental Impact Statement

Dear Secretary Vilsack,

Thank you for the opportunity to comment on the National Old Growth Amendment (NOGA) Draft environmental Impact Statement. Old-growth forests provide benefits ranging from recreational value and critical habitat to forest products and carbon storage and should be effectively managed on the landscape for future generations. Accomplishing this on a national level is extremely complex. While NOGA attempts to create a consistent framework to achieve that goal, we do not believe NOGA takes the right approach, nor do we believe the amendment is necessary to effectively manage our forests.

Amendments of the 122 Land and Resource Management Plans should be resource driven, not policy driven. "For every plan amendment, the responsible official shall base an amendment on a preliminary identification of the need to change the plan. The preliminary identification of the need to change the plan may be based on a new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances." 36 CFR 219.13 (b)(1). Executive Order 14072 and section 23001(a)(4) of the Inflation Reduction Act do not constitute "other documentation of new information, changed conditions, or changed circumstances" and therefore should be removed from the need for change statements.

Old-growth forests are relatively abundant across the National Forest System. The "Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and the Bureau of Land Management" demonstrates over 19% (24 million acres) of forest service lands are classified as Old-growth and 55% of those lands are already in "protected areas." The "Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management," the Forest Service 2020 Resources Planning Act Assessment and the Draft Environmental Impact Statement (DEIS) present data supporting that the No Action alternative (Business-As-Usual) will result in an increase in old-

growth forests (albeit slower than the action alternatives). The data does not show a continued loss of old-growth forests, or support a need for the proposed amendment.

The remaining 45% of old growth forests are subject to Land and Resource Management Plans Goals, Objectives, Standards and Guidelines which are aimed at fostering ecologically focused management, improving resilience and resistance to fire, insects, and disease, and strengthening the capacity of the forested environment to adapt to the ongoing effects of climate change and future environments. Existing plans may or may not explicitly address the proposed NOGA plan components, but many do address related topics that will and have benefited old-growth forests.

NOGA-FW_MA-01a, NOGA-FW-MA-01b, NOGA-FW_DC-01 and NOGA-FW-DC-02 are plan components predicated on the idea that Forest Units (Units) will be able to identify areas where old-growth will occur, should occur, and could occur in the present and into the future. The DEIS directs Units to use ecological integrity, inherent capability, presence of threats, and stressors as guidance in identifying those areas.

Ecological integrity as defined in 36 CFR 219 includes the concept of ‘quality’. The DEIS also addresses the notion of quality and characterizes “high quality” old growth as ‘forests that have developed a complex stand structure that contains a diverse array of plant and animal communities, including many that are rare or absent in younger forests,’ but there is no mention or purposed definition for low or poor-quality old-growth forest.

Quality of old growth is not addressed in the “Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management” publication, yet the concept of old-growth quality is imbedded in the foundation of the NOGA. What NOGA does not provide is direction, definition, or guidance to determine quality of old-growth forests.

Executive Order 14072 presented a directive to define old-growth forests. It quickly became clear that a single definition of old-growth forests was not appropriate, hence the use of the regional definitions. The concept of old-growth quality is also nebulous and may be more difficult to define.

The third bullet point under 2.3.2 Misconceptions Regarding the Proposed Amendment explains that none of the alternatives require all areas currently meeting the definition of old-growth to be retained. Some activities can be taken once project-level analysis has demonstrated to promote one or more of the conditions and/or characteristics of an old-growth forest. In the short-term areas can be removed from old-growth if in the long term they become a more resilient and resistant old-growth forest (i.e. moving from low quality to high quality old growth). Without a clear understanding of quality, how it is defined and what it looks like in the environment, NOGA opens the door for litigation, for projects to be unnecessarily challenged, and for work to be slowed or halted. Without some direction from NOGA, Units will have a

difficult task of justifying why their quantification of old-growth quality is more accurate over another's definition.

We have concerns NOGA will create more barriers to accomplishing viable projects. While the intent of NOGA is not to manage all mature forests for old-growth, NOGA-FW-MA-01b lacks justification to NOT manage all or most mature forests with the inherent capability for old-growth, especially in management areas intended for timber/resource production.

Additionally, from page 107 of the DEIS; "It is reasonable to foresee that some number of projects that would harvest trees *in* old-growth would be avoided..." We do not think this will only occur to proposed projects in old growth but also *near* and *around* old-growth especially to mature forest projects near old-growth. Without economic return from commercial products, other ecologically necessary activities would also be avoided.

Another concern we have is impacts to salvage operations. NOGA makes no mention on whether commercial salvage operations would be allowed in the event an old-growth forest, or mature forests identified as potential recruitment, experiences loss due to fire, wind, insect, disease, or other climatic effect. Many plans, including the Black Hills National Forest's Land and Resource Management Plan have limitations, standards, and guidelines directing when, where, and how much of an area is available for salvage operations. Neither indirect or direct effects of NOGA on salvage operations were addressed in the DEIS, either from a commercial point of view or ecological (including carbon sequestration).

Given our concerns, the South Dakota Department of Agriculture and Natural Resources cannot support the selection of Action Alternative 3, or any revisions to the Action Alternative 2 – Preferred Alternative which would move the NOGA in the direction of Alternative 3, placing more restrictions on old-growth forests. We propose the following revisions be made to the Action Alternative 2 – Preferred Alternative.

Management Approach 1.a: Revise the following to remove confusion and add clarity. There is redundancy between (i) and (v) in that both identify and prioritize areas of old-growth. If the intent of (i) is to identify Indigenous Knowledge (IK) as Best Available Scientific Information, then simply state that; there is no need to qualify what IK will be used for. We also do not feel setting priorities in this Adaptive Strategy is appropriate, separate from consideration and analysis impacts to the other items of each Unit's Land and Resource Management Plan, and would like mention of prioritization removed.

NOGA-FW-MA-01a (i) Effectively incorporate place-based Indigenous Knowledge ~~as a~~ ~~and other~~ forms of Best Available Scientific Information. ~~as equals to inform and prioritize planning and decision-making for the conservation and recruitment of old-growth forests through proactive stewardship.~~

NOGA-FW-MA-01a (v) Identify ~~and prioritizes~~ ~~potential~~ areas for the recruitment, retention and promotion of old-growth forests, based on: ecological integrity, inherent capability, threats,

stressors, and opportunities relevant to the plan area. ~~In order to provide for the long-term resilience of old-growth forests conditions within the plan area.~~

We also feel the inclusion of prioritization of old-growth management, recruitment, and retention is in direct conflict with NOGA-FW-MA-01a (viii): Recognizing the role of other successional stages that are important for ecological integrity. We fully support the addition of this bullet point to Management Approach 1.a.

Management Approach 1.b: We request the change of i.e to e.g as climate refugia and fire refugia should be used as examples of potential areas with inherent capability. Refugia are not the only areas with inherent capability. We again would like to see reference to prioritization removed. Managing for old-growth should not take priority over all other management actions a Unit undertakes.

NOGA-FW-MA-01b Identify areas that have the inherent capability to sustain future old-growth forest (e.g. ~~i.e.~~ areas of likely climate or fire refugia) over time ~~and prioritize them~~ for proactive stewardship for one of more of the following purposes:

We propose removing (ii) and (iii) altogether. These concepts are already built into the definition of ecological integrity and inherent capability. By explicitly stating these two criteria we can foresee a situation where a Unit is trying to sustain old growth in an unsuitable location, just to meet the connectivity and redundancy requirements.

We propose the following modification to (v):

NOGA-FW-MA-01b (v) To recruit and promote the development of future old-growth forests where current conditions in mature forest are likely to achieve the old-growth forest definitions and associated criteria ~~in the shortest timeframe possible.~~

We propose the following modification to (vi):

NOGA-FW-MA-01b (vi) To ~~retain and~~ promote the development of old-growth forests in watersheds, fireshed, or other relevant landscape units where amounts and distributions of existing old-growth forests lack resilience and adaptability to stressors and likely future environments;

Objective 1: We recommend extending the timeline for creating the Adaptive Strategy. Two years is not enough time to adequately collect and analyze the geographic data necessary to identify those areas with inherent capability. We recommend this be extended to four years following the establishment of the collaborative group.

Objective 4: We recommend the following modification:

NOGA-FW-OBJ-04 Within 10 years of the *Adaptive Strategy for Old-Growth Forest Conservation* being completed, forest ecosystems within the plan area will exhibit ~~measurable progress, an~~ increasing trend towards ~~old-growth desired future conditions appropriate amounts, representativeness, redundancy, and connectivity of old-growth forest~~ that are resilient and adaptable to stressors and likely future environments.

Standard 3: We recommend the following modification:

NOG-FW-STD-03 Proactive stewardship in old-growth ~~stands, as identified locally, forests~~ shall not be for the ~~sole~~ purpose of timber production (as defined in 36 CFR 219.19).

Guideline 1: We recommend removing this guideline as it is already included in the other components of the amendment.

Plan Monitoring 1: The two-year timeline for this element would need to be adjusted accordingly to allow for our proposed revision to Objective 1.

Thank you for considering the South Dakota Department of Agriculture and Natural Resources' comments on the NOGA DEIS.

Sincerely,



Amanda Morrison
Natural Resource Planner
Resource Conservation and Forestry
South Dakota Department of Agriculture and Natural Resources
605.394.2279
Amanda.morrison@state.sd.us

XC: Marcus Warnke, State Forester
Bill Smith, Division Director
Hunter Roberts, Department Secretary