



Intermountain Forest Association

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Director, Ecosystem Management Coordination
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Washington, DC 20250-1124

Attn: Jennifer McCrae, Forest Service Team Leader

Dear Ms. McCrae:

The Intermountain Forest Association (IFA) and our members thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) titled "Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System (NOGA).

IFA is a trade organization which advocates for active forest management as a sustainable pathway to reduce forest losses incurred by insects/disease and high severity wildfires. Our members are critical to realizing the goals of the wildfire crisis strategy and the broader charge of caring for forests on public, state, and private lands.

Summary – IFA supports the "No Action Alternative" in the NOGA. Moreover, we believe the NOGA process and any decision outside the No Action Alternative runs afoul of numerous legal statutes including the: National Environmental Policy Act; National Forest Management Act; and the 2012 Planning Rule.

Additionally, any action outside the No Action Alternative would likely jeopardize the ability of even coming close to meeting the objectives of the Wildfire Crisis Strategy and other goals and objectives within Forest Plans by mandating additional staffing resources to complete adaptive management process outlined in the DEIS at a time when the

DEPARTMENT has announced staggering financial and staffing capacity problems. The preferred action in the DEIS would likely create tremendous chaos and uncertainty.

Analysis of Issues

1. Analysis hasn't shown a need for change: The findings of the "Threat Assessment" (TA) completed to inform this process were clear and, on the whole, does not illustrate adverse impacts from forest management activities carried out under language in current Forest Plans.

From the TA:

"Since 2000, forests affected by wildfire experienced a decrease of an estimated 2.57 million acres of mature and 712,000 acres of old-growth forests on land managed by the Forest Service and BLM (figure 24). Forests affected by insects and disease experienced a decrease of 1.86 million acres of mature forest and 182,000 acres of old-growth forest. Forests affected by tree cutting by the Forest Service and BLM experienced a decrease of 214,000 acres of mature forests and 9,000 acres of old-growth forests."

"Over the next five decades, the growth of younger and mature forests is projected to result in an increase of mature and old-growth forests despite increasing disturbance—however, at a decreasing rate over time."

To be clear, the TA found that tree cutting accounted for only four percent of the acres of disturbance in mature and old growth forests. It is also important to note the TA indicates that two-thirds of the acres impacted by tree cutting resulted in "low severity" impacts and doesn't always result in a change to the character of these forested lands.

The final determination from the very low number of acres impacted from tree cutting and the "low severity" nature of impacts to those acres is that "...recent losses from tree cutting are third, accounting for less than one percent of net losses this century."

2. Compliance with Executive Order 14072 does not except the DEPARTMENT from complying with legal requirements:

In describing the "need for change" and, in turn, the rationale for selecting the preferred alternative, the DEIS provides the rationale of needing to "demonstrate compliance with Executive Order 14072".

Although the President may issue Executive Orders, those orders do not remove the need to comply with applicable environmental planning laws such as the NFMA, NEPA, or the MYUSA.

The DEIS also indicates the “need for change” is in response to “clear congressional intent” (Note: still not a reason produced as a result of analysis), and is purportedly from the Inflation Reduction Act (IRA). However, this “intent” does not mandate any of the actions within the DEIS or NOGA and only appropriated \$50 million to the Forest Service “for the protection of old-growth forests and to complete an inventory of old-growth” on the National Forest System. Importantly, this provision was only passed as part of a budget reconciliation measure, and these measures may not include “nonbudgetary provisions ... that are otherwise contrary to achieving the purposes established in reconciliation instructions.” Further Committee and congressional action is required as part of the reconciliation process with the expectation of producing and moving legislation consistent with the provisions. To date, no such legislation has been reported by any Committee of jurisdiction over the USDA Forest Service.

Examples of how the DEIA/NGOGA has not complied with these laws is found in other sections of these comments and these reasons for the “need for change” do not offer a sound rationale in support of anything other than the no-action alternative.

3. Any alternative other than the no-action alternative would create additional hurdles that prevent forest management projects from moving forward in a timely manner, or on the acres necessary, and results in a capricious decision that flies in the face of analysis presented by the DEPARTMENT:
Again, the TA is strikingly clear in illustrating what disturbances are and aren't impacting mature and old growth forests.

From the TA:

“There was a 10-percent decline in mature forest *in reserved areas* (emphasis added) over an average 9-year period, primarily due to impacts from fire and insects and disease (figure 28). Old-growth forests in reserved areas declined by a (nonstatistically significant) 0.4 percent, with increases in undisturbed forests almost balancing decreases in areas impacted by fire and insects and disease.”

“... mature forest *outside of reserved areas* (emphasis added) declined by a nonstatistically significant 0.4 percent, with increases in undisturbed forests almost balancing decreases in areas impacted by

tree cutting, fire, and insects and disease. *However, old growth outside of reserved areas increased by 7.8 percent, with minor impacts from disturbances outweighed by the increases.*” (emphasis added)

“These results suggest that strictly reserving mature and old-growth forests may not always ensure that they are protected from future losses.”

“However, lack of mills presents barriers for conducting management activities aimed at reducing risk from fire, insects, and diseases in an economically viable way. About half of inventoried mature and old-growth forests occur in firesheds where wood processing capacity is low, but current threats are high (figure 29), suggesting these areas may struggle to practice active management to reduce forest vulnerability.”

Summarizing these findings, the Threat Assessment for mature and old growth forests concluded that mature and old-growth forests declined on reserved acres while old-growth INCREASED on non-reserved acres. Presumably, some portion of these non-reserved acres were available for forest management activities currently authorized within Forest Plans.

Critically, this illustrates how additional restrictions on forest management or “set asides” of mature or old growth forests does not equal benefits to those forests and, in reality, is likely setting those mature and old growth forests up for failure. The TA reached the same conclusions, but the DEIS/NOGA would likely result in exactly these types of “set asides” and limitation on management actions within forests intended for “recruitment” or “protection”.

4. The NOGA does not comply with the 2012 Planning Rule:

First, the proposed plan components do not meet the requirements under FSH 1909.12, 22.1: “Objectives, desired conditions, standards, and guidelines must be written clearly and concisely in a way that allows for monitoring to test their effectiveness and verify assumptions on which they are based” and Plan Components are “written clearly and with clarity of purpose and without ambiguity so that a project's consistency with applicable plan components can be easily determined”.

Additionally, although the NOGA is proposing to amend (under the 2012 Planning Rule) all but seven Forest Plans, the NOGA does not acknowledge the language within the

2012 Planning Rule addressing exactly the issue of old growth requirements in the rule. The 2012 Planning Rule requires identification of desired future conditions, defined as “a description of specific social, economic, and/or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed.” The Planning Rule goes on to state that plans must provide for “the diversity of plant and animal communities, within Forest Service authority,” for “ecological integrity,” and for “ecosystem diversity,” all of *which allow each individual forest to plan for a variety of successional stages.* (emphasis added) By mandating requirements for old-growth forests and recruitment from mature forests, the preferred alternative moves in the opposite direction of that envisioned within the Planning Rule.

Moreover, within the preamble to the 2012 Planning Rule, the Forest Service noted that some commenters “felt the rule should have specific requirements for old-growth and large, intact blocks of forest...” Responding to those comments, the Forest Service noted that “...more specific requirements were not included in the final rule, because these issues are best identified and determined at the forest or grassland level, reflecting ecosystems and plant and animal communities on the unit.” The preferred alternative removes the flexibility previously identified as an important component of the planning process at the individual unit level. The adaptive management process does not satisfy this language because that process is still, ultimately, tied to the requirements put forth within the preferred alternative.

5. The timing of the DEIS and NOGA result in conclusions and a preferred alternative that is pre-decisional in nature, running afoul of NEPA:
Simply put, action alternatives must be informed and developed by supporting analysis through the NEPA process. However, in the instance of the DEIS/NOGA, the DEPARTMENT seems to have arrived at conclusions well before the Threat Assessment (TA) was fully completed. That TA largely constitutes the analysis that would inform the DEPARTMENT of what actions they should take to address the impacts compelling the need for change.

Although an 8-page abbreviated form of the TA was previously published, that abbreviated version lacked information at a level that could inform alternatives. Indeed, the complete TA encompassed 210 pages of information regarding the threats and impacts to mature and old growth forests.

The DEIS, was published one week later. It is unfathomable to conclude that the DEPARTMENT could have produced the DEIS and accompanying documents within any

timeframe that would have allowed for the inclusion of all relevant information found within the TA. The alternatives within the DEIS likely would have been produced at some point before the completion of analysis critical to informing the alternatives within the DEIS.

Additionally, the process implemented to complete the DEIS and alternatives not only runs afoul of NEPA requirement but seems to run counter to the Executive Order (EO) itself.

The EO outlines a process that requires the Department to first “define, identify, and complete an inventory of old-growth and mature forests on Federal lands.” Then, “Following the completion of the inventory,” the Department must “coordinate conservation and wildfire risk reduction activities,” then “analyze the threats to mature and old-growth forests,” *before* (emphasis added) finally developing “policies, with robust opportunity for public comment, to institutionalize ... conservation strategies that address threats to mature and old-growth forests.”

Summary – Although IFA supports the “No Action Alternative”, we must point out the Department has run afoul of multiple legal and planning requirements; leaving the NOGA in a legally untenable position.

We urge the Department to more fully consider the actual threats facing mature and old growth forests, the limitations the NOGA would impose on the management aiding these forests, and the adverse impacts that would result from any alternative other than the no action alternative.

Thank you,

A handwritten signature in black ink, appearing to read "Ben Wudtke". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ben Wudtke
Executive Director