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Arlington, VA 22206

September 20, 2024

Dear Forest Service,

Your draft environmental impact statement (EIS) greenwashes<sup>1</sup> a good idea that we can't afford to greenwash in the climate and biodiversity crises. The agency should re-do this EIS and analyze more alternatives with much stronger protections for mature and old-growth forests that aren't riddled with loopholes.

I suppose I should expect this type of EIS from an agency that throws hurdles up for their own scientists and wilderness rangers trying to advocate for the natural world, an agency that—not uncommonly—recruits leadership based on their ability to get out the cut (i.e., log), and an agency housed in a department where the top leader has suppressed the science of his own employees.<sup>2</sup> This EIS reeks of political cover. I always want to expect more from the USFS because I know there are good people in our agencies—people who are better educated and care more than the misinformation the agency produces—but I know that the military-like culture within the USFS can silence those people. The result is documents like this one that are on par with the general disappointment that I've been conditioned to expect.

The decisionmakers/comment reviewers will undoubtedly dismiss these first paragraphs as an off-topic rant. This is not a rant so much as expression of a real grief for the for our natural world in the coming decades. Off-topic, however, this is definitely not. The USFS will get many comments, likely from a lot of folks like me who also think this proposed amendment doesn't go far enough to protect mature and old growth forests. But, the agency will dismiss many of those comments, lumping them as “form letters” (even though an individual can share in a collective opinion) and likely ramming through its preferred alternative from a range of alternatives that all share a bias towards logging. That suggests a failure of agency leadership. Until this systemic problem is remedied, any rule purporting to “protect” old growth from an agency that cannot see trees as anything beyond a crop will always have the loopholes the USFS needs to continue with business as usual.

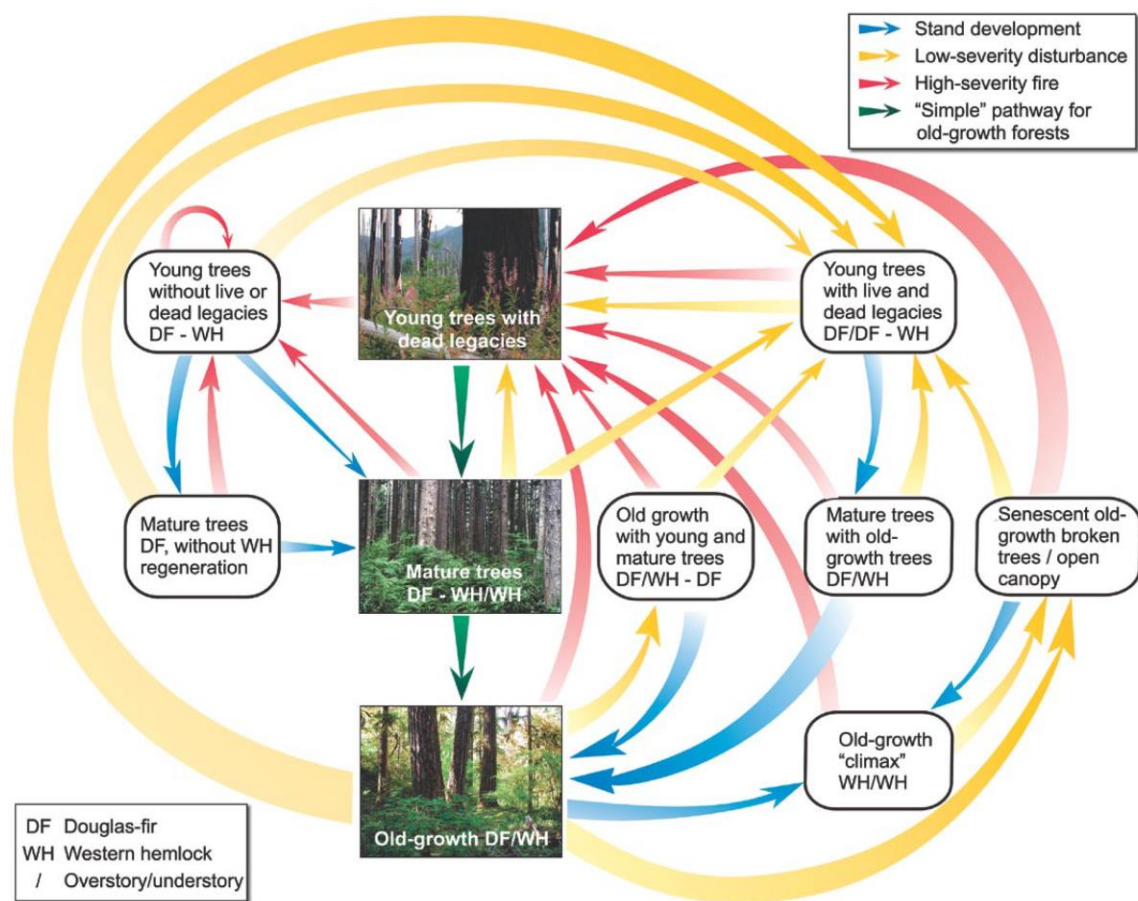
Acknowledging this whole process is rigged and you will discount my comments on the EIS anyway, here they are regardless.

Fundamentally, it is important to recognize the hubris in believing that that human-induced management creates mature and old-growth forests. These old forests develop when we do not interfere and the forces of nature govern. There are many pathways to old forests—some involve ecological disturbances (fire, insects, disease), and some major ecological disturbances.

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<sup>1</sup> Deceptively makes a choice seem environmentally friendly when it isn't.

<sup>2</sup> <https://peer.org/vilsacks-disturbing-suppression-of-usda-science/>



Graphic from USDA Pacific Northwest Research Station 2003.

Notably missing from this USFS graphic are feller-bunchers and little logger men and women with hard hats. Logging is not one of the disturbances that lead to the development of old growth. For this reason, tree cutting should not be permitted in any shape or form in mature and old growth forests, because you can't log to "recruit" or "develop" old growth.

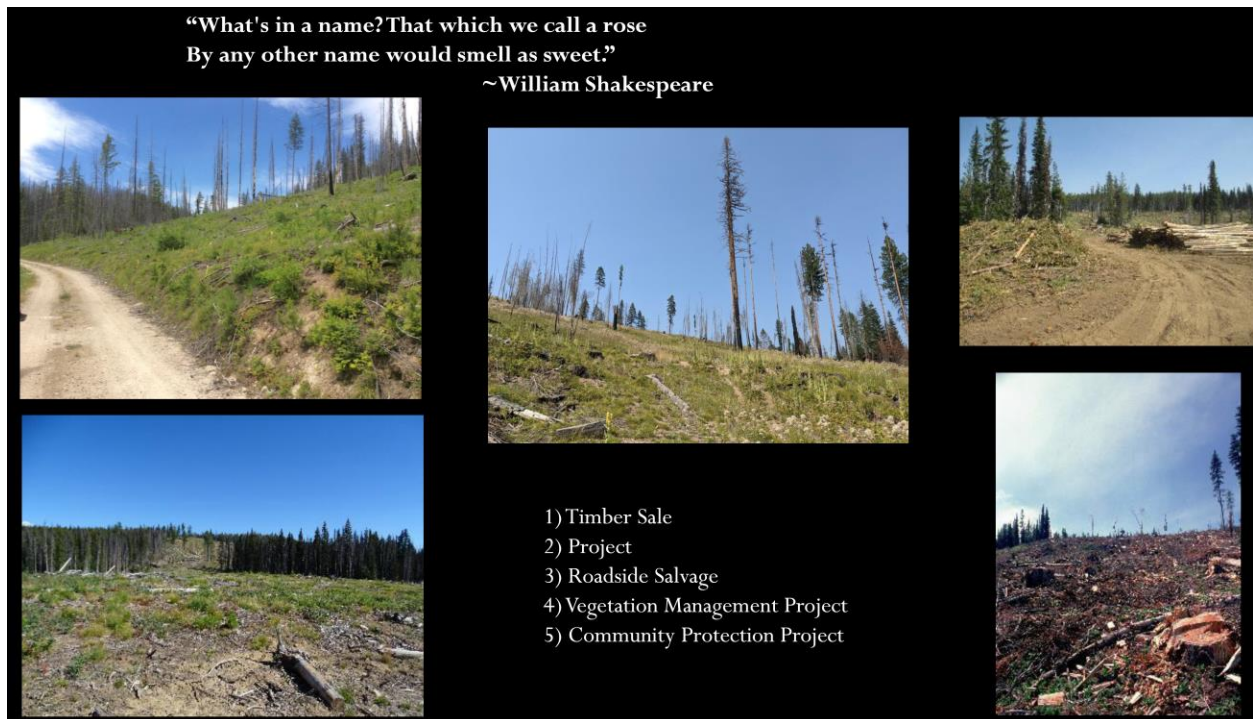
The draft amendment would not protect forest plans that currently could have more protective old growth standards than all of the action alternatives. The 1987 forest plans that currently govern the Nez Perce and Clearwater National Forests require five percent old-growth in each watershed with specific definitions by which one might identify old growth, and ten percent old growth requirement forest-wide. Both five-percent watershed and ten-percent forest-wide are forest-plan standards. The USFS, in almost 40 years, has managed to avoid completing the old-growth inventory both of these forest plans also required.<sup>3</sup> I reviewed USFS projects on the Nez Perce and Clearwater National Forests for five years when I worked as a staff attorney for Friends of the Clearwater. When the USFS is forced to do a watershed inventory of old growth in either of these forests for a logging-project proposal, the agency struggles to find enough old growth to show it is meeting the standard. If there is less than 10 percent old growth forest-wide,

<sup>3</sup> Which is impressive—Even I can't procrastinate like that!

which seems at least possible in 2024, the 1987 forest-plan standards would prevent all logging of old-growth, including logging for “proactive stewardship,” which this proposed amendment allow. Any amendment the USFS creates should specify that it is a floor—the minimum protection, and forest plans with stronger provisions should remain in place.

The EIS lacks a reasonable range of alternatives. The preferred action alternative (Alternative 2) and Alternative 3 differ by a sentence. They are essentially the same standard that would still allow tree cutting in old growth. The difference is that the more “environmentally protective one” states that tree cutting can’t be commercial timber harvest. But, that wouldn’t stop trees from being cut and sold when the USFS defines it as “incidental,” allowing broad, ambiguous allowances for “wildfire risk management” and “to protect public safety” in cases where the USFS determines “based on the best available science...that the direction in this standard is not relevant or beneficial to a particular species or forest ecosystem type.” This standard allows the USFS to change their rules when they think even a century-old tree is not the right “kind” of tree to exist there. To understand why this is such a large loophole, one need look no further than the landscape after a USFS has authorized a project that involves cutting trees.

The USFS doesn’t have “logging projects” or “timber harvests” anymore, even though private companies remove these trees and profit from selling them. I took four of the five pictures below on the Nez Perce and Clearwater National Forests—all from the past decade. In the middle is a list of the qualifiers that were part of each project’s name. Even though the agency is logging plenty of old growth, technically, **nothing is a commercial “timber harvest” anymore.**



I've put the answers to the above at the very end of my comment because you and I both know that you can't tell looking at the aftermath what was a "project," what was "vegetation management," and what was "community protection." You have a 50-50 shot of guessing which is the roadside logging because of the two pictures with roads. The "timber harvest" is likely only guessable because age of the picture harks to a decade where the USFS still called these projects what all of these were—*commercial timber harvests* where a private company profited from cutting these trees.

These pictures suggest how meaningless any standard in this EIS will be for protecting old growth, much less any mature forests. "Roadside salvages," like Colt Killed Creek Roadside Salvage above, are often done for "public safety" and eliminate every tree within 200 feet of a road, whether a hazard or not, whether dead or not. The Orogrande "Community Protection Project" (also above) has your old-growth amendment loophole justification in the name, and yes, it took commercially viable timber. Yet that didn't stop a fire from sweeping through the "shelterwood cut," after the picture was taken. The subsequent fire killed all of the remaining trees even though many nearby trees outside of this roadless logging<sup>4</sup> survived the fire—an outcome only surprising to those who continue to ignore the peer-reviewed fire science that groups like Friends of the Clearwater or the John Muir Project exhaustively provide the USFS.<sup>5</sup> The Little Slate Project and the Iron Mountain Vegetation Management Project are also in the mix above. Neither the preferred alternative nor Alternative 3 would stop projects like these from cutting old growth because the allowances for old-growth logging are too ambiguous, too qualitative, and rely too much on whimsical agency interpretation.

The proposed standards are not measurable and enforceable. Any mature and old-growth amendment should have measurable and enforceable standards—those are the ones that stop old-growth logging. The Nez Perce and Clearwater forest plans have examples of measurable and enforceable standards. Each define old growth with a checklist, and require a percentage of old growth within each watershed with no timber harvest in those areas. I've attached a court decision that demonstrates how line officers who want to log large trees can't slink by *measurable* forest plan standards (not objectives, not guidelines, not desired conditions). I've also included, as an example, the Nez Perce Forest Plan's Appendices, of which the Old Growth Standard is Appendix N. The Clearwater Forest Plan has a similar standard. By contrast, the draft amendment in this EIS allows "vegetation management" for "proactive stewardship," and the preferred amendment (Alternative 2) includes this "stewardship" to include commercial timber harvest.<sup>6</sup> It is not measurable, and it is not enforceable. It's business as usual.

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<sup>4</sup> Yes, what you see in the picture is in the West Fork Crooked River Roadless Area.

<sup>5</sup> Please see Friends of the Clearwater's comment for some of the best available science that debunks this idea that logging will reduce high-severity fire. They cite classic cases like Bradley et al. 2016. Also see the John Muir Project's comments, as those will be packed full the best available science as well. In this EIS, the USFS refers to its Wildfire Crisis Strategy, which underwent public comment in that the public was allowed to submit comments, but the USFS did not bother to respond to this science or these comments in any meaningful way. This is problematic because the USFS's Wildfire Crisis Strategy, which has had no *meaningful* public vetting, is dictating many downstream USFS activities, like this amendment.

<sup>6</sup> Inferred because Alternative 3 is only different in that "Proactive stewardship in old-growth forests shall not result in commercial timber harvest." DEIS 2.3.5.

**Any nation-wide old growth forest plan amendment that is worth promulgating should have measurable standards that a layperson can measure and that prohibit old growth logging, thinning, and prescribed burning.** A nation-wide old growth amendment should rely on the best available science, which this EIS hasn't considered.<sup>7</sup> Please re-do this EIS with a stronger, more diverse range of alternatives than one action alternative that varies by a couple of sentences. If you aren't going to have measurable, enforceable standards, you are wasting everyone's time.

Regards,



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Answer key:



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<sup>7</sup> See Friends of the Clearwater's and John Muir Project's comments for this science.