Heartwood Comments re. Project #65356: National Old-Growth Amendment Draft Environmental Impact Statement

** Please review this letter and sign on your organization with the Form at the end. If you wish to sign on as an individual, in the "organization" field you can put something like, "individual" or "household" or "self" as applicable. Thank you for your support! Be sure to send your own, original comments, even a short note helps!*

Open Letter to President Joe Biden, Vice President Kamala Harris, Secretary of Agriculture Tom Vilsack, US Forest Service Chief Randy Moore, Secretary of Interior Debra Haaland, and BLM Director Tracy Stone-Manning:

This letter is on behalf of Heartwood, "People helping people protect the places they love". Heartwood is a cooperative network of more than 150 grassroots organizations dedicated to protecting and restoring our native forests. Our member groups range from informal bands or groups of citizens without a formal name, to organizations with offices in our nation's capital. Heartwood's region is the "heartland hardwood" ecoregion, the eastern broadleaf forests that extend from the Ozarks to Appalachia and all the rivers between. Heartwood has helped shape the management of our national forests by facilitating citizen participation in the NEPA process since our organization was founded in 1990. We welcome this opportunity to provide comments on the *Draft Environmental Impact Statement to Amend Land Management Plans to Address Old-Growth Forests (Project 65356)*, published by the US Forest Service on June 21, 2024.

When President Biden issued Executive Order 14072 on Earth Day 2022, he ordered the BLM and the USFS to amend all management plans that contain Mature and Old-Growth to include protections for old-growth, as well as "mature" forests, on lands managed by those agencies. Section 2, in particular, as printed in the Federal Register on April 27, 2022, begins with the following words:

*To further conserve **mature and old-growth forests** and foster long-term United States forest health through climate-smart reforestation for the benefit of Americans today and for generations to come, the following actions **shall** be taken… (b) the Secretary of Agriculture, with respect to National Forest System lands, **shall**, within 1 year of the date of this order, define, identify, and complete an inventory of **old-growth and mature forests** on Federal lands, accounting for regional and ecological variations, as appropriate, and **shall** make such inventory publicly available… (c.ii) Following completion of the inventory, the Secretary [of Agriculture] **shall** analyze the threats to **mature and old-growth forests** on Federal lands, including from wildfires and climate change; and (iii) develop policies, with robust opportunity for public comment, to institutionalize climate-smart management and conservation strategies that address threats to **mature and old-growth forests** on Federal lands. (emphasis added)*

Throughout the Executive Order, the use of the word "shall" is consistent, as is the use of both "mature" and "old-growth" in associated conjunction. Nowhere in the text of the Executive Order does one term appear without the other. Yet in the DEIS we see that the US Forest Service flatly refuses to consider mature forests for protection in Regions 8 and 9, a capricious act that precludes expansion or recruitment of future old-growth forests in the eastern half of the United States. Significantly, the word "Mature" is even missing from the title of the DEIS published by the USFS. This speaks to a wilful predisposition to ignore that half of the Executive Order in the interest of continued commercial timber production.

1. **Definitions**

In order to fulfill the requirements as stated in the Executive Order, the President directs the agency to define the terms "mature" and "old-growth". The US Forest Service published their Definitions document in April 2024, in which they discuss various ways to define these terms and show the criteria they used to arrive at a final determination. We find their determinations problematic, in these ways:
A. Mature forests can be defined or identified using an economic standard or an ecological standard. The Definitions document fails to distinguish between these two standards, nor does it specify which is to be used in a particular situation. There is concern that these definitions are being manipulated so as to "move the goalposts" for forest protection.

Changing to an ecological standard of maturity might mean that a stand of forest would not qualify for protections potentially decades after reaching economic maturity, making recruitment of new mature forest into old-growth all but impossible. The USFS is using this ambiguity to continue their plans to log and burn our forests for the sake of commercial interests. The standard that provides the greatest protection for the most acres of forest is the one that should be applied.

Most of the national forest lands in USFS Regions 8 and 9 were acquired as a result of the Weeks Act of 1911, and much of these lands were acquired in a denuded or deforested state. This means much of our forests are more or less about a century old, and fall into a vaguely defined category called "mature", typically meaning economic maturity. The FS admits they do not have accurate inventory data in national forest across these two regions, a problem which has not hampered the sale of public timber but prevents them from fulfilling the requirements of the Executive Order. This results in a gross misrepresentation of the amount of forests that would truly qualify as "mature" and underestimates any remaining patches of old-growth, the very areas which require the greatest level of protection this Order can provide.

B. Currently, the USFS defines "old-growth", if they define it at all, as equivalent to terms like "decadent" and "overmature", with an arbitrary number of years (110 or 111 years is common for eastern forests) as a standard. Although trees can live for centuries, there is no age-class category for anything beyond what is considered harvestable or "mature". This is a result of the agency's myopic focus on timber production above all other management considerations, and contributes to a chronic underestimation of the actual amount of forests meeting old-growth standards on national forest lands.

The challenges of defining old-growth in a way that allows for the range and diversity of forest types are acknowledged and discussed in the DEIS and the associated Definitions Report. The eastern US, more or less congruent with USFS Regions 8 and 9, is a vast area that includes many different forest types. Creating a definition that encompasses this diversity requires a plan-by-plan, forest-by-forest approach. But no matter the definition or standard, there must be a variety of pathways by which forests can achieve this standard, which means redesignating lands currently deemed "suitable for timber production" as suitable for future old-growth forest. The Forest Service provides no such pathway in the plans presented in the DEIS despite explicit direction to do so in the memo written by Secretary of Agriculture Tom Vilsack .

C. The definition of "protection" needs to meet the highest standard, and the protections provided by that standard must be the most expansive and inclusive in order to protect the most acres of forest. The USGS Protected Areas Database of the United States (PAD-US), as the nation's official and internationally recognized inventory of public green space and private protected areas, specifies four different levels of protection, of which GAP 1 and GAP 2 are the only areas managed in ways consistent with "protected lands." Standards for forest protection must be consistent with those set forth in the official USGS GAP 1 and GAP 2 designations.

B. Threats Analysis

The President also orders the agency to analyze the various threats to both old-growth and mature forests (EO 14072 § 2.c.ii). Here we again find that the agency has failed to do so in two key ways: first, that their self-analysis minimizes the harms their own management inflicts on the forests they hold in the public trust; and second, that once again we see they categorically exclude the entire eastern half of the nation from consideration, a pattern found throughout the DEIS documents.

In assessing these threats, the USFS self-examination concluded, predictably, that their own logging plans were not a threat to the forest ecosystems, when in fact nothing could be further from the truth. The Threats Assessment, published by the Agency in June of 2024, acknowledges that logging prior to 1990 had harmful impacts and credits public pressure as a major factor in the reduction of rampant logging for commercial interests (pg 52). Yet somehow this same logging activity now suddenly is for "forest health", a magical transformation that only makes sense to someone who has abdicated thought and reason altogether. Stunningly, the report concludes with the frank acknowledgement that old-growth forests in the entire eastern half of the continental United States "were not evaluated" in the report, due to a lack of inventory data (pg 68). This lack of data speaks to an administrative failure of monumental proportions, and calls into question every management proposal in Regions 8 and 9. Failure to include the entire continental United States east of the Mississippi River violates the letter and intent of the Executive Order (EO 14072 § 2(b)).

Agency failures to prepare an inventory of our national forests is not the only example of institutional disarray and mismanagement. Here in USFS Regions 8 and 9 we find that many Land and Management Plans are years out of date, with some national forests continuing to operate under plans that are as many as five, ten, fifteen, or even more years beyond their expiration, as per the National Forest Management Act (NFMA). NFMA provides that a Plan for each national forest must be revised every ten to fifteen years (36 USC § 219.7). Yet we find that the agency continues to propose enormous, landscape-scale logging and burning that encompasses an entire Plan's worth of work in "one project" under old, expired management plans.

A moratorium on these active, enormous, landscape-scale logging and burning proposals is required, in order to maintain the status quo and comply with NEPA while the public's comments on this DEIS are being considered.

The admission by USFS of its failure to consider mature and old-growth forests in the entire eastern half of the nation in the Threats Assessment calls into question the validity of the conclusions and recommendations published in the Draft Environmental Assessment itself, which only considers old-growth and ignores mature forest.

No agency is capable of conducting a fair and unbiased self-examination in the manner that this Threats Assessment was written. A proper Threats study must be completed by an independent third party, using the best available science.

The Forest Service inappropriately views their inventory of lands through an unnecessarily coarse-grained resolution lens, a unit of measurement they call a "fireshed". This unit of land measurement has no relationship to conventional assessments of area, such as the acre or square foot, it bears no relationship to the ecological unit known as a Watershed, nor even does it share any congruency with their own stand-analysis inventory used in generating Planning documents. Use of this "fireshed" unit to identify remnant stands of old-growth forest in national forest lands held east of the Mississippi River is therefore improper, arbitrary, and capricious. Whether or not this was the intent, the use of such a coarse-grained unit of land measurement effectively excludes any remaining patches of old-growth left in these Eastern forests, considering their history of use and abuse prior to acquisition under the Weeks Act of 1911. Stands of old-growth in the eastern part of the US would or could be very small, making them all the more precious and all the more in need of the protections ordered by the President.

The USFS repeatedly states throughout the DEIS and other associated documents that they do not intend to change their management plans. (e.g., pg 28, SocioEcon Impacts Report; pg 68, Threats Assessment) This is in clear violation of the directive specified in EO.14072 § 2.c.iii, which orders the USFS to "develop policies… and implement strategies…" to protect old-growth and mature forests from the set of threats that must include not only the impacts of climate change but also the impacts of logging and prescribed burning.

The Forest Service, in their Social, Economic, and Cultural Impacts Analysis Report, spells out how old-growth forests can lose their status, falling forever back into the "timber base", while there is no mechanism for forests to ever gain that status and recruit from the "lands suitable for timber production" to expand old-growth habitat, as directed:

"The proposed old-growth amendment does not change lands suitable for timber production.

Old-growth forests will remain forested lands as a part of this amendment process. The amendment also does not propose special designation status (e.g. roadless, a new management area in the land management plan etc.) for old-growth forests. While the amendment proposes constraints on the purpose of vegetation management activities in old-growth forests, it is recognized these are dynamic systems and areas that currently meet the definition (and associated criteria) of old-growth could no longer meet the definition/criteria in the future – for example, due to natural disturbance (e.g. wildfire, insect and disease). Should this occur, these areas would no longer be subject to the old-growth amendment." (page 22)

This amounts to a flat refusal to implement the Order in the eastern half of the nation. Currently, old growth and mature forests lack protection from a set of threats that includes, although it is certainly not limited to, the management practices of the US Forest Service itself, as stated in the Threats Assessment Report (see page 51), hence the need for the President to take the action of issuing the Executive Order in the first place.

There are impacts from threats that we can prevent, and impacts that we cannot. Storms of greater severity are an inevitable result of our choice to continue burning fossil fuels. No amount of logging is going to help that. Replicating natural disturbance with additional disturbance from management activities only serves to increase the total amount of disturbance.

In order to implement the Order to protect both old growth AND mature forests, the Forest Service must remove lands in Regions 8 and 9 deemed "suitable for timber" from the timber base, and provide genuine protection that meets USGS GAP 1 and GAP 2 standards.

C. Commercial Logging is an Inappropriate Management Goal, not a Legitimate Tool for Protecting Old-Growth And Mature Forests

The USFS presents Alternative 2 as their preferred alternative, claiming that commercial logging is an ecological management tool in old-growth forests. The absurdity of this claim is difficult to overstate. There is absolutely no ecological equivalent to a timber sale. Even in the most catastrophic windstorm or wildfire, there is no natural set of circumstances whereby the big sawlogs are removed from the system entirely.

Today's logging on our national forests is motivated by the proceeds from sale of the timber from our public forests, with an attempt to cloak their intent behind a veil of ecological justifications. The agency is allowed to keep the money from the commercial sale of timber, yet nationwide, the US Forest Service loses an average of $44 million per year on their commercial timber sale program. This makes commercial logging a cumbersome management tool indeed.

The agency claims to "teach the forests resilience" but one cannot train an ecosystem like a dog or a horse. Old-growth forests are naturally resilient; they have to be, in order to survive the myriad pressures and changes that an ecosystem faces over time.

Scientists continue to discover ways that forests, especially forests in the eastern United States, play an important role in mitigating not only the near-term effects of climate change, but also provide a crucial part of the solution to drawing down excess carbon from the atmosphere. An important study published February 2024 shows that a century of forest restoration, much of which can be credited to the Weeks Act of 1911 which created most of the National Forests in the eastern US, is responsible for an "anomalous warming hole" due to the power of forests, young and old, to cool the planet. In order to keep this carbon safely stored out of harm's way, and to maximize CO2 sequestration capacity, those forests must be allowed to grow to grow naturally, recognizing that natural disturbance is part of the process of natural regeneration.

There is a growing effort to calculate the value of a given acre of forest, even in terms of its ability to absorb carbon from the atmosphere. The value of that hypothetical acre is further enhanced by the discovery that microbes on the bark of trees absorb methane, a greenhouse gas far more potent than carbon dioxide. This significantly changes those calculations. Frequent, low-intensity fires would scorch this bark habitat, affecting microbe populations and negatively affecting this methane-absorbing capacity.

Instead, the USFS imposes a slash-and-burn prescription upon forests that are trying to grow as cool and shady as possible, nature's way of conserving the water that all life depends upon. USFS prescriptions to create open, "oak-dominated" canopy habitat in a response to the "threat" of mesophication – the very cooling mechanism we need to address the climate crisis – are the very opposite of how we need to be managing the 31 national forests included in Regions 8 and 9, and other areas where deciduous broadleaf forest habitat is found. The industrial-scale approach to using fire as a management tool encompasses thousands of acres at a time, at a rate of frequency that is simply not found in nature. Instead of reducing the risk of fire, their use of fire as a management tool ensures that fires will be more frequent in these eastern forests, the natural and necessary interconnected result of forcibly adapting the forest to accommodate fire. In the densely populated eastern US, this is as disastrous as it is foolish and prideful.

Alternative 3 would prohibit logging for commercial purposes, but allows logging for "ecological restoration" and other justifications currently in use by the USFS as a means to meet timber quotas. Misuse of "salvage" and "emergency" logging is a way for the FS to continue extracting timber from our public lands, without the burden of public involvement. For example, in the Land Between the Lakes National Recreation Area, the use of Emergency Declarations has been abused to allow this sort of ecologically improper management in areas where any management is expressly prohibited. These sorts of abuses, where the need is questionable or non-existent, are chronic throughout the system, and there is concern that Alternative 3 also permits status-quo logging through these loopholes.

The assumption that eastern forests were once "oak-dominated" is asserted by the USFS to justify "oak regeneration" which is a euphemism for logging. This myth denies the American Chestnut its role in our original forests, to name but one species that is missing from the puzzle, and fails to recognize the true diversity of the forests found east of the Mississippi River. It also fails to take into account the wide variety of forests that were not Oak dominant across the Eastern hardwood system. Historically these forests were characterized by a vast mosaic of nuanced dominant species. If oaks dominate in any way it is by virtue of the sheer diversity of species within the genus Quercus, each of which is of course adapted to their unique environmental conditions. Some like dry ridgetops, some like wet bottomland. Some like fire, some don't. Some do well in shade, others not so much. The notion that forests were dominated by commercially valuable species is a myth promoted by commercial interests.

The work of biologist E. Lucy Braun from 1950 remains the definitive foundational work identifying forest types in the eastern US. This was affirmed and updated by James Dyer, 2006, Revisiting the Deciduous Forests of Eastern North America. Throughout Regions 8 and 9, the USFS improperly defines vast areas of each national forest as "oak-hickory" and seems to view beech-maple as basically a "weed" to be eliminated. This is an example of how their emphasis on timber production precludes all other management priorities, resulting in a constant cycle of ecological disturbance.

The core of our eastern forests is the Mixed Mesophytic forest type, a forest ecotype best described by its diversity of co-dominant tree species. The Mixed Mesophytic encompasses primarily the Appalachian Mountain region, with the Allegheny National Forest at its northern extremity and extending down into the region that includes the Great Smoky Mountains National Park and Biosphere Reserve. More than 120 species share canopy co-dominance, and more than one thousand species can be found in the herbaceous layer, many with medicinal value or other ethnobotanical significance. Lucy Braun calls this the "Mother Forest".

Many of the national forest lands in the Eastern US fall into either the Mixed Mesophytic, or Western Mesophytic, with true oak-hickory limited to areas of Missouri. The management goals of the USFS, tainted as they are with the aim of commercial sale of the timber, results in a degraded and simplified ecosystem that they call "oak-hickory". While there is significant diversity of species to be found in these two genus groups, this excludes the full diversity of species found in a truly healthy, undisturbed Appalachian forest and perceives many native plants and plant communities as "weeds".

D. Fire in Eastern Forests

Fire plays a complex role in forest ecology, a fact that is only partly recognized in the DEIS. We find that the management prescriptions and practices of the USFS are actually making the problem worse. A large body of scientific evidence and opinion, including from a growing group of US Forest Service scientists, concludes that thinning — including thinning-plus-burning — and post-fire logging/clearcutting increases overall tree mortality and carbon emissions, making wildfires spread faster and/or burn more severely. Congressional funding is fueling an agency management focus on tree cutting and removal in wildland forests, whereas genuine solutions to make our rural communities resilient to wildfire receive only token attention. This skewing of priorities is putting nearby communities at greater risk.

Here in the eastern deciduous broadleaf forests, fire suppression has historically not been a significant problem because these forests don't typically burn. That is not to say that fires never happen; like all natural phenomena, there is a natural variability that includes a rare event such as widespread wildfire encompassing more than just a few acres, but the vast, overwhelming majority of forest fires in most of Appalachia and the Ohio River valley range from five to eight acres. This includes everything from human caused fires (84% of all wildfires), be it from unattended campfires that escape on a windy day, to occasional lightning strikes, or even fires set by faulty electric lines in forested rights-of-way. Yet more and more we are seeing landscape-scale management proposals that impose fire on these ecosystems in units consisting of tens of thousands of acres, forcing them into a condition where they are in fact more likely to burn again, when their natural trend is towards wetter, shadier, cooler forests. The Forest Service calls this process "mesophication" and views it as a problem to be solved, failing to recognize that this is the solution we need to address climate change.

The National Academy of Sciences has determined that the conditions predicted for our changing climate will favor this trend towards mesophication, in their publication from January of this year: Climate change determines the sign of productivity trends in US forests. (J. Aaron Hogan, Grant M. Domke, Kai Zhu, and Jeremy W. Lichstein).

The USFS needs to recognize this mesophication trend of eastern hardwood forests as a natural solution to our global warming problem, not a threat to their use of commercial logging as a management tool.

The eastern US, an area more or less congruent with USFS regions 8 and 9, is a vast region that includes many different forest types. A few of these forest types, such as dry Texas semi-desert forests or the pine-barrens in coastal Georgia and South Carolina, can be considered fire-adapted forests where modern fire management may be appropriate or beneficial, while these same USFS regions include places like the Allegheny National Forest, known colloquially as "the asbestos forest" because fire is so uncommon in the landscape there. Forests did not, and do not, naturally burn at the frequency used by the USFS.

The Executive Order includes a directive to seek nature-based alternatives to the problem of climate-driven wildfire and other accelerated natural disturbances. The focus of wildfire preparedness needs to prioritize protecting towns and homes from wildfire by hardening structures against fire, not on logging and burning the remote backcountry.

While we do not have direct control over the increasingly severe natural disturbances, we do have the power to stop adding to the problem with artificial disturbances. Replicating natural disturbances is not going to reduce the impact of natural disturbances, and it's alarming that this needs to be explained to an agency with such responsibility for the stewardship of our forests.

Heartwood suggests we look to the Beaver for a possible nature-based solution to many of the problems that forest managers seek to address. Beavers play a significant role in forest and fire ecology. The habitat created by their dams is nature's best fireproofing. These charismatic creatures have shared a similar fate as the forests themselves, hunted and trapped nearly to extirpation. Programs to restore the beaver to its full habitat potential could provide the agency with an alternative means of managing for fire risk that does not involve relentless logging and industrial-scale burning. The resulting savings to the American taxpayer from such a shift in management vision and policy would be measured in the many hundreds of millions of dollars.

The Forest Service often inappropriately refers to traditional or indigenous use of fire as justification for their industrial-scale scorched-earth logging plans. To compare the modern use of fire to the traditional lifeways of indigenous people of this continent is like asserting that a package of Marlboro cigarettes has anything to do with the traditional indigenous use of tobacco as a sacred or medicinal herb. Native people did not burn forests tens of thousands of acres at a time in order to produce oak for commercial interests. The cultural diversity in the use of fire by the many tribes and nations of indigenous people across the continent is even greater than the biological diversity of forest types itself, making any such sweeping generalizations impossible.

Heartwood wholeheartedly supports and encourages consultation, dialogue, and other engagement with Tribes and indigenous groups, but we must voice our objection when the USFS seeks to co-opt these voices to further their commercial logging agenda. The small-scale use of fire by indigenous cultures to stimulate food production is not the same as the industrial-scale use of fire to prepare a forest for commercial sale of the timber, a management objective which should be prohibited from public forest management entirely.

E. SocioEconomic and Cultural Impacts

EO 14072 also seeks to strengthen local economies. Section 2(d)iii directs the USFS to "develop recommendations for community-led local and regional economic development opportunities to create and sustain jobs in the sustainable forest product sector, including innovative materials, and in outdoor recreation, while supporting healthy, sustainably managed forests in timber communities."

The USFS purports to comply with this order by suggesting that in order to protect old-growth forests, they need more mills able to handle large-diameter logs, as well as more mills for
"non-traditional" forest products like small-diameter logs, and more mills for making fuel pellets for the biomass industry (Threats Analysis, pg 60-61). Creating additional market incentives to log old-growth forests is contrary to the goal of protecting mature and old-growth forests from logging, the only threat over which we have immediate discretion and control.

Burning biomass for fuel is mistakenly identified by some as "green" or renewable energy. While it can be true that trees are "renewable" in the sense that they can grow anew be it from seed or stump-sprout, forests take much longer to recover and are not, by this standard, "renewable". Nor is it clean.

Biomass fuel emits as much as 300% or even 400% more carbon as burning coal. This black carbon can linger in the atmosphere for weeks and travel thousands of miles, affecting public health across state and even national borders. We saw this with the Canadian wildfires last year, which triggered hazardous air warnings across the US because of their far-reaching health impacts on our lungs, cardiovascular, and immune systems. In addition to CO2, burning wood emits and emits benzene, benzo(a)pyrene and dibenz(a,h)anthracene, carbon monoxide, formaldehyde, organic gasses (including aldehyde gasses and other respiratory irritants), nitrogen oxides, polycyclic aromatic hydrocarbons (PAHs), and dioxin.

The United States is the world's largest producer and exporter of biomass fuel pellets. In 2022 alone, the US exported over 8.9 million metric tons of wood pellets, which is more than the next two countries, Vietnam and Canada, combined. This creates an economy similar to that of a resource colony, and the nature of the corporate structure means that profits do not remain in local economies. This fosters economic inequality, with the boom-and-bust cycle of every extractive industry taking communities along for an unsustainable ride into a worsening climate future.

Wood pellet manufacturing involves processing full green trees (not scraps or "waste wood") into dried pellets, which emits significant amounts of black carbon (a component of fine particulate matter, PM 2.5) and volatile organic compounds (VOCs.) These emissions contribute to ground-level ozone formation, posing severe health risks. Particularly alarming is the release of toxic PAHs (polycyclic aromatic hydrocarbons) during wood preparation, which are known carcinogens. In a recent lawsuit, the Environmental Integrity Project lists hundreds of tons of illegal VOC pollution and dozens of tons of hazardous air pollutants (HAPs) per year emitted by pellet manufacturing plants – all of which violate the Clean Air Act.

These health implications are most evident among underserved and minority communities: their forests are often are the first ones to be destroyed, limiting access to shade, moisture, clean water, clean air, clean soils, recreation options, and exacerbating the cumulative impacts of climate change. Pellet factories are often placed in "opportunity zones" which have become synonymous with frontline communities, as we have seen across the south where 91 wood pellet manufacturing plants, similar to oil refineries, are more than twice as likely to be located in predominantly black and poor communities. These plants currently produce 75% of US pellets, most of which are then shipped to Asia, the Middle East, and Europe. Today, the industry is rapidly expanding across the northeast and western areas of the US to take advantage of our mature forests – the very forests we need to mitigate the impacts of anthropogenic climate change.

1. **Outdoor Tourism and Recreation**
   The economic sector most compatible with protection of old-growth AND mature forests is Outdoor Tourism and Recreation (OTR). While this industry is not without its ecological impacts, compared to the impacts of commercial logging, burning forests for fuel to feed the biomass industry, and other extractive uses of our public forest, the OTR industry also best meets the demands of the American people when it comes to how our public forests should be managed

In most of the eastern US states where deciduous broadleaf hardwood forests are found, forests support the largest economic sector by far in that state: outdoor tourism and recreation (OTR). The success of this economic base relies upon intact forests, free from the scars and impacts of industrial extraction. This puts these stable, resilient jobs at odds with the boom-and-bust cycle of natural resource extraction. Enviva, the world's biggest maker of wood-pellets for biomass incineration, went bankrupt at the beginning of 2024, calling into question the recommendations in the DEIS to expand this industry as a way to support local communities.

F. Failure to Protect Old-Growth and Mature Forests

Once again the US Forest Service has shown that the agency has acceded to corporate interests to an extent that threatens our public forests and fails to meet the directives in Executive Order 14072. This failure of the USFS was recognized by the courts when they imposed a 17-year moratorium on logging in the Shawnee National Forest (Sierra Club and Regional Assn. of Concerned Environmentalists v. USDA, Tom Vilsack Sec'y of Ag., US Forest Service, et al. (Case #94-cv-4061-JPG)). That moratorium allowed time to prove that our public forests do just fine without the interventions and disturbances from the US Forest Service. The local timber industry was unaffected, and the ecosystems themselves had nearly two decades to rest and recover, unmolested.

Now that this moratorium has expired, logging has returned with a vengeance. Citizens have rallied around a proposal to solve the problem of forest mismanagement permanently, by taking the land away from the USFS and transferring it to the US Park Service, Department of Interior, as the nation's first Climate Preserve. Since the Forest Service, as an agency of the Department of Agriculture, has demonstrated time and again that they are structurally and functionally incapable of providing the required protection for old-growth and mature forests.

As we consider measures to implement Executive Order 14072, it is proper to acknowledge and consider Executive Order 14008, known as the "America The Beautiful Initiative". This seeks to protect and restore 30% of our nation's land and water to nature, in an effort to stem the dual climate and biodiversity extinction crisis, by 2030. These protections need to be permanent and exclude any extractive activity and vehicle traffic, as per the USGS GAP1 and GAP 2 designations and as globally agreed upon in the Global Biodiversity Framework. This "30 by 30" initiative is grounded in the science behind the Half Earth Project, established by the eminent biologist Edward O. Wilson. Land management agencies like the USFS and BLM must also move forested lands identified as "mature" into GAP 1 and GAP 2 designations and change their policies and management practices with these goals and standards in mind.

These flaws in the DEIS are so problematic that the process must be considered not only a failure of the agency to meet the directives ordered by the President, but also a failure to meet the fundamental requirements of NEPA and the Administrative Procedures Act (APA), including the NEPA requirements to fully evaluate both the adverse environmental impacts of proposed actions and the benefits of reasonable alternative actions. These flaws in the DEIS, and the USFS' failure to complete adequate inventories of mature and old growth forests, including in the Eastern United States, also reflect arbitrary and capricious agency action and agency action contrary to law. While the USFS actions in violation of the Executive Order may be enforceable only by the President (and correctable by the USFS), this same agency misconduct is subject to citizen enforcement via federal court actions under, *inter alia*, the APA and NEPA.The exclusion of eastern forests from analysis due to lack of data, the exclusion of Mature forests from protection, the proposed increase in logging of old-growth each year instead of curtailing it, the pollution of forest management vision with the temptations offered by commercial logging, the lack of accurate inventory data, the failure of the Threats Analysis to honestly evaluate the impacts of their own management plans, all speak to the failure of the USFS to meet the climate mitigation goals set forth in the Executive Order. The USFS needs to complete these basic tasks, with a Threats Analysis written by an independent third party. The DEIS must then be rewritten with the completed information included. A moratorium on existing projects must be immediately enacted while this is completed.

Thank you for this opportunity to provide comments for the public record on this important matter. All studies, reports, and other documents cited and referenced are incorporated herein.

The undersigned organizations join Heartwood in endorsing and presenting these comments:

marydamm@gmail.com Switch account

Not shared

* Indicates required question

Your Name *

Your answer

Your Title *

Your answer

Organization Name *

Your answer

Mailing Address: Street and Number, or PO Box *

Your answer

Mailing Address: City *

Your answer

Mailing Address: State *

Your answer

Mailing Address: Zip Code *

Your answer

Email *

Your answer

I am authorized to represent my organization in this matter *

Yes

Submit

Clear form