

Donald Winslow, Ph.D.

19 September 2024

Director, Ecosystem Management Coordination
201 14th Street SW, Mailstop 1108
Washington, DC 20250–1124
<https://cara.fs2c.usda.gov/Public/CommentInput?Project=65356>

Dear USFS,

Please consider my comments on the National Old-Growth Amendment Draft Environmental Impact Statement (U.S. Forest Service, June 2024a), which I am submitting through the webform at <https://cara.fs2c.usda.gov/Public/CommentInput?Project=65356> (U.S. Forest Service, June 2024b). I hereby incorporate by reference all information sources I cite in these comments.

We need to consider the ecological implications of policy as it is developed. Mature and old-growth (MOG) forests are important for combating the climate and biodiversity crises. Older seral stages of fire-adapted forest types improve resilience to fire. These forests perform many other ecosystem services, such as preventing soil erosion and holding and cycling water and nutrients. Also, they are fun to hike in and good for the soul!

On Earth Day 2022, President Biden signed Executive Order (EO) 14072 on *Strengthening the Nation's Forests, Communities, and Local Economies* (Biden, 22 April 2022). Guidance for the U.S. Forest Service was further clarified by Memo 1077-004 from U.S. Department of Agriculture Secretary Thomas Vilsack (23 June 2022). U.S. Forest Service Deputy Chief Chris French penned a letter to Regional Foresters dated 18 April 2023 (French, 18 April 2023). The U.S. Forest Service issued an Advance Notice of Proposed Rulemaking (ANPR) in April 2023 (U.S. Forest Service, 21 April 2024) and a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) on 20 December 2023 (U.S. Forest Service, 20 December 2023). The analysis of threats to MOG requested in EO 14072 was issued by the Forest Service and the U.S. Bureau of Land Management in June of 2024 (U.S. Forest Service and U.S. Bureau of Land Management, June 2024). The National Old-Growth Amendment Draft EIS (NOGA DEIS) for which I submit these comments was also released in June 2024 (U.S. Forest Service, June 2024a).

There are five sections in EO 14072. The first section stresses the importance of science-based and sustainable land management policy, the conservation of mature and old-growth forests, and nature-based solutions for challenges such as climate change and catastrophic wildfire. This section emphasizes that strengthening forests is critical to human communities in the United States because healthy forests hold cultural importance for Tribes and provide clean air and water, habitat for plants and animals, recreational opportunities, and economic resources. Forests hold high biodiversity and sequester carbon, but the Earth's forests are disappearing. Section 1 lists policies for sustainable land management and conservation of MOG, including forest restoration and the promotion of forest health, incorporating indigenous knowledge into "best available science", respecting Tribal treat rights, advancing climate-smart forestry and nature-based solutions, and engaging in collaborative and locally led conservation solutions.

Section 2 of EO 14072 directs the Executive Branch of the federal government to take specific steps to conserve and restore MOG and other forests: develop strategies to mitigate wildfire risks, inventory mature and old-growth forests on all federal lands, coordinate conservation efforts, analyze threats to mature and old-growth forests, develop climate-smart policies to conserve mature and old-growth forests, reforest deforested land, and create jobs in forest products and recreation.

Section 3 of EO 14072 outlines plans to stop international deforestation. Section 4 advances nature-based solutions for protecting forests and the climate. Section 5 contains general provisions and disclaimers.

In response to these directions, the Forest Service NOI (U.S. Forest Service, 20 December 2023) proposed to amend all land management plans (LMPs) with the same amendment to conserve mature and old-growth forests. To address the direction in Section 2 of EO 14072 to inventory MOG, the Forest Service released the revised Mature and Old Growth Forest Definition and Inventory in April 2024 (U.S. Forest Service and U.S. Bureau of Land Management, April 2024). The definitions of mature and old-growth forest in this document are problematic. It is never clearly stated whether a biological or ecological definition is used for “mature”. Many tree species can be reproductively mature at ten years of age (see Table 1 in Duan *et al.*, 2023). The definitions of old-growth in the Definition and Inventory document are based in part on a letter from then Forest Service Chief Robertson in 1989, which stressed characteristics such as old trees, coarse woody debris, vertical structure, ecosystem services (i.e., ecosystem function in terms of human utility), and ecological **function**.

The threat analysis released in June of this year (U.S. Forest Service and U.S. Bureau of Land Management, June 2024) defined “threat” in terms of how likely a factor might cause reclassification of forest condition rather than a potential loss of ecological integrity or **function**. This is not the usual meaning of the word “threat”, and the arbitrary and capricious decision to define threat in this way compromises the goals of the analysis. After all, it is precisely the function and integrity of mature and old-growth forests that make them important and that the Forest Service is charged with protecting under EO 14072. Thus, if a natural disturbance such as a fire might impact an old-growth forest but not change how it functions or its integrity (e.g., because it is a resilient old-growth forest of a type that is adapted to fire), it might still cause humans to reclassify it as a different forest condition and thus qualifies as a “threat”. On the other hand, if a “proactive stewardship” action might change the integrity or function of an old-growth forest but not change how it is classified (because the agency claims such actions are for stewardship of old-growth, so it must still be old-growth), then it is not considered a threat.

The NOGA DEIS has not completely fulfilled the relevant direction in EO 14072, because it does not address stewardship of mature forest. By focusing on old-growth and not having sufficient inventory data to identify any old-growth forest east of the Rockies, this document ignores the entire eastern half of the nation. This is grossly inadequate and does not follow the letter or the spirit of the President’s EO 14072.

The NOGA DEIS is also inconsistent with the direction given in EO 14008 (Biden, 2021). The “30 X 30” goal is described in Target 3 of the Kunming-Montreal Global Biodiversity Framework (Conference of the Parties to the Convention on Biodiversity, 2022). Target 3 states that by 2030, 30% of the area of land and waters should be protected. To this end, President Joe Biden set the goal of

conserving 30% of the land and waters of the United States of America by 2030 (The White House, 2021).

As it happens, the deciduous forests of the eastern United States are crucial for the future of Earth's climate. While forests around the world are becoming carbon sources, eastern forests remain carbon sinks. If they can remain unmolested by logging and prescribed fire, they succeed into mixed mesophytic forests characterized by shade and moisture that do not burn easily but continue to sequester carbon (Dyer, 2006; Nowacki and Abrams, 2008; DellaSala *et al.*, 2022; Fraser *et al.*, 2023; Birdsey *et al.*, 2023).

NOGA DEIS also fails to protect old-growth forest, because it allows for and perhaps even encourages the use of commercial logging of old-growth forest. Arguably, forest that is cut is no longer old-growth, so it makes no sense to protect old-growth by cutting it. To conserve old-growth forest, we should **let forest grow old**.

Alternative 2, the “modified preferred alternative”, would only allow commercial logging in old-growth forests if the purpose is not for timber production. Of course, timber production **is** generally the purpose of commercial logging. However, the Forest Service routinely claims that timber sales are for some other purpose such as restoration or fuels reduction, so this proscription would not change anything about how the Forest Service operates. Old-growth logging would still be allowed for purposes other than timber production.

Of the Alternatives described in the NOGA DEIS, the one that should be chosen for implementation is Alternative 3. Alternative 3 is more restrictive of land managers but less restrictive of nature. If we want nature-based solutions, we need to allow nature the flexibility to implement those solutions. Alternative 3 does not allow commercial timber sales in old-growth but does allow land managers to employ other vegetation management techniques if necessary.

Millions of dollars have been allocated to address forest issues from the Inflation Reduction Act (IRA) and the Infrastructure Investment and Jobs Act. While I appreciate the intention of Congress and the Biden Administration to conserve forests, throwing money at a fire does not put the fire out. It burns the money and might even fuel the fire. In many cases, the best thing we can do for the **forest is to let it grow old**, but available funds might serve as incentives for active management that does more harm than good. The IRA allocates \$50,000,000 to “protect” old-growth forest. This clearly means not to log it according to the usual meaning of “protecting” forest, according to the U.S. Geological Survey GAP Project, and according to the global 30X30 initiative.

The DEIS is a disappointment in many ways. It allows cutting of trees in old-growth forests on National Forest land. It ignores mature forest except in the context of the recruitment of old-growth. It ignores eastern forests. It fails to address ongoing projects that affect mature and old-growth forests. The Federal Government needs to develop a policy that truly protects mature and old-growth forests.

Thank you for considering my comments,



Donald Edward Winslow

References

- Biden, Joseph. 27 January 2021. Executive Order on Tackling the Climate Crisis at Home and Abroad. The White House: Washington, DC; Executive Order 14008; accessed 20 September 2024 at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.
- Biden, Joseph. 22 April 2022. Executive Order on Strengthening the Nation's Forests, Communities, and Local Economies. The White House: Washington, DC; Executive Order 14072, *Federal Register* 87 FR 24851-24855; accessed 18 September 2024 at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/04/22/executive-order-on-strengthening-the-nations-forests-communities-and-local-economies/>.
- Birdsey, Richard; Andrea Castanho; Richard Houghton; and Kathleen Savage. 2023. Middle-aged forests in the Eastern U.S. have significant climate mitigation potential. *Forest Ecology and Management* 548:121373, <https://doi.org/10.1016/j.foreco.2023.121373>.
- Conference of the Parties to the Convention on Biodiversity. 2022. *Kunming-Montreal Global Biodiversity Framework*. United Nations Environment Programme, 15th meeting – Part II, Montreal, Canada, 7-19 December 2022, Agenda item 9A. Accessed 5 July 2024 at <https://www.cbd.int/doc/c/e6d3/cd1d/daf663719a03902a9b116c34/cop-15-l-25-en.pdf>.
- DellaSala, Dominick A.; Brendan Mackey; Patrick Norman; Carly Campbell; Patrick J. Comer; Cyril F. Kormos; Heather Keith; and Brendan Rogers. 2022. Mature and old-growth forests contribute to large-scale conservation targets in the conterminous United States. *Frontiers in Forests and Global Change* 5, <https://doi.org/10.3389/ffgc.2022.979528>, accessed 28 January 2024 at <https://www.frontiersin.org/articles/10.3389/ffgc.2022.979528/full>.
- Duan, Shengwu; Hong S. He; Lauren S. Pile Knapp; Thomas W. Bonnot; and Jacob Fraser. 2023. Current management in national and state forests has important but limited impacts on sustaining oaks in temperate forests of the eastern U.S. *Forest Ecology and Management* 546(5):121331, <https://doi.org/10.1016/j.foreco.2023.121331>, accessed 20 September 2024 at https://www.fs.usda.gov/nrs/pubs/jrnl/2023/nrs_2023_duan-s_001.pdf.
- Dyer, James M. 2006. Revisiting the deciduous forests of eastern North America. *BioScience* 56(4):341-352, [https://doi.org/10.1641/0006-3568\(2006\)56\[341:RTDFOE\]2.0.CO;2](https://doi.org/10.1641/0006-3568(2006)56[341:RTDFOE]2.0.CO;2), accessed 19 November 2023 at <https://academic.oup.com/bioscience/article/56/4/341/229041?login=false>.
- Fraser, Jacob S.; Lauren S. Pile Knapp; Brad Graham; Michael A. Jenkins; John Kabrick; Michael Saunders; Martin Spetich; and Steve Shifley. 2023. Carbon dynamics in old-growth forests of the Central Hardwoods Region, USA. *Forest Ecology and Management* 537:120958, <https://doi.org/10.1016/j.foreco.2023.120958>, accessed 19 November 2023 at https://www.fs.usda.gov/nrs/pubs/jrnl/2023/nrs_2023_fraser_001.pdf.
- French, Christopher B. 18 April 2023. Mature Old Growth Guidance: Infrastructure and Investment Jobs Act and Executive Order 14072. U.S. Forest Service: Washington, DC; accessed 19 September 2024 at <https://www.fs.usda.gov/sites/default/files/mature-old-growth-guidance-regional-foresters.pdf>.

Nowacki, Gregory J.; and Marc D. Abrams. 2008. The demise of fire and "mesophication" of forests in the eastern United States *BioScience* 58(2):123-138, <https://doi.org/10.1641/B580207>, accessed 8 January 2023.

U.S. Department of Agriculture, Forest Service. 21 April 2023. Advance notice of proposed rulemaking; request for comment. Federal Register 88(77):24497-24503 (codified at 36 CFR Part 200), accessed 19 September 2024 at <https://www.federalregister.gov/documents/2023/04/21/2023-08429/organization-functions-and-procedures-functions-and-procedures-forest-service-function>.

U.S. Department of Agriculture Forest Service. 20 December 2023. Land management plan direction for old-growth forest conditions across the National Forest System. Federal Register 88(243):88042-88048, Document Number 2023-27875, accessed 20 December 2023 at <https://www.govinfo.gov/content/pkg/FR-2023-12-20/pdf/2023-27875.pdf>.

U.S. Forest Service and U.S. Bureau of Land Management. April 2024. *Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management in Fulfillment of Section 2(b) of Executive Order No. 14072*, FS-1215B, U.S. Department of Agriculture and U.S. Department of the Interior: Washington, DC; accessed 20 September 2024 at https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/Mature-and-Old-Growth-Forests.pdf.

U.S. Forest Service. June 2024a. Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System, Draft Environmental Impact Statement. U.S. Department of Agriculture: Washington, DC; <https://www.fs.usda.gov/project/?project=65356>.

U.S. Forest Service. June 2024b. Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System #65356. U.S. Department of Agriculture: Washington, DC; accessed 20 September 2024 at <https://cara.fs2c.usda.gov/Public/CommentInput?Project=65356>.

U.S. Forest Service and U.S. Bureau of Land Management. June 2024. *Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management in Fulfillment of Section 2(c) of Executive Order No. 14072*, FS-1215c, U.S. Department of Agriculture and U.S. Department of the Interior: Washington, DC; accessed 19 September 2024 at https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/MOG-threat-analysis.pdf.

Vilsack, Thomas. 23 June 2022. Climate Resilience and Carbon Stewardship of America's National Forests and Grasslands, Secretary's Memorandum 1077-004, U.S. Department of Agriculture: Washington, DC; accessed 19 September 2024 at <https://www.usda.gov/directives/sm-1077-004>.

The White House. 2021. *Plan to Conserve Global Forests: Critical Carbon Sinks*. The White House, Washington, DC. Accessed 5 July 2024 at https://www.whitehouse.gov/wp-content/uploads/2021/11/Plan_to_Conserve_Global_Forests_final.pdf.