



COLORADO

**Department of
Natural Resources**

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Linda Walker

Director, Ecosystem Management Coordination

201 14th Street SW, Mailstop 1108

Washington, DC 20250–1124

Subject: Colorado DNR National Old Growth Amendment Draft EIS Comments

Introduction

Colorado has a long history of natural resource conservation, and it is inherently tied in the character, economy, lifestyle and wellbeing to the health of the state's natural systems. The state shares the goal of preserving old-growth ecosystems, and the intent of the Presidential Executive Order and Inflation Reduction Act provision that has initiated the National Forest Amendment process. The intent of the National Old Growth Amendment (NOGA) is to create a consistent management framework for old growth forests which will advance ecological, wildfire, and climate resilience outcomes - Colorado supports this objective. The NOGA is planned to be incorporated into 128 Land Management Plans (LMP) as part of the fulfillment of the Biden Administration's April 2022 Executive Order. The Colorado Department of Natural Resources (CODNR) would like to thank the U.S. Forest Service (USFS) for the opportunity to review and provide comments on the proposed NOGA and Draft Environmental Impact Statement (DEIS). Experts from CODNR's agencies, Colorado Parks and Wildlife (CPW) and Colorado State Forest Service (CSFS), have reviewed the DEIS and provide the following insights and recommendations from the perspective of Colorado forests.

High Level Overview of Comments

CODNR's evaluation of the NOGA DEIS was focused on Alternative 2, the preferred alternative, details of which are provided in subsequent sections of this letter. These comments are separated into two sections, one for wildlife considerations and the other outlines considerations specifically for Colorado forests. CODNR would like to start by providing high-level comments that the USFS should consider as they finalize the NOGA NEPA review. These comments are related to the need for local and regional inventories, consideration of unintended consequences as climate change continues to impact the way in which forests are managed, and additional time to develop adaptive strategies.

Since the inventory and assessment conducted by the USFS and BLM was based on national definitions, it will be important for the USFS to conduct site-specific analysis and inventory of

old growth forests at the regional and unit level. This will help the state and counties better understand how the NOGA will apply on the ground.

Due to climate change, old growth forests are being threatened by uncharacteristic fire, therefore, it is important for the USFS to avoid potential unintended consequences this amendment may have by slowing active management in and around forest stands with old growth characteristics. Specifically, ambiguity in the amendment and lack of enforcement could create a situation in which social, political, and legal pressures discourage local forest service line officers from completing projects in old growth areas. We also hope that the USFS will give each forest, and the states and local communities they work with, sufficient time to work collaboratively to develop the Adaptive Strategies for Old-Growth Forest Conservation. These strategies are a critical element of the flexible approach contemplated by the amendment to recruit more old-growth, which we need more of in Colorado if we are to achieve ecological integrity.

If these strategies are going to be effective, more than two years will be needed to collect the information, conduct the analyses, carry out the consultations, and foster the collaboration that will be necessary to achieve sound adaptive strategies. Community-based, collaborative forest management that is grounded in best-available science is the Colorado way. Our experience with the aggressive timeline through which the amendment has been developed strongly reinforces the need for encouraging—much less allowing—units to take more than two years to collaboratively develop their adaptive strategies. We believe getting these adaptive strategies right will ultimately serve to help the USFS increase the pace and scale of proactive stewardship in a more strategic way that is grounded in ecological integrity.

Once the amendment is finalized, it will be important for USFS leaders to effectively communicate and provide direction to the local staff to ensure a shared common understanding of how the amendment should be implemented. CODNR also recommends the inclusion of requirements or enforcement measures to ensure the adaptive strategy and objectives are enacted in a way that addresses the most significant threats: uncharacteristic wildfire, insects and disease.

Wildlife Considerations

Forest systems provide invaluable habitat and resources for a diverse array of wildlife species. In the face of climate change, protecting vulnerable wildlife species and conducting habitat restoration is critical to ensuring the overall protection of global biodiversity. Therefore, CODNR is appreciative of the considerations for wildlife that have already been incorporated into the plan and wants to stress the continued development of wildlife management considerations throughout the final drafting process.

Consistent with Colorado's State Wildlife Action Plan, one of CPW's primary goals is to manage forests for wildlife. Undoubtedly, habitat conservation and old growth conservation will have significant overlaps, but these may not be one in the same. Having the ability to balance the

need to manage wildlife and their habitat with the protection of old growth forests is critical for the agency's mission. Specifically, based on CPW's assessment of the NOGA, there is concern that the minimum thresholds that were incorporated into the definition for old growth in Region 2 could potentially hamper and restrict CPW's management opportunities for wildlife including priority, listed, and at-risk species. The thresholds utilized in Mehl (1992) are 32 years old and no longer considered to be the best available science. For example, the minimum thresholds listed for pinyon-juniper forests in Region 2 in the report titled, *Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management in Fulfillment of Section 2(b) of Executive Order No. 14072*, are based on outdated management that is a result of fire suppression. The minimum thresholds for aspen conflict with the natural disturbance regimes and successional nature of these systems which evolved with stand replacing disturbances like fire, avalanches, and windthrow events. Forests like pinyon-juniper, which supports 67 species of greatest conservation need and several rare plant species, are severely undermanaged across Colorado and expanding into other sensitive habitats. The historic mismanagement of our forests has resulted in a condition that requires proactive stewardship as opposed to restrictive stewardship. Therefore, we encourage the federal government to invest resources and money to update the minimum thresholds for all forest types in Region 2 to ensure up-to-date management decisions.

Like other resources in our forests, implementing projects for wildlife requires all methodologies for implementation. We feel that the definition for commercial logging and restrictions imposed in the preferred alternative may hamper the implementation of the National Wildfire Crisis Strategy. Colorado has not historically had a robust logging industry, yet market forces, where responsible, could be helpful to the state in addressing the high costs associated with fuels mitigation and restoration projects, especially for steeper slope, smaller diameter timber as is common in Colorado. Forest types like lodgepole, spruce, and fir are three that are of the highest value in the state and the source of most logging and are also in the need of the most management as it pertains to wildlife habitat. The definition provided in the NOGA is broad enough that it has the potential to further increase projects being delayed due to litigation. Therefore, the federal government should work with all stakeholders to come up with an acceptable definition of what constitutes commercial logging, perhaps even on a more regional basis, so as to not conflict with the momentum of proactive stewardship demonstrated already to implement the National Wildfire Crisis Strategy. By doing so, we believe this will allow agencies and their partners to continue to utilize all methods of management rather than hamper and restrict their efforts.

Colorado Forest Considerations

In Colorado, the value of old growth stand structures is unquestioned, but Colorado has a wide range of unique forested ecosystems and the value of retaining older trees is complicated. Fast growing, short lived, early seral species that come in after disturbance like aspen are naturally

and ecologically replaced by slower growing more shade tolerant conifer species. It is unclear if it is appropriate, desirable or even feasible to interrupt natural ecological successional dynamics or to allocate finite resources to maintain aspen old growth structure. Lodgepole pine is another example of a forest type with a complex successional dynamic. Waxy serotinous cones of lodgepole pine only open after a fire and the species has adapted to a crown fire disturbance regime as a reproductive strategy. Although there is variation within individual lodgepole stands, they tend to come in quickly after a disturbance and grow very thick and shade out the understory. Overtime, shade pruning of branches and mortality create openings and increase fuel loading in these systems until a crown fire comes in and starts the process all over again. Maintaining old stands of lodgepole pine can compromise the safety of infrastructure and communities and reduce the resilience of watersheds. These issues are adequately addressed and balanced in Forest Plans with local input. CSFS hopes this national amendment approach will also consider the uniqueness of these systems and that the USFS will consider this to avoid USFS resources being used towards maintaining systems contrary to natural ecological processes. Restoration ecology focuses on restoring both structure and function, therefore, it is important that this amendment is not misused to prioritize structure over function in some of Colorado's forested ecosystems like aspen and lodgepole.

As climate change progresses, CSFS encourages the USFS to consider how the NOGA will complement strategies already in place or currently being developed to address forest resilience. Climate adaptive forest management in the face of climate change includes strategies for resistance, resilience and transition. These strategies align with the goals, strategies, and approaches in the 2020 Colorado Forest Action Plan. In fact, page 21 of the DEIS mentions State Forest Action Plans, Shared Stewardship Agreements, Good Neighbor Authority, and other collaborative agreements that can and should inform the development of adaptive strategies for old growth. This amendment appears to be focused on the resistance strategy which might limit the ability to do active forest management and fuels reduction as a part of the resilience strategy and limit the transition strategy to just the recruitment of mature to old growth status where it currently exists. Climate change and the impacts to Colorado's forests, especially the high elevation forests, are going to require unique approaches and tools for forest managers that can withstand legal challenges. The USFS needs to understand how this amendment can implicitly and unintentionally limit some of the scientific methods and tools that can be used to protect and recruit old growth. Not all old growth is the same for any given forest cover type across the nation and it varies at the state and individual forest level, therefore, it will be important for the USFS to consider the need for a flexible approach to managing old growth forests.

Retaining the ability to conduct hazardous fuels reduction treatments as a proactive forest stewardship practice is a priority for CODNR. Through these proactive forest stewardship practices, our intent is to improve the resilience of forests, especially old growth forests, and to protect local communities, including critical water infrastructure. The inventory of old growth under the former definition identified that up to 25% of old growth is currently in the wildland

urban interface and with anticipated increased encroachment, we believe that number to continue to increase. Therefore, we want to stress to the USFS the importance of evaluating possible unintended results of this amendment, even in the short term, that can have significant consequences on communities and industry partners that utilize wood from fuels reduction treatments, which is a critical component of protecting communities and watersheds as well as sequestering carbon and promoting forest resilience in a rapidly changing climate.

Conclusion

CODNR and its agencies, CPW and CSFS, would again like to thank the USFS for their work on protecting old growth forests. By defining and creating an inventory of old growth forests throughout the nation, we are better equipped to conserve and protect these valuable resources now and into the future. We would also like to thank the USFS NOGA team for their dedication in making themselves available to cooperating agencies and for hosting multiple cooperating agency meetings. These recommendations being made by CODNR are meant to help further inform the conversation around how to conserve, protect, and manage old growth forests in Colorado. We look forward to continuing to discuss with regional and local USFS staff as to how to implement the NOGA on the ground in our state.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Gibbs', is positioned above the typed name.

Dan Gibbs, Executive Director
Colorado Department of Natural Resources