

State of New Mexico  
Energy, Minerals and Natural Resources Department

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September 19, 2024

Linda Walker, Director  
Ecosystem Management Coordination  
201 14th Street SW, Mailstop 1108  
Washington, DC 20250-1124

Document Citation: 89 FR 52040; Document Number: 2024-13596 EIS No. 20240110, Draft, Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System.

Dear Ms. Walker:

The New Mexico Forestry Division (Forestry Division) of the Energy, Minerals and Natural Resources Department is responding to the United States Department of Agriculture (USDA) Forest Service Draft Environmental Impact Statement (DEIS) to Amend Land Management Plans to Address Old-Growth Forests Across the National Forest System (NFS).

The Forestry Division has jurisdiction over forest management, wildfire response and technical assistance on 43 million acres of state and private land. A Shared Stewardship Agreement was signed by Forest Service Chief Vicki Christiansen and Governor Michelle Lujan Grisham in 2019. The state Forest Action Plan was completed in 2020 and provides strategy, objectives and action items for all lands management through 2030.

In January of 2024, the Forestry Division commented on the Notice of Intent to develop this DEIS. We expressed general support for the Forest Service's old growth management direction and flagged two critical issues. First, old growth management must not impede the ability of Forest Service managers to proactively manage for threats and stressors that accelerate tree mortality and enhance wildfire risk. Second, that the work be structured such that the Land Management Plan revisions do not stall or stop projects with recently finished, or nearly finished, NEPA or Forest Plan revisions. This will allow contractors working on these projects to continue the important work without disruption.

The Forestry Division agrees with three critical premises in the DEIS:

1. wildfire is the leading threat to mature and old-growth forests, followed by insects and disease;

2. tree cutting is currently a relatively minor threat, as described on page 1 of the *Introductory Report Analysis of Threats to Mature and Old-Growth Forests on Lands Managed by the Forest Service and Bureau of Land Management*; and
3. proactive stewardship is critical to maintaining healthy forests of all ages and can accelerate achieving the desired old-growth conditions.

New Mexico strongly favors the modified proposed action Alternative 2 because it will allow for proactive stewardship and provides flexibility for forest managers to use commercial timber harvest as a tool to manage old-growth forests when circumstances require. The Forestry Division offers the following specific concerns and comments on the DEIS for your consideration.

- Objective 2 requires the NFS to implement three proactive stewardship projects within one year of completing the Adaptive Strategies for Old-growth Forest Conservation. The Forestry Division presumes this is to require action by the NFS to implement the Adaptive Strategies, but the requirement for three projects within one year seems arbitrary. Objective 2 could deflect staff time and attention from important projects that are already started or in development. The Forestry Division is confident that current and planned projects in New Mexico have a valid purpose and need and are aligned with our Forest Action Plan. The Forestry Division is concerned that local partners and contractors who are expecting current and planned projects to proceed could be negatively affected if NFS staff are compelled to change their program of work to get the three proactive stewardship projects done.
- Table 7 on page 79 shows that only 10% of old-growth on NFS lands in the Southwestern Region is within Reserved Lands, just 207 acres out of 2,108 acres. Maintaining the desired conduction in these areas is important and can be accomplished by proactive stewardship to mitigate the wildfire threat. For example, the Monument Canyon Research Natural Area (RNA) on the Santa Fe National Forest includes some of the oldest remaining *Pinus ponderosa* stands in the southwestern United States. In the absence of natural, low-intensity fire, large portions of the RNA are now covered by dense thickets of regeneration and there is a strong possibility the old growth will be lost in a fast-moving crown fire.
- The DEIS states that nationally, 25% of old-growth exists in the wildland-urban interface (page 99) and that “modifying fire behavior will remain a priority in the wildland-urban interface (WUI), which is typically, but not always, compatible with stewardship of old-growth ecosystems.”
  - o The public in New Mexico remains extremely concerned about Forest Service use of prescribed fire in the WUI and The Forestry Division encourages the NFS to continue improving its public outreach, policies and procedures to restore confidence in prescribed burning methods and monitoring.
  - o Standard 2.c lists circumstances where deviation from Standard 2.a and 2.b can be allowed by the responsible official and relies on definitions in the Healthy Forest Restoration Act of 2003 (16 USC 6511). However, there is not an

exception under Standard 2.c to allow for wildfire risk management activities that do not meet the definition of proactive stewardship within municipal watersheds or the WUI. The Forestry Division believes this exception is necessary to allow for fuels mitigation in unique circumstances. For example, the diversion points for many mutual domestic water sources that supply water to small communities and historic “acequia” ditches built by Spanish settlers are located on the National Forests in New Mexico. In these locations, fuels reduction needs could conflict with old growth stewardship.

- The Forestry Division believes Standard 2.c should provide for exceptions to allow proactive stewardship to modify fire behavior to reduce wildfire risk to communities, critical infrastructure, and other values at-risk identified in Community Wildfire Protection Plans and other locally-created plans, even if these actions will not further old-growth stewardship.

The Forestry Division agrees that old-growth standards and guidelines will improve the Land and Resource Management Plans and better position the NFS to address the growing threats of wildfire and insects and diseases. Resilience is achieved through diversity, and it is important that the National Forests maintain tree stands of all ages to improve their ability to withstand wildfires, native and non-native insects and diseases, and extreme weather events.

Sincerely,



Laura McCarthy  
State Forester

CC: Courtney Kerster, Director of Federal Relations, State of New Mexico  
Michiko Martin, Southwestern Regional Forester