



September 6, 2024
 Regional Forester Jacqueline Buchanan
 Pacific Northwest Region
 U.S. Forest Service
 1220 SW 3rd Avenue
 Portland, OR 97204

Re: Determining Old-Growth Forest Conditions in the Pacific Northwest Region

Dear Regional Forester Buchanan:

In April 2022, President Biden issued an executive order directing the Agriculture and Interior Departments to “define, identify, and complete an inventory of old-growth and mature forests on Federal lands[.]”¹ In response to President Biden’s direction, the Forest Service and Bureau of Land Management (BLM) published a report in April 2023 containing “initial estimates of old-growth and mature forests across all Forest Service and BLM lands.”² This represented the “first

¹ Exec. Order 14072, 87 Fed. Reg. 24851, 24852 (Apr. 27, 2022).

² USFS, Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management – Fulfillment of Executive Order 14072, Section 2(b), p. 1 (Apr. 2023) (“2023 MOG Inventory”), available at <https://www.fs.usda.gov/sites/default/files/mature-and-old-growth-forests-tech.pdf>. A revised report was published in April 2024. See USFS, Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management – Fulfillment of

national inventory of old-growth and mature forests” on Forest Service and BLM lands.³ The report noted “the importance of old-growth and mature forests on Federal lands for the many benefits they provide, as well as their role in contributing to nature-based climate solutions by storing large amounts of carbon.”⁴ The report also provided narrative and working definitions of old-growth and mature forests for each Forest Service region.⁵

In December 2023, Agriculture Secretary Tom Vilsack announced the Forest Service would amend all land management plans “to include consistent direction to conserve and steward existing and recruit future old-growth forest conditions.”⁶ In anticipation of Secretary Vilsack’s announcement, Deputy Forest Service Chief Chris French told all regional foresters that:

[e]ffective immediately, any projects proposing vegetation management activities that will occur where old growth conditions (based on regional old-growth definitions) exist on National Forest System lands shall be submitted to the National Forest System Deputy Chief for review and approval.⁷

On April 18, 2024, you sent a letter responding to concerns that some of the undersigned organizations had about the 27 Road Fuel Break Project in the Mt. Hood National Forest. In the letter, you said that each national forest in Oregon and Washington is “required to demonstrate whether vegetation management activities will occur where old growth forest conditions exist and how they made that determination.”⁸ You further stated that all projects approved after Deputy Chief Chris French’s December 2023 letter “will be reviewed locally to determine if they qualify for review by the National Forest System Deputy Chief.”⁹

We are concerned that forest managers in the Pacific Northwest Region may be failing to apply the appropriate standards for determining whether old-growth forest conditions exist that warrant review by the Deputy Chief. In order to understand how, we provide an overview of the various regional and local definitions and criteria for old-growth followed by two recent site-specific old-growth reviews the Forest Service conducted for the 27 Road Fuel Break Project and Gibson Insect and Disease Project in Mt. Hood National Forest.

Executive Order 14072, Section 2(b) (Apr. 2024) (“2024 MOG Inventory”), available at https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/Mature-and-Old-Growth-Forests.pdf.

³ 2023 MOG Inventory at 1.

⁴ *Id.* at 3.

⁵ *Id.* at 1, 4, 13-21, and 31-60. Narrative frameworks are “descriptive, general definitions of old-growth and mature forests that can be used consistently across geographic scales and forest types” while working definitions “provide detailed quantitative criteria using measurable characteristics, that were applied to specific regions and forest types[.]” *Id.* at 1.

⁶ 88 Fed. Reg. 88042 (Dec. 20, 2023).

⁷ Chris French, Review of Proposed Projects with Management of Old Growth Forest Conditions (Dec. 18, 2023).

⁸ Jacqueline Buchanan Letter re: 27 Road Fuel Break Project (Apr. 18, 2024) (Ex. 1).

⁹ *Id.*

I. Old-Growth Definitions and Criteria in the Pacific Northwest Region.

The Pacific Northwest Region has various definitions and criteria for determining old-growth forest conditions. For areas managed under the Northwest Forest Plan, the agency uses an “old-growth structure index score for stand age 200 (OGSI-200).”¹⁰ For areas outside the Northwest Forest Plan area (eastern Oregon and Washington), the agency relies on “interim definitions” that were developed in 1993.¹¹ While the 1993 Standards originally applied throughout the Pacific Northwest Region, the subsequent adoption of the Northwest Forest Plan and development of the 2022 Standards have displaced the 1993 Standards in the Northwest Forest Plan area. In addition to these regional definitions, the Northwest Forest Plan defines old-growth for forests within that planning area.¹² Finally, many forests also define old-growth in their governing management plans.¹³

A. 2022 Standards – Old-Growth Structure Index (OGSI)

The development of the OGSI was derived from reports documenting the status and trends of late-successional and old-growth forests in the Northwest Forest Plan area.¹⁴ The OGSI “is a composite index that simply sums the values of old-growth characteristics so that the highest index values occur in the later stages of forest succession.”¹⁵ The OGSI is calculated using:

one to four measurable old-growth structure elements, including (1) density of large live trees, (2) diversity of live-tree size classes, (3) density of large snags, and (4) percentage

¹⁰ See 2023 MOG Inventory at 41 and 2024 MOG Inventory at 48; see also Davis, R.J. et al. 2022. Northwest Forest Plan-the first 25 years (1994-2018): status and trends of late-successional and old-growth forests. Gen. Tech. Rep. PNW-GTR-1004. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. p. 6 (“Davis 2022” or “2022 Standards”), available at <https://www.fs.usda.gov/research/treesearch/65070>.

¹¹ See 2023 MOG Inventory at 41 and 2024 MOG Inventory at 48; see also USFS, Region 6 Interim Old Growth Definition for Douglas-Fir Series, Grand Fir/White Fir Series, Interior Douglas Fir Series, Lodgepole Pine Series, Pacific Silver Fir Series, Ponderosa Pine Series, Port-Orford-Cedar Series and Tanoak (Redwood) Series, Subalpine Fir Series, Western Hemlock Series (June 1993) (“1993 Standards”), available at <https://www.fs.usda.gov/r6/reo/survey-and-manage/downloads/fungi/region6-old-growth-definitions.pdf>.

¹² Northwest Forest Plan, Standards & Guidelines, F-4 (1994).

¹³ Mt. Hood National Forest Land and Resource Management Plan, Glossary-21 (1990); Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, Glossary-26 (1990); Gifford Pinchot National Forest Land and Resource Management Plan, Amendment 11 – Update #2, Glossary-22 (June 2, 1995); Olympic National Forest Land and Resource Management Plan, Glossary-29 (1990); Willamette National Forest Land and Resource Management Plan, Glossary-28 (1990); Umpqua National Forest Land and Resource Management Plan, Glossary-14 (1990); Siskiyou National Forest Land and Resource Management Plan, AG-20 (1989).

¹⁴ See Davis, R.J. et al. 2015. Northwest Forest Plan-the first 20 years (1994-2013): status and trends of late-successional and old-growth forests. Gen. Tech. Rep. PNW-GTR-911. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. p. 6 (“Davis 2015”), available at <https://www.fs.usda.gov/research/treesearch/50060>; and Davis 2022.

¹⁵ Davis 2015, at 16.

cover of down woody material . . . The index ranges from 0 to 100, where higher values indicate increasing old-growth structural characteristics.¹⁶

Researchers selected two analytical thresholds for mapping and plot analysis. The first threshold, OGS-80, describes “the general point on the forest succession time scale at which young forests in this region generally begin to ‘mature’ and start exhibiting stand structure associated with older forests.”¹⁷ The second threshold, OGS-200, “generally corresponds to the range of stand ages used to define the ‘old-growth’ condition in this region.”¹⁸ Importantly, the researchers “intentionally excluded stand age from the equations used to calculate OGS . . . because . . . forests develop old-forest structure at different rates depending on site conditions and many other factors.”¹⁹ In other words, the classified maps in these reports “are not maps of age per se” but rather:

maps of old-growth structure that represent two different points in a continuum of forest succession and stand development: one at which forests begin to have elements of mature forest structure [OGS-80], and one occurring later when the characteristics of old growth are well established [OGS-200].²⁰

Thus, under the 2022 standards, it is not necessary that a certain area of forest ranks high on each of the four measurable old-growth structure elements. Rather, it is how high the composite score is for that forested area. So, forests could, for example, rank high on the index even if there is not a high density of large snags. OGS-200 describes when the characteristics of old-growth are “well established.” In addition, transitional old-growth characteristics may exist in many mature forests.

However, while OGS-200 may be “appropriate for assessing [old-growth] characteristics *across large landscapes*,” it has “known discrepancies” with “actual on-the-ground conditions” and “may not suffice to delineate stands” at the project level.²¹

B. 1993 Standards

Under the 1993 Standards, old-growth is typically distinguished from younger growth by several of the following attributes:

1. Large trees for species and site.
2. Wide variation in tree sizes and spacing.
3. Accumulations of large-size dead standing and fallen trees that are high relative to earlier stages.
4. Decadence in the form of broken or deformed tops or bole and root decay.

¹⁶ *Id.* (emphasis added); *see also* Davis 2022, at 6.

¹⁷ Davis 2015, at 18 (citations omitted).

¹⁸ *Id.* (citations omitted).

¹⁹ *Id.* (citations omitted).

²⁰ *Id.* (citations omitted).

²¹ 27 Road Fuel Break Project No Activities Within Old Growth form at 3 (emphasis added) (Ex. 2), produced in response to FOIA Request 2024-FS-R6-03063-F.

5. Multiple canopy layers.
6. Canopy gaps and understory patches.²²

In addition to these characteristics distinguishing old-growth from younger forests, the Forest Service said three attributes are required: (1) minimum diameter; (2) number of large trees per acre; and (3) age.²³ The Forest Service cautioned, however, that “[s]ome attributes are not required to be present to meet the definition” of old-growth.²⁴ For example, “an area could still be qualified to meet the definition of old growth even if it did not have quite enough snags or down logs, but still met the age and number of large tree requirements.”²⁵

C. Northwest Forest Plan and Local Definitions of Old-Growth

In addition to the above definitions and criteria for determining old-growth conditions, the Northwest Forest Plan defines old-growth as follows:

A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multilayered, multispecies canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags; and heavy accumulations of wood, including large logs on the ground.²⁶

Individual forests also define old-growth in their respective forest plans. For example, the forest plan for Mt. Hood National Forest defines old-growth as:

any stand of trees 10 acres or greater generally containing the following characteristics: 1) stands contain mature and overmature trees in the overstory and are well into the mature growth stage; 2) stands will usually contain a multilayered canopy and trees of several age classes; 3) standing dead trees and down material are present; and 4) evidence of human activity may be present but does not significantly alter the other characteristics and would be a subordinate factor in a description of such stand.²⁷

Many other forests in the Northwest Forest Plan area have an identical definition for old-growth in their respective forest plans.²⁸ Importantly, nothing in the 2022 Standards has displaced the

²² 1993 Standards, at 1-2.

²³ *Id.* at 3.

²⁴ *Id.* (emphasis in original).

²⁵ *Id.*

²⁶ Northwest Forest Plan, Standards & Guidelines, F-4 (1994).

²⁷ Mt. Hood National Forest Land and Resource Management Plan, Glossary-21 (1990).

²⁸ *See e.g.*, Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, Glossary-26 (1990); Gifford Pinchot National Forest Land and Resource Management Plan, Amendment 11 – Update #2, Glossary-22 (June 2, 1995); Olympic National Forest Land and Resource Management Plan, Glossary-29 (1990); Willamette National Forest Land and Resource Management Plan, Glossary-28 (1990); Umpqua National Forest Land and Resource Management Plan, Glossary-14 (1990); Siskiyou National Forest Land and Resource Management Plan, AG-20 (1989).

definitions of old-growth in the Northwest Forest Plan and individual forest plans within the Northwest Forest Plan area.

II. Application of These Definitions and Criteria in the Pacific Northwest Region.

As stated above, the Forest Service recently explained that the 2022 Standards using the OGSIs apply to forests managed under the Northwest Forest Plan while the 1993 Standards apply to the remaining forests in eastern Oregon and Washington.²⁹ In addition, forests within the Northwest Forest Plan area have both the definition of old-growth from the Northwest Forest Plan Standards & Guidelines as well as local definitions from their respective forest plans, which remain operative. In fact, the Forest Service recently explained that the pending National Old-Growth Amendment “directs the application of plan components based on local definitions, or regional definitions where the underlying plan is incomplete.”³⁰

Recent projects indicate that forest managers in the Pacific Northwest Region are not appropriately referring to and applying the above standards and definitions. In two recently approved projects on Mt. Hood National Forest, the Forest Service improperly used the OGSIs to begin its old-growth review despite “known discrepancies” between the OGSIs and “actual on-the-ground conditions.”³¹ This improperly narrowed the Forest Service’s old-growth review for these projects to just a few units. With the scope narrowed to just a few units, the Forest Service then used inapplicable old-growth standards and definitions to claim there are no old-growth conditions present in these project areas. Thus, these two projects were not elevated for Deputy Chief review. As will be explained below, these arbitrary decisions will likely result in forests with old-growth conditions being needlessly logged.

A. 27 Road Fuel Break Project on Mt. Hood National Forest.

In July 2023, the Forest Service published a scoping notice for the 27 Road Fuel Break Project in Mt. Hood National Forest.³² The scoping notice stated the Forest Service’s intent to categorically exclude the project from the normal environmental review process through use of the new Fuel Break Categorical Exclusion (CE), which was included in Section 40806 of the Infrastructure Investment and Jobs Act.³³ As the Forest Service explained in internal documents, the Fuel Break CE “differs from earlier, similar CEs” because it is “focused on at-risk community protection through establishment of linear fuel breaks” rather than “maximiz[ing] the retention of old-growth and large trees.”³⁴ Indeed, the Fuel Break CE “does not include *any* old growth or

²⁹ See discussion *supra* Section I.A, I.B.

³⁰ Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System, Draft Environmental Impact Statement, S-1 (June 2024).

³¹ Ex. 2 at 3.

³² U.S. Forest Serv., 27 Road Fuel Break Project Scoping Notice (July 7, 2023). The scoping notice and other publicly disclosed project documents are available at <https://www.fs.usda.gov/project/mthood/?project=63368>.

³³ *Id.* at 2.

³⁴ U.S. Forest Serv., 27 Road Fuel Break Project Initiation Letter, 1 (Nov. 18, 2022) (Ex. 3) (obtained in response to FOIA Request 2024-FS-R6-03063-F).

large tree retention requirements.”³⁵ Nevertheless, any project implemented under the Fuel Break CE cannot be “inconsistent with the applicable land management plan.”³⁶

1. The Forest Service told the public no old-growth habitat would be logged in the 27 Road Fuel Break Project area.

In January 2024, the Forest Service approved the 27 Road Fuel Break Project.³⁷ In responding to comments, the Forest Service claimed there are no old-growth conditions within the project area:

Region 6 Interim Old Growth standards provide minimum structural features to classify stands as old growth, *including required minimums of large live and dead trees*, according to plant community and site productivity. For this project, stand structural stages were determined using stand evaluations *and these standards*, in conjunction with the Technical Guide. **Current stand inventory data show that none of the stands exhibit all of the characteristics necessary to meet old-growth conditions. Therefore, the proposed action does not include treatments in any stands within old-growth habitat.**³⁸

The Forest Service improperly used the 1993 Standards for this project since it is in a forest managed under the Northwest Forest Plan. Moreover, documents obtained through the Freedom of Information Act (FOIA) indicate that the Forest Service improperly used the OGSi to first improperly and dramatically narrow the geographic scope of its old-growth review to just two units. With that improperly narrowed geographic scope, the Forest Service then used inapplicable old-growth standards and definitions to claim there are no old-growth conditions present. Instead of this significantly flawed process, the Forest Service should have first cross-referenced the common stand exam data that it had already collected for the project area with applicable definitions for old-growth under the Mt. Hood Forest Plan, as amended by the Northwest Forest Plan, and the 2022 Standards.

2. Internal documents reveal how the Forest Service evaded finding old-growth conditions in the 27 Road Fuel Break Project area.

Following the Deputy Chief’s December 2023 directive, the Pacific Northwest Region developed a form for forests to use for determining whether old-growth conditions are present during site-specific environmental analyses.³⁹ The form contains several sections, including 1) a summary of the project area being reviewed; 2) the definition of old-growth conditions used for the review; 3) methods used for mapping old-growth forest conditions; 4) site-specific local information

³⁵ U.S. Forest Serv., FAQs: Bipartisan Infrastructure Law Sec. 40806 (Fuel Breaks CE), 10 (Sept. 9, 2022) (emphasis added) (Ex. 4) (obtained in response to FOIA Request 2024-FS-R6-03063-F).

³⁶ 16 U.S.C. § 6592b(c)(3)(D).

³⁷ U.S. Forest Serv., 27 Road Fuel Break Project Decision Memo (Jan. 29, 2024).

³⁸ U.S. Forest Serv., 27 Road Fuel Break Project Response to Comments, at 9 (emphasis added). Note, the Forest Service’s citation to the “Region 6 Interim Old Growth standards” refer to the 1993 Standards while the “Technical Guide” refers to the 2022 Standards referenced in both the 2023 and 2024 MOG Inventory documents.

³⁹ See Ex. 2.

used to determine presence of old-growth forest conditions; and 5) a conclusion determining whether or not old-growth conditions are present.⁴⁰ The review for the 27 Road Fuel Break Project reveals significant concerns about the Forest Service’s review process and compliance with the Deputy Chief’s directive.

As stated in its response to comments on this project, the Forest Service said that it used the 1993 “Interim Old Growth standards when determining if individual stands are to be classified as old growth.”⁴¹ What the Forest Service failed to disclose to the public in its response to comments is why it used the 1993 Standards since those standards only apply to forests *outside* the Northwest Forest Plan area. After committing that error, the Forest Service compounded it by using the 1993 definitions of old-growth for the “*Grand fir/white fir series and western hemlock series*”⁴² even though the Forest Service described the forests in this area as “dry ponderosa pine and Douglas-fir forests.”⁴³ As will be explained below, the decision to ignore the large ponderosa pines and Douglas-firs in these “dry ponderosa pine and Douglas-fir forests” all but ensured that the Forest Service would not find old-growth conditions, thus evading the Deputy Chief’s review.

At the outset of its old-growth review for this project, the Forest Service initially identified two units (Unit 16 and Unit 181) that it said contained mapped old-growth according to the 2022 Standards (OGSI 200).⁴⁴ However, when the Forest Service subsequently visited these units and applied the 1993 Standards to them, it concluded that “the interdisciplinary team did not identify old growth forest conditions within the project area.”⁴⁵ For Unit 16, the Forest Service claimed that it could not be considered to have old-growth conditions for grand fir/white fir because it “d[id] not meet definitions for minimum trees per acre greater than 21 [inches] dbh (a required minimum standard)[.]”⁴⁶ For Unit 181, the Forest Service claimed it did not meet “required minimum standards” in the western hemlock series for “minimum trees per acre greater than 42 [inches] dbh or dominant tree age.”⁴⁷

There are multiple problems with the Forest Service’s determination for this project. First, all of Mt. Hood National Forest is within the Northwest Forest Plan area so the Forest Service should not have relied on the 1993 Standards at all. Second, under the 2022 Standards, the Forest Service erred in using OGSI-200 “as the starting point” to screen for potential old-growth at the unit level since “this is a national dataset that is best suited for landscape-level assessments of old growth forest conditions” and has “known discrepancies” with “actual on-the-ground conditions.”⁴⁸ Instead, the Forest Service should have first referenced the “common stand exam

⁴⁰ *Id.*

⁴¹ *Id.* at 1. (citation omitted).

⁴² *Id.* (citation omitted) (emphasis added).

⁴³ U.S. Forest Serv., Fuels and Air Quality Considerations for 27 Road Fuel Break Project, 1 (Sept. 12, 2023).

⁴⁴ Ex. 2 at 4.

⁴⁵ *Id.* at 4-5.

⁴⁶ *Id.* at 4.

⁴⁷ *Id.* at 4-5.

⁴⁸ *Id.* at 3-4.

or walk-through data”⁴⁹ that it had already collected for the project area.⁵⁰ By relying on OGS-200 “as the starting point” to screen for potential old-growth, the Forest Service may have excluded units that contain forests with old-growth conditions that might have been evidenced by reviewing the common stand exam data.

Third, even assuming the 1993 Standards did apply, the specific definitions the Forest Service used under those standards for determining the presence of old-growth conditions (grand fir/white fir and western hemlock) are inapplicable for the 27 Road Fuel Break Project area. For example, the old-growth definitions for grand fir/white fir under the 1993 Standards specifically state that the “applicable area” for applying these definitions is in Central Oregon and the Blue Mountains,⁵¹ which is not where Mt. Hood National Forest is located. In fact, the MOG Inventory states that, for purposes of the definitions for grand fir/white fir, “Central Oregon” *explicitly excludes* Wasco County, where the 27 Road Fuel Break Project is located.⁵² Furthermore, the western hemlock series states that these definitions include forests “[i]n the Cascade Ranges of Washington and Oregon . . . from near sea level up to about 3000 ft. (914 m) in elevation on the *western* side of the crest.”⁵³ The part of Mt. Hood National Forest that is on the western side of the Cascade crest “is virtually a different climatic and biological world compared to the east side”⁵⁴ of the crest where the 27 Road Fuel Break Project area is located. Thus, even assuming it was appropriate to use the 1993 Standards (which it was not), the old-growth definitions the Forest Service used under those standards for grand fir/white fir and western hemlock are inapplicable to the 27 Road Fuel Break Project Area.⁵⁵

Had the Forest Service used the Douglas-fir (interior) and ponderosa pine old-growth definitions under the 1993 Standards, it likely would have reached a different conclusion. The Douglas-fir (interior) old-growth definitions apply “only to stands *east of the Cascade Mountain Crest*,”⁵⁶ which is where the 27 Road Fuel Break Project area is located. And while the “applicable area” for the ponderosa pine old-growth definitions is “eastside” forests in Oregon and Washington,⁵⁷

⁴⁹ *Id.* at 3.

⁵⁰ See U.S. Forest Serv., Live Tree Stocking Reports (2023) (Ex. 5) (obtained in response to FOIA Request 2024-FS-R6-03063-F).

⁵¹ 1993 Standards at PDF pp. 26-27 (emphasis added). Note: the internet source of the 1993 Standards does not have complete pagination. Therefore, the page citations are to the downloaded PDF itself rather than the internet source.

⁵² 2024 MOG Inventory at 49 (Table 14, note c).

⁵³ 1993 Standards at PDF p. 113. (emphasis added).

⁵⁴ Mt. Hood forest plan, Ch. 1, p. 5.

⁵⁵ While the Forest Service may point to grand fir as being the “climax” species in parts of the project area, it is important to note that there is often confusion between the grand fir series and the Douglas-fir series (among others). See U.S. Forest Serv., Forested Plant Associations of the Oregon East Cascades, 5-5 (2007), available at https://ecoshare.info/uploads/publications/080702FS-MS_Forested_Plant_Assn_lores.pdf. Moreover, the Forest Service classified other parts of the project area according to Douglas-fir and Ponderosa pine plant associations, further undermining the Forest Service’s use of just the grand fir-white fir and western hemlock old-growth definitions. See U.S. Forest Serv., REO Late-Successional Reserve Project-Level Consistency Reviews, p. 7 & App. B (Ex. 6) (obtained in response to FOIA Request 2024-FS-R6-03063-F).

⁵⁶ 1993 Standards at PDF p. 40 (emphasis added).

⁵⁷ *Id.* at PDF p. 75.

those definitions would have been much more appropriate for this project than the grand fir/white fir or western hemlock definitions due to the presence of numerous large ponderosa pines (and absence of large grand firs or western hemlocks). Thus, the selection of the old-growth definitions for grand fir/white fir and western hemlock under the 1993 Standards seems designed to avoid finding old-growth conditions in these “dry ponderosa pine and Douglas-fir forests.”

Indeed, internal documents obtained through FOIA indicate that had the Forest Service used the 1993 Standards’ old-growth definitions for Douglas-fir (interior) and ponderosa pine, it likely would have reached a different conclusion. For example, Table 1 displays the common criteria the Forest Service relied on to disqualify both Unit 16 and Unit 181 from being considered old-growth stands – minimum trees per acre greater than a certain DBH (inches).

Table 1: Minimum trees per acre greater than a given DBH (inches) for grand fir/white fir, western hemlock, Douglas-fir (interior), and ponderosa pine under the 1993 Standards.⁵⁸		
Series	Trees per acre	DBH (inches)
Grand fir/white fir	15	21
Western hemlock	8	42
Douglas-fir (interior)	8	21
Ponderosa pine	13	21

Internal surveys documenting “Current Stand Conditions” reveal that the most commonly identified forest type in surveyed units was Douglas-fir by a wide margin.

Table 2: Forest Types of 31 Units Surveyed for Current Stand Conditions (USFS) in the 27 Road Fuel Break Project Area.⁵⁹		
Forest Type (Code)	Number of Units	% Total Units
Douglas-fir (201)	23	74.2
Ponderosa pine (221)	5	16.1
Oregon White Oak (923)	2	6.5
Grand fir (267)	1	3.2

Of the four forest types identified in the project area, grand fir was the least common and western hemlock was not identified as a forest type for any unit. In other words, the Forest Service selected old-growth definitions for the least common forest types it documented in the project area.

⁵⁸ 1993 Standards at PDF pp. 26, 39, 75, and 110. Note: the Grand fir/white fir figures are based on a “high” quality site in central Oregon; western hemlock figures are based on “Class 1” site productivity on westside forests; Douglas-fir (interior) figures cover all site productivity designations on eastside forests; and ponderosa pine figures are based on “medium-high” quality sites on eastside forests.

⁵⁹ U.S. Forest Serv., FVS_Output_CurrentStandConditions (Ex. 7) (obtained in response to FOIA Request 2024-FS-R6-03063-F). Column K of this spreadsheet identifies “Forest Type” for each stand using Forest Inventory and Analysis (FIA) codes, which are available here: data.fs.usda.gov/geodata/rastergateway/forest_type/conus_forest_type_metadata.php.

It is no surprise then that internal “Live Tree Stocking” reports indicate that none of the units met the criteria in Table 1 for grand fir or western hemlock.⁶⁰ However, as Table 3 below shows, 13 of the units surveyed, including Unit 181, *exceeded* the minimum old-growth criteria for Douglas-fir (interior) or ponderosa pine under the 1993 Standards.⁶¹

Table 3: Units exceeding minimum trees per acre greater than a given DBH for Douglas-fir (interior) and ponderosa pine (See Ex. 5 – USFS Live Tree Stocking Reports (2023)).			
Unit	Species	Number of Trees/Acre	Diameter Range (inches)
2	Douglas-fir	9	22 – 31.9
3	Douglas-fir	15	22 – 25.9
4	Douglas-fir	47	22 – 29.9
39	Douglas-fir	21	22 – 25.9
53	Douglas-fir	29	22 – 32+
55	Douglas-fir	24	24 – 31.9
65	Douglas-fir	24	22 – 28.9
71	Douglas-fir	18	22 – 25.9
72	Douglas-fir	26	22 – 25.9
78	Douglas-fir	15	22 – 32+
85	Ponderosa pine	22	22 – 32+
91	Douglas-fir	11	22 – 23.9
181	Douglas-fir	22	22 – 27.9

This demonstrates a few key points. First, the Forest Service erred when it used the OGSi “as the starting point” to screen for potential old-growth rather than referencing the common stand exam data it had collected. Second, the Forest Service erred when it used the 1993 Standards for a project area managed under the Northwest Forest Plan. Third, after committing that error, the Forest Service compounded it by using the old-growth definitions for grand fir/white fir and western hemlock in these “dry ponderosa pine and Douglas-fir forests.” These decisions led to the Forest Service’s erroneous conclusion that Unit 181 does not have old-growth conditions present. Had the Forest Service used the 1993 Standards’ old-growth definitions for Douglas-fir (interior) and ponderosa pine, Unit 181 and at least another dozen units also would likely be considered to have old-growth conditions present. Fourth, nowhere did the Forest Service discuss the applicable definition of old-growth in the Mt. Hood Forest Plan, as amended by the Northwest Forest Plan.

Other internal notes reveal that not only did the Forest Service know there are numerous large Douglas-fir and ponderosa pine trees in project area, there were repeated recommendations to impose diameter limits to retain these large trees. In Unit 16, for example, the Forest Service noted that it is in late-successional reserve (LSR), “[h]as diversity in composition along

⁶⁰ See Ex. 5.

⁶¹ *Id.* at 1, 2, 3, 8, 10, 11, 15, 19, 20, 21, 26, 31, 33.

elevational bands,” and recommended a 20-inch diameter limit on ponderosa pine.⁶² In Unit 25, the Forest Service stated there are “[s]cattered large PP [ponderosa pines]” and recommended “retaining large diameter PP & DF [Douglas-fir].”⁶³ The Forest Service also documented “[l]arge PP scattered” in Units 85 and 86 with a recommendation for retaining all of them.⁶⁴

Site visits that WildEarth Guardians conducted in July 2024 confirmed that there are numerous large Douglas-firs and ponderosa pines present throughout the project area,⁶⁵ including one Douglas-fir that measured over 63 inches DBH in Unit 181.⁶⁶ And the Forest Service’s decision not to include enforceable diameter limits in the Decision Memo⁶⁷ for this project means that many of these large Douglas-firs and ponderosa pines could be cut. Thus, it was arbitrary and capricious for the Forest Service to rely on 1) use the OGSi to improperly narrow the geographic scope of its old-growth review, 2) use the 1993 Standards and 3) use the grand fir/white fir and western hemlock definitions in the 1993 Standards for old-growth in these “dry ponderosa pine and Douglas-fir forests.”

The Forest Service’s actions are also inconsistent with the Mt. Hood Forest Plan’s forestwide standard regarding fragmentation of old-growth forest stands. According to the Forest Plan:

Fragmentation of old growth forest stands of substantial size (e.g. 100 acres) should be minimized based on the following measures:

- a. Harvest unit selection should favor existing isolated, relatively small blocks of Forest, e.g. leave strips less than 100 acres.
- b. Harvest units should be located minimizing fragmentation of large blocks of old growth by placing the harvest units on the margin of the large block.⁶⁸

Here, by using the 1993 Standards’ old-growth definitions for grand fir/white fir and western hemlock, the Forest Service cannot claim that it even attempted to minimize fragmentation of old-growth in these “dry ponderosa pine and Douglas-fir forests.”

The Forest Service also violated this Forest Plan standard by improperly using the “linear nature of treatment units” to carve up contiguous areas that may have old-growth conditions, which could result in old-growth stands of substantial size being fragmented. As the Forest Service explained in its old-growth review for the 27 Road Fuel Break Project, “[t]reatment units were delineated to meet the project purposes and need of creating a roadside fuelbreak, and do not

⁶² See 27RD StandTableWorkingNSO.xlsx 2.xlsx (Ex. 8) (obtained in response to FOIA Request 2024-FS-R6-03063-F). See Column N under the “Draft Field Notes” tab for Treatment Notes discussing site conditions and recommended treatments.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ See Ex. 9.

⁶⁶ *Id.* at 1.

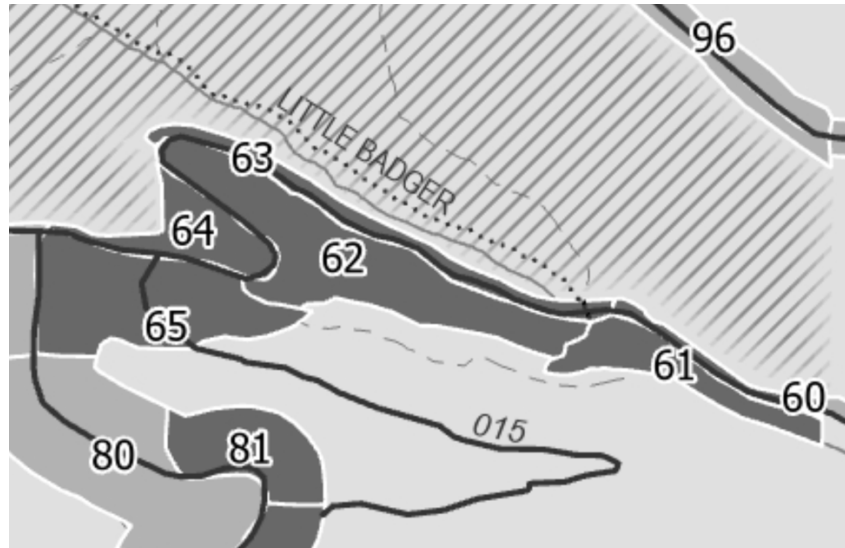
⁶⁷ 27 Road Fuel Break Project Decision Memo, 5-6 (noting there is no “general diameter limit for the entire project area” and that “diameter limits *may* be applied for individual species within treatment units”) (emphasis added).

⁶⁸ Mt. Hood Forest Plan at Four-67. The Forest Plan also incorporates this standard in Management Area C1 (Timber Emphasis). *Id.* at Four-292. Management Area C1 comprises approximately one-third of the 27 Road Fuel Break Project Area. See 27 Road Fuel Break Project Scoping Notice at 4.

encompass entire stands as traditionally defined.”⁶⁹ By doing so, the Forest Service quite literally missed the forest for the trees.

This likely explains why the overwhelming majority of fuel break units (97%) are less than 100 acres. In many instances, contiguous forested areas are segmented into fuel break units that are directly adjacent to each other but each less than 100 acres.

A striking example of this is with Units 60 – 65. These six units are directly adjacent to each other on the southern boundary of Badger Creek Wilderness, as shown on the project map:



By carving this contiguous forested area into small, linear units, the Forest Service kept each unit under 100 acres, as shown in the table below.

Unit	Acres
60	5
61	14
62	41
63	13
64	14
65	33
Total	126

The forests in these units are contiguous and contain numerous large Douglas-fir and ponderosa pine trees.⁷¹ Since these contiguous forested areas exceed 100 acres, had the Forest Service used

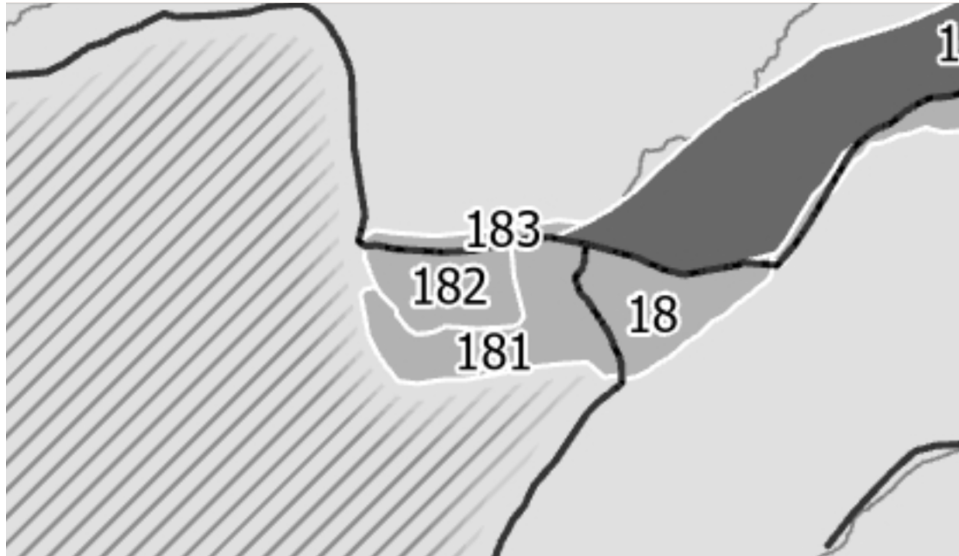
⁶⁹ Ex. 2 at 5.

⁷⁰ Acreages as shown in Ex. 8 (Column B in the “Draft Field Notes” tab).

⁷¹ See Ex. 9 at 8-10, 14-17. Note some of the photos are in the Badger Creek Wilderness, directly adjacent to Unit 63. These are included to show (1) why arbitrary unit boundaries cannot ignore the broader

the 1993 Standards' old-growth definitions for Douglas-fir and ponderosa pine, it is possible that this entire area would qualify as an "old growth forest of substantial size," triggering the Forest Plan standard to minimize fragmentation of old-growth.⁷² But by treating each unit in a vacuum, the Forest Service erroneously ignored that cumulative acreage, putting these old-growth forests at risk of significant fragmentation.

Similarly, the Forest Service isolated Unit 181 (19 acres) from other project units and forests directly to the south (in Badger Creek Wilderness) and southeast (on the east side of FSR 2730200).



These forested areas also contain numerous large Douglas-fir and Ponderosa pine trees.⁷³ But by isolating Unit 181 from the forests that surround it, the Forest Service ignored that cumulative acreage. This also likely violated the Forest Plan's standard for avoiding fragmentation of old-growth habitat for the same reasons stated above regarding Units 60-65.⁷⁴

The Forest Service also did not give appropriate consideration to the age of the trees in some of the units in the 27 Road Fuel Break Project area. For example, the two units that the Forest Service considered but then eliminated during its old-growth review (Units 16 and 181) are two

forested area in which they are a part and (2) the fact that the Forest Service is planning to create fuel breaks right up to the boundary of a Wilderness area.

⁷² Mt. Hood Forest Plan at Four-67 and Four-292. Note that Units 60-65 are in the same areas as the Douglas Cabin LSR units, most of which are classified as Douglas-fir or ponderosa pine plant association groups. *See* Ex. 6, App. B. At a minimum, Unit 65 satisfies the Douglas-fir (interior) old-growth definition with at least 24 trees/acre > 21" DBH. *See* Ex. 5 at 15. Unit 62 may also satisfy this definition with at least 7 trees/acre > 32" DBH and another 6 trees/acre in the 20"-22" DBH range. *Id.* at 13. Unit 64 may also satisfy this definition with at least 3 trees/acre > 28" DBH and another 7 trees/acre in the 20"-22" DBH range. *Id.* at 14. Stand exam data was not available for the other units, though site visits documented numerous large trees in and adjacent to Units 61 and 63. *See* Ex. 9 at 8-10 and 14-17.

⁷³ *See* Ex. 9 at 3-7.

⁷⁴ Mt. Hood Forest Plan at Four-67 and Four-292.

of the oldest units in the project area. Unit 16 has an average age of 164 years and Unit 181 has an average age of 166 years.⁷⁵ The oldest unit in the project area, Unit 42, has an average age of 168 years.⁷⁶ Two of these units (16 and 42) are slated for commercial thinning with no mandatory diameter limits. If this is how Mt. Hood National Forest intends to conduct old-growth reviews going forward, a lot of the remaining old-growth will likely be logged.

Finally, it is important to reiterate that the Fuel Break CE mandates that a project cannot be “inconsistent with the applicable management plan.”⁷⁷ The applicable management plan governing the 27 Road Fuel Break Project is, of course, the Mt. Hood Forest Plan. That forest plan provides a definition old-growth and provides standards for minimizing fragmentation old-growth.⁷⁸ In order to ensure consistency with the forest plan, a necessary prerequisite for utilizing the Fuel Break CE authority, the Forest Service was required to consider whether implementation of the 27 Road Fuel Break Project would fragment or otherwise impact old-growth as defined by the Mt. Hood Forest Plan. There is no indication that the Forest Service made that determination here.

In summary, the Forest Service erred in using OGS 200 to initially screen for potential old-growth at the unit level when it had common stand exam or walk-through data available for this purpose. That decision arbitrarily narrowed the Forest Service’s old-growth review to just two units even though there are many others that likely have old-growth conditions present. Next, the Forest Service erred in relying on the 1993 Standards for its old-growth review for the 27 Road Fuel Break Project since those standards are only applicable to forests outside of the Northwest Forest Plan area. The Forest Service compounded that error by using the specific old-growth definitions for grand fir/white fir and western hemlock in these “dry ponderosa pine and Douglas-fir forests.” Finally, the Forest Service failed to apply the applicable definition of old-growth in the Mt. Hood Forest Plan, as amended by the Northwest Forest Plan, and failed to apply Forest Plan standards intended to minimize fragmentation of old-growth forests. These failures will likely result in substantial amounts of old-growth forest logging in the project area.

3. Other impacts from the 27 Road Fuel Break Project

Not only will implementation of the 27 Road Fuel Break Project almost certainly result in the logging of old-growth forests, it will affect species that are dependent upon old-growth forest, like the northern spotted owl. Designated critical habitat for northern spotted owl is present within the project area.⁷⁹ Nevertheless, implementation of this project will result in numerous areas being downgraded. In fact, the two units the Forest Service excluded as old-growth through its review process (16 and 181) are the only units in the project area that are foraging habitat for northern spotted owl and that habitat will be downgraded to dispersal habitat.⁸⁰ The following units will be downgraded from dispersal habitat to non-habitat: 11, 15, 17, 34, 35, 36, 37, 38, 39,

⁷⁵ See Ex. 8 (Column J in the “Draft Field Notes” tab).

⁷⁶ *Id.*

⁷⁷ 16 U.S.C. § 6592b(c)(3)(D).

⁷⁸ Mt. Hood Forest Plan, Glossary-21, Four-67, and Four-292.

⁷⁹ 27 Road Fuel Break Project Decision Memo, 6.

⁸⁰ Ex. 8 (Columns R and S in the “Draft Field Notes” tab).

40, 42, 43, 48, 49, 50, 51, 60, 61, 62, 63, 70, and 71.⁸¹ The youngest of these stands has an average age of 81 years while the oldest has an average age of 168 years.⁸² Had the Forest Service used the old-growth definitions for Douglas-fir (interior) and ponderosa pine, it is likely that some, if not many, of these units would have triggered the need for review by the Deputy Chief. But because the Forest Service relied on inappropriate old-growth definitions, these forested areas that provide foraging and dispersal habitat for northern spotted owl are at risk of being downgraded, most of them converted to non-habitat.

B. Gibson Insect and Disease Project

On August 5, 2024, the Forest Service approved another project on the eastside of Mt. Hood National Forest, the Gibson Insect and Disease Project.⁸³ While the 27 Road Fuel Break Project was approved under the Fuel Break CE, the Gibson Insect and Disease Project was approved under the Insect and Disease CE. Unlike the Fuel Break CE, the Insect and Disease CE specifically requires the Forest Service to “maximize the retention of old-growth and large trees.”⁸⁴ However, many of the same errors that plagued the Forest Service’s old-growth review for the 27 Road Fuel Break Project are present in the old-growth review for this project as well, all but ensuring that no old-growth would be found.

First, in the scoping notice for this project, the Forest Service told the public that “[t]he planning area is characterized by a mix of moist and dry mixed conifer plant communities.”⁸⁵ In the project’s Vegetation Report, the Forest Service claims that “[m]ost of the untreated forested area is in an overstocked condition with higher levels of Douglas-fir and grand fir than what was historically present under a natural fire regime.”⁸⁶ The Forest Service intends that “Douglas-fir and grand fir would [sic] primary species for removal in all plant communities.”⁸⁷ In other words, according to the Forest Service, the project area is a “mix of *moist and dry* mixed conifer plant communities” with “higher levels of *Douglas-fir and grand fir*” that would be the “primary species for removal.”

At the outset of its old-growth review for the Gibson Insect and Disease Project, the Forest Service cited to both the 2022 Standards and the 1993 Standards in its old-growth review.⁸⁸ And, like the 27 Road Fuel Break Project, initial modelling using the 2022 Standards (OGSI 200) “estimated that four proposed treatment units had Old Growth structure (303, 306, 308, and 311).”⁸⁹ However, when the Forest Service applied the 1993 Standards to these units, it only

⁸¹ *Id.* Three of these units (60, 61, and 63), as well as Unit 10, are also located in riparian reserves. *Id.* (Column N). Another unit (Unit 2) is located in late-successional reserve. *Id.* (Column N).

⁸² *Id.*

⁸³ Gibson Insect and Disease Decision Memo (Aug. 5, 2024), available at <https://www.fs.usda.gov/project/mthood/?project=64318>.

⁸⁴ Ex. 4 at 10.

⁸⁵ Gibson Insect and Disease Scoping Notice. at 1.

⁸⁶ Vegetation Considerations for Gibson Insect and Disease Project, 2 (May 16, 2024).

⁸⁷ *Id.* at 3.

⁸⁸ Gibson Insect and Disease Project, No Activities Within Old Growth Form (Ex. 10).

⁸⁹ *Id.* at 4. Like the 27 Road Fuel Break Project, the Forest Service collected common stand data for the Gibson Insect and Disease Project. *Id.* However, it is unclear whether that data was collected before or after the agency used OGSI 200 to identify these four units. As explained above regarding the 27 Road

used the old-growth definitions for grand fir and concluded that none of them contained old-growth.⁹⁰

The Forest Service reached that conclusion even though it admitted that the 1993 Standards are “for the Eastside Screens (ESS) forests.”⁹¹ Mt. Hood National Forest is not an ESS forest.⁹² Moreover, just as it did for the 27 Road Fuel Break Project, the Forest Service used the grand-fir old-growth definitions for “Central Oregon” in its old-growth review for the Gibson Insect and Disease Project.⁹³ But the “Central Oregon” old-growth definitions for grand fir under the 1993 Standards do not apply to Hood River County, where the Gibson Insect and Disease Project is located.⁹⁴

Nevertheless, the Forest Service proceeded to improperly use the 1993 Standards because they purportedly “provide a more accurate representation of drier East Cascades stand conditions found in the project area[.]”⁹⁵ So even though the Forest Service said the project area is a “mix of moist and dry mixed conifer plant communities,” the agency only focused on the dry part of those communities in order to provide some kind of rationale for using the 1993 Standards for its old-growth review.

The Forest Service also sought to improperly use the 1993 Standards in its old-growth review for the Gibson Insect and Disease Project because they provide “quantitative structural features” that a forested area must meet in order to be classified as old-growth:

a stand must meet all three of the following minimum attributes: minimum diameter, minimum number of large trees per acre, and minimum age (Hopkins 1993 p. 3).⁹⁶

These restrictive “minimum attributes” do not exist in the definitions of old-growth in either the Mt. Hood Forest Plan or the Northwest Forest Plan (or the 2022 Standards).⁹⁷

After deciding to improperly use the 1993 Standards for the Gibson Insect and Disease Project, the Forest Service compounded that error when selectively using the old-growth definitions for

Fuel Break Project, the use of OGSi 200 as an initial screening tool is problematic because it has “known discrepancies” with “actual on-the-ground conditions” such that forested areas that may have old-growth conditions present are improperly omitted from evaluation. *Id.* at 3.

⁹⁰ *Id.* at 4.

⁹¹ *Id.* at 1.

⁹² See U.S. Forest Serv., Federal Lands Where Eastside Screens Apply, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd730579.pdf.

⁹³ Compare Ex. 10 at 2 (Table 1) with 2024 MOG Inventory at 49 (Table 14, first row).

⁹⁴ 2024 MOG Inventory at 49 (Table 14, note c).

⁹⁵ Ex. 10 at 1.

⁹⁶ *Id.*

⁹⁷ Mt. Hood Forest Plan, Glossary-21; Northwest Forest Plan Standards & Guidelines, F-4 (the NWFP definition says old-growth is “usually at least 180-220 years old” but it is not required) (emphasis added); 2022 Standards at 6 (explaining that the OGSi is “calculated using one to four measurable old-growth structure elements” that result in a value on an “index [that] ranges from 0 to 100, where higher values indicate increasing old-growth structural characteristics.”).

grand fir only, ignoring the definitions for Douglas-fir (interior).⁹⁸ Using just the grand fir old-growth definitions, the Forest Service claimed that “Units 306, 308, and 311 do not meet any of the three criteria (minimum diameter, minimum number of large trees per acre, and minimum age).”⁹⁹ While Unit 303 did meet two of the three criteria for grand fir, the Forest Service claimed it “[did] not meet the age criterion because the stand age is 129 which is below the requirement of 150.”¹⁰⁰

Site visits to the Gibson Insect and Disease Project area in June by WildEarth Guardians and in August 2024 by WildEarth Guardians and Oregon Wild documented numerous large Douglas-fir trees in multiple units, including Units 306, 308, and 311, three of the units that the Forest Service claims is not old-growth (citing only the definitions for grand fir).¹⁰¹ In Unit 306, nine Douglas-fir trees were measured that exceeded the minimum requirements for the 1993 Standards’ old-growth definitions for Douglas-fir (interior) (i.e., 8 trees/acre greater than 21 inches dbh).¹⁰² Large Douglas-firs were also prominent in Units 308 and 311.¹⁰³ In one instance, a Douglas-fir measuring 47.1” dbh was growing next to a grand fir measuring 16.9” dbh in Unit 308.¹⁰⁴ Under the 1993 Standards, the Douglas-fir exceeds the minimum diameter limit for that species while the grand fir does not. But since the Forest Service only used the grand fir old-growth definitions, the agency ignored this large Douglas-fir and all of the other large Douglas-firs in this and other units throughout the project area.

In addition to Units 306, 308, and 311, we also visited Units 304 and 307, two units that were not included in the Forest Service’s old-growth review because, according to the agency, initial modeling did not indicate potential old-growth there. However, after visiting these units, we believe they would also likely be considered old-growth using the Douglas-fir (interior) definitions under the 1993 Standards. Numerous large Douglas-firs are present in these units.¹⁰⁵ By using the 1993 Standards’ old-growth definitions for grand fir in the Gibson Insect and Disease Project area, the Forest Service cannot claim that it even attempted to minimize fragmentation of old-growth in these forests that contain high levels of not just grand fir but also Douglas-fir.¹⁰⁶

Finally, part of the Gibson Insect and Disease Project area is in Management Area B5 (Pileated Woodpecker/Pine Marten Habitat Area).¹⁰⁷ The purpose of this management area is to “[p]rovide Forestwide mature or old growth habitat blocks of sufficient quality, quantity and distribution to sustain viable populations of pileated woodpecker and pine marten.”¹⁰⁸ Within pileated woodpecker habitat areas, “at least 300 acres of mature and/or old growth forest habitat shall be

⁹⁸ Ex. 10 at 2, 4.

⁹⁹ *Id.* at 4.

¹⁰⁰ *Id.*

¹⁰¹ *See* Ex. 11.

¹⁰² *Id.* at pp. 1-9.

¹⁰³ *Id.* at pp. 10-14.

¹⁰⁴ *Id.* at 11.

¹⁰⁵ *Id.* at 15-18.

¹⁰⁶ Mt. Hood Forest Plan at Four-67 and Four-292.

¹⁰⁷ Gibson Insect and Disease Project Scoping Notice at 3.

¹⁰⁸ Mt. Hood Forest Plan at Four-240.

maintained within each 600 acre Management Area” and those 300 acres “should be contiguous.”¹⁰⁹ For pine marten habitat areas, “at least 160 acres of mature and/or old growth forest habitat shall be maintained within each 320 acre Management Area” and those 160 acres “should be contiguous.”¹¹⁰ By using the 1993 Standards’ old-growth definitions for grand fir in the Gibson Insect and Disease Project area, the Forest Service cannot claim that it is maintaining the required acreage of mature and/or old-growth for either pileated woodpecker or pine marten.

In summary, the Forest Service erred in relying on the 1993 Standards for its old-growth review for the Gibson Insect and Disease Project since those standards are only applicable to forests outside of the Northwest Forest Plan area (i.e., on Eastside Screens forests). The Forest Service compounded that error by selectively using old-growth definitions for grand fir while ignoring the Douglas-fir (interior) old-growth definitions. Finally, the Forest Service failed to apply the applicable definition of old-growth in the Mt. Hood Forest Plan, as amended by the Northwest Forest Plan, failed to apply Forest Plan standards intended to minimize fragmentation of old-growth forests, and failed to ensure the required acreage of mature and/or old-growth is being maintained for pileated woodpecker and pine marten. These failures will likely result in substantial amounts of old-growth forest logging in the project area.

C. Other old-growth reviews in the Pacific Northwest Region.

In the Mt. Baker-Snoqualmie National Forest, the Forest Service is considering whether to approve the North Fork Stillaguamish Landscape Analysis Project. In response to comments submitted by WildEarth Guardians and the Sierra Club (Washington Chapter), the Forest Service acknowledged that “there is modeled remnant old growth structure in some of the proposed stands.”¹¹¹ What definitions and criteria are the Forest Service relying on for its old-growth review of the North Fork Stillaguamish Landscape Analysis Project?

Finally, a recent project in the Gifford Pinchot National Forest indicates the Forest Service failed to utilize the applicable *working* definitions from the MOG Inventory (i.e., the 2022 Standards) in its environmental analysis. In responding to comments related to old-growth for the Yellowjacket Project, the Forest Service stated that the *narrative* definitions in the MOG Inventory “align with” existing land management direction and “apply to the Yellowjacket Project.”¹¹² Based on that, the Forest Service concluded that “no harvest is planned in old growth.”¹¹³

But the MOG Inventory contains both narrative *and* working definitions, the latter of which refer to the 2022 Standards.¹¹⁴ Nowhere in its response to comments did the Forest Service state that it applied the quantitative working definitions reflected in the 2022 Standards. Instead, the Forest

¹⁰⁹ *Id.* at Four-242.

¹¹⁰ *Id.* at Four-243.

¹¹¹ Jacqueline Buchanan Letter re: North Fork Stillaguamish Landscape Analysis Project (May 20, 2024) (Ex. 12).

¹¹² Response to Comments on the 2023 Revised Draft Yellowjacket Environmental Assessment, at 11 (Feb. 2024), available at <https://www.fs.usda.gov/project/giffordpinchot/?project=60595>.

¹¹³ *Id.*

¹¹⁴ 2023 MOG Inventory at 4, 41; 2024 MOG Inventory at 5, 48.

Service suggested that, aside from the narrative definitions, there is an “absence of other national or regional direction” on determining old-growth conditions at the project scale.¹¹⁵ But this ignores the fact that the 2022 Standards *are* regional direction as evidenced by the working definitions in the MOG Inventory.¹¹⁶ The Forest Service erred in applying just the narrative definitions of old-growth for the Yellowjacket Project.

III. Conclusion

The Forest Service has clearly articulated that the 2022 Standards apply to national forests managed under the Northwest Forest Plan while the 1993 Standards apply to national forests outside the Northwest Forest Plan area in eastern Oregon and Washington. Nevertheless, forests in the Pacific Northwest Region continue to apply the 1993 Standards in areas managed under the Northwest Forest Plan, potentially limiting the amount of national forest land that is considered to have old-growth forest conditions. In Mt. Hood National Forest, the Forest Service improperly used OGS 200 to initially screen the 27 Road Fuel Break Project area for old-growth when it had common stand data available for that purpose. After that decision arbitrarily narrowed its old-growth review to just two units, the Forest Service improperly applied the 1993 Standards’ old-growth definitions for grand fir and western hemlock to conclude there is no old-growth in the project area even though those definitions are not applicable to the project area and the agency describes this area as “dry ponderosa pine and Douglas-fir forests.” The Forest Service also improperly used stand size under the 1993 Standards’ old-growth definitions for grand fir to disqualify areas as old-growth for this project, ignoring its own Forest Plan’s definition of stand size for old-growth and standards for minimizing fragmentation of old-growth.

Similarly, the Forest Service on Mt. Hood National Forest improperly used OGS 200 to initially screen the Gibson Insect and Disease Project area for old-growth, potentially leading to an underinclusive result. After that decision arbitrarily narrowed its old-growth review to just four units, the Forest Service improperly applied the 1993 Standards’ old-growth definitions for grand fir to conclude there is no old-growth in the Gibson Insect and Disease Project area even though that definition is not applicable to the project area and the agency describes the forest as containing large amounts of both grand fir *and* Douglas-fir. The Forest Service also ignored the Mt. Hood Forest Plan’s standards for minimizing fragmentation of old-growth and failed to ensure the required acreage of mature and/or old-growth is being maintained for pileated woodpecker and pine marten. At least one other forest appears to be ignoring the 2022 Standards entirely.

You have stated on multiple occasions that projects in the Pacific Northwest Region “will be reviewed locally to determine if they qualify for review by the National Forest System Deputy Chief.” What has been laid out above demonstrates that at least one local forest, Mt. Hood National Forest, arbitrarily used OGS 200 as the “starting point” for its old-growth reviews for two projects despite having “known discrepancies” with “actual on-the-ground conditions.” After that narrowed the old-growth review to just a handful of units for each project, the Forest Service then used improper definitions under inapplicable standards to claim there are no old-

¹¹⁵ Yellowjacket Response to Comments at 11.

¹¹⁶ 2023 MOG Inventory at 41; 2024 MOG Inventory at 48.

growth conditions present in these project areas and, consequently, sidestep the Deputy Chief's review. It is possible that there are also issues with how the Mt. Baker-Snoqualmie National Forest and the Gifford Pinchot National Forest handle the definitions. As a result, it is possible that forests with old-growth conditions present will be needlessly logged.

The undersigned respectfully request the following:

- The Regional Office should immediately review all projects that have been approved since December 2023 to ensure that forest managers in this region are applying the appropriate standards for determining whether old-growth forest conditions exist. This includes, but is not limited to, the 27 Road Fuel Break Project and Gibson Insect and Disease Project in the Mt. Hood National Forest, the Yellowjacket Project in the Gifford Pinchot National Forest, and the North Fork Stillaguamish Landscape Analysis Project in the Mt. Baker-Snoqualmie National Forest.
- With respect to the 27 Road Fuel Break Project and Gibson Insect and Disease Project in the Mt. Hood National Forest, the Forest Service should withdraw the decision memos and redo its old-growth reviews using all of the available common stand exam or walk-through data to ensure that no units containing forests with old-growth conditions were improperly excluded.
- With respect to the Yellowjacket Project in the Gifford Pinchot National Forest, confirm whether or not the Forest Service applied the appropriate standards for determining whether old-growth forest conditions exist and, if not, then withdraw the decision memo and redo its old-growth review to ensure that no units containing forests with old-growth conditions were improperly excluded.
- With respect to the North Fork Stillaguamish Landscape Analysis Project in the Mt. Baker-Snoqualmie National Forest, confirm whether or not the Forest Service applied the appropriate standards for determining whether old-growth forest conditions exist and, if not, prepare a revised environmental assessment with a new old-growth review to ensure that no units containing forests with old-growth conditions were improperly excluded.
- We also request that the Regional Office issue immediate direction to all Forest Supervisors, Deputy Forest Supervisors, and District Rangers that clarifies the need to apply the appropriate standards for determining whether old-growth forest conditions exist.

We respectfully request that your office provides a response in the next 30 days.

Sincerely,

Ryan Talbott
Pacific Northwest Conservation Advocate
WildEarth Guardians

Doug Heiken
Conservation and Restoration Coordinator
Oregon Wild

Amy L Mower
Member
National Forest Committee
WA Chapter, The Sierra Club

Damon Motz-Storey
Director
Oregon Chapter Sierra Club

Steve Holmer
Vice President of Policy
American Bird Conservancy

Tom Wheeler
Executive Director
Environmental Protection Information Center
(EPIC)

Kimberly Baker
Executive Director
Klamath Forest Alliance

John Bridge
President
Olympic Park Advocates

Jim Miller
President
Friends of the Bitterroot

Whitney Hamblin
Membership Director
Kentucky Heartwood

Chris Bachman
Conservation Director
Yaak Valley Forest Council

Janice Reid
President
Umpqua Watersheds

Blaine Miller-McFeeley
Senior Legislative Representative
Earthjustice

Dave Willis
Chair
Soda Mountain Wilderness Council

Stephen Sharnoff
Vice-President
Friends of Douglas-fir National Monument

Quinn Read
Conservation Director
Bird Alliance of Oregon
(formerly Portland Audubon)

Sonia Demiray
Executive Director
Climate Communications Coalition

Lea Sloan
Forests Advocate
Old-Growth Forest Network Board

Michael Dotson
Executive Director
Klamath Siskiyou Wildlands Center

J. Ron Hess
Advocacy Member and Website Manager
EarthKeepers

Paul Hughes
Executive Director
Forests Forever

Cindy Haws
President
Umpqua Natural Leadership Science Hub

John Coleman
Director
Speak For The Trees Too (Speak4Trees2)

Patty Hine
350 Eugene

Kate Gessert
Member
Climate Writers

Andy Mahler
Director
Protect Our Woods

Philip Fenner
President
North Cascades Conservation Council

Randi Spivak
Public Lands Policy Director
Center for Biological Diversity

Mark Donham
Regional Association of Concerned
Environmentalists (RACE)

Grace Brahler
Wildlands Director
Cascadia Wildlands

Dave Werntz
Science and Conservation Director
Conservation Northwest

Sara King
President
Friends of White's Woods

Justin Boyles
Conservation Advocate
Environment Oregon

Paula Hood
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Jim Doyle
Fishery Program Manager NFS (Ret.)
Mt. Baker-Snoqualmie National Forest

Roger Nichols
Engineering Geologist NFS (Ret.)
Mt. Baker-Snoqualmie National Forest

Exhibits (12)

- Ex. 1 (Jacqueline Buchanan Letter re 27 Road Fuel Break Project)
- Ex. 2 (Old-Growth Review Form re 27 Road Fuel Break Project)
- Ex. 3 (27 Road Fuel Break Project Initiation Letter)
- Ex. 4 (FAQs: Bipartisan Infrastructure Law)
- Ex. 5 (Live Tree Stocking Reports)
- Ex. 6 (REO LSR Consistency Review)
- Ex. 7 (Current Stand Conditions spreadsheet)
- Ex. 8 (NSO Spreadsheet)
- Ex. 9 (Site Visit Photos of 27 Road Fuel Break Project Area)
- Ex. 10 (Old-Growth Review Form re Gibson Insect and Disease Project)
- Ex. 11 (Site Visit Photos of Gibson Insect and Disease Project Area)
- Ex. 12 (Jacqueline Buchanan Letter re North Fork Stillaguamish Landscape Analysis)

cc: Chris French