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Submitted via webform: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=65356>

RE: Comments on Amendments to Land Management Plans to Address Old-Growth Forests
Across the National Forest System and Draft Environmental Impact Statement

Dear Ms. Walker:

September 20, 2024

On behalf of Silvix Resources, National Wildlife Federation, Conservation Northwest, Defenders of Wildlife, EarthKeepers 360, Environmental Defense Fund, Forest Stewards Guild, Friends of the Mississippi, Heart of the Lakes, Idaho Conservation League, Methow Valley Citizens Council, Michigan Environmental Council, Minnesota Center for Environmental Advocacy, Minnesota Conservation Federation, Minnesota Lakes and Rivers Advocate, National Parks Conservation Association, New Mexico Wildlife Federation, North Carolina Wildlife Federation, Northern Waters Land Trust, Dr. Cristina Eisenberg, Outdoor Alliance, Dr. William S. Keeton, Southern Environmental Law Center, The Pew Charitable Trusts, The Wilderness Society, Trust for Public Land, Vermont Natural Resources Council, Washington Wild, West Michigan Agroforestry Partnership, Wisconsin Wildlife Federation, Wisconsin's Green Fire, Wyoming Wilderness Association, and our millions of members and supporters nationwide, thank you for the opportunity to provide comments on the United States Forest Service's proposed amendments to land management plans to address old-growth forests across the National Forest System (NFS) and the supporting Draft Environmental Impact Statement (DEIS). In addition to this multi-organization letter, many signatories are also submitting individual organization comment letters: the Forest Service should consider all of these letters in a complementary fashion.

The national old growth amendments (NOGA) respond to President Biden's Executive Order 14072, *Strengthening the Nation's Forests, Communities, and Local Economies*, and we applaud the Forest Service for taking this historic step toward conserving, restoring, and recruiting older forests across NFS lands. For too long, forest management has been characterized by significant controversy over the harvest of older forests for timber production purposes. The interrelated threats of climate change, uncharacteristic wildfire, and insects and disease-related mortality only exacerbate a legacy of forest management that has left old growth conditions exceedingly rare across America's forests. A rational, consistent policy and management direction of mature and old growth forests (MOG) that uses ecological integrity as its north star guiding principle and goal is therefore long overdue.

In the spirit of working together to ensure the successful implementation of a durable and science-driven MOG policy, we offer the following comments on the NOGA and DEIS.

First, the final amendments must include a clear passive management¹ pathway for relevant MOG forests. Currently, the proposed action and DEIS – while recognizing that forests can be roughly divided into frequent and infrequent fire regimes – appears to explicitly proscribe “proactive stewardship” for *all* forest types. We understand the best available science (i.e., Indigenous and western science) to recommend active management² in many frequent fire forests;³ in contrast, infrequent fire forests are less likely to benefit from active vegetation management.⁴ The selected alternative must be clear that active management is not likely to be appropriate for all forest types and that passive management of some forests is appropriate and a legitimate intentional management option. The Final Environmental Impact Statement (FEIS) and record of decision must explain and support this management option.

Second, the selected alternative must include plan components that make it clear that existing old growth conditions may not be degraded through active management. The Notice of Intent (NOI) to prepare an environmental impact statement⁵ included a Standard⁶ that clearly prohibited degradation of existing old growth conditions, but the proposed action reversed course and the DEIS plainly stated that “there is no requirement that [old-growth] areas continue to meet the definition of old-growth when managed for the purpose of proactive stewardship.” DEIS, 16. The selected alternative must either reincorporate the NOI Standard 1 or otherwise amend the proposed action’s Standard 2a to clearly prohibit the degradation of existing old growth conditions through otherwise appropriate active management.

Third, and related, the selected alternative must clarify that old growth forest definitions and associated criteria – whether developed at the regional level or contained in existing forest plans – are not minimum management targets, but rather are simply used to identify when a stand is meeting old growth characteristics. Active management must not be used to “manage to the minimum” old growth forest definitions or criteria. The proposed action’s Standard 1 should be revised to clarify this intent.

Fourth, the selected alternative must effectively provide for the recruitment of old growth forests from mature forest age classes. As the Forest Service recognizes,⁷ the NFS is depauperate in old

¹ Inactive, custodial stewardship that allows for natural successional pathways to occur toward desired forest conditions.

² Silvicultural treatments to create and maintain sustainable forest conditions using mechanical or fire treatments.

³ See e.g., Franklin, J.F., M.A. Hemstrom, R. Van Pelt, and J.B. Buchanan. 2008. The Case for Active Management of Dry Forest Types in Eastern Washington: Perpetuating and Creating Old Forest Structures and Functions. Washington Department of Natural Resources. Olympia, WA.

⁴ Franklin, J. F. and K. N. Johnson. 2012. A restoration framework for federal forests in the Pacific Northwest. *J. For.* 110(8): 429-439; Reilly et al. 2021. Fire Ecology and Management in Pacific Northwest Forests, 423-424 *in* Fire Ecology and Management: Past, Present, and Future of US Forested Ecosystems; Halofsky, J. S., D. C. Donato, J. F. Franklin, J. E. Halofsky, D. L. Peterson, and B. J. Harvey. 2018. The nature of the beast: examining climate adaptation options in forests with stand-replacing fire regimes. *Ecosphere* 9(3):e02140. 10.1002/ecs2.2140

⁵ Forest Service, *Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System, Notice of Intent to Prepare an Environmental Impact Statement*, 88 Fed. Reg. 88,042 (Dec. 20, 2023).

⁶ “Vegetation management activities must not degrade or impair the composition, structure, or ecological processes in a manner that prevents the long-term persistence of old-growth forest conditions within the plan area.” 88 Fed. Reg. at 88,047.

⁷ DEIS, 57 (“Compared to historical conditions, the extent of old-growth is clearly in deficit – suggesting

growth conditions as a result of past management actions and development, and climate change and other stressors continue to exacerbate the lack of robust, interconnected, and resilient old growth forests across the System. Active and passive stewardship can address this untenable situation, but only through intentional management direction compelled by clear plan components.

Currently, the proposed action addresses old growth forest recruitment through two Management Approaches – optional plan content under the 2012 Planning Rule⁸ – that require the development of “adaptive strategies” to effectively recruit old growth forests over time. However, as drafted, these plan components are unwieldy, jargon-heavy, and legally fraught. While the 2012 Planning Rule admonishes that Management Approaches should not “create unrealistic expectations regarding the delivery of programs,”⁹ because so much of NOGA’s ability to restore a resilient network of old-growth forests rides on the development and deployment of Adaptive Strategies, we are concerned that these Management Approaches create a great deal of stakeholder and Tribal expectation, in contrast to the intent of the 2012 Planning Rule. Moreover, Adaptive Strategies (as currently conceived) will be time consuming to develop. Even if the Forest Service – in consultation with Tribes and in collaboration with stakeholders – have the capacity to complete them within the required 2-year window, Adaptive Strategy Management Approaches can be changed administratively with only public notice (not comment), undermining the intended collaborative nature of the strategies. 36 C.F.R. § 219.13(c)(2).

The selected alternative must either substantially overhaul the existing Management Approaches to effectively recruit old growth forests, or jettison them entirely in favor of other plan components that better achieve the Desired Conditions identified elsewhere in the NOGA. To be clear, we do not expect these plan components to put all mature forests on the trajectory of becoming old growth: we recognize that some mature forests will be managed for other multiple use objectives, and that all seral age classes must be appropriately represented on the landscape. However, to provide sufficient old growth necessary for landscape ecological integrity, the selected alternative must effectively manage some mature forests to become old growth in the future.

We generally support the spirit of what the Forest Service is hoping to accomplish with these Management Approaches: a collaborative process involving meaningful public engagement grounded in the best available science that culminates in a locally-implementable roadmap for

ecological integrity is compromised (USDA and USDI 2024b)”), 125 (“Past actions that have impacted old-growth forest on National Forest System (NFS) lands include many that resulted in loss or degradation of old growth habitats ... have also contributed to the loss or degradation of old growth on National Forest System lands”); United States Forest Service, United States Department of Agriculture, and Bureau of Land Management, United States Department of Interior, [Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management](#) 63-67 (June 2024).

⁸ Although “management approaches” are optional plan content, the Forest Service has represented that if this plan content is utilized, the agency must comply with its provisions. DEIS, 21. While we appreciate this perspective, we note that it is without purchase in the 2012 Planning Rule and encourage the agency to better support its contention that compliance with the provisions of Management Approach 1.a – 1.d is mandatory.

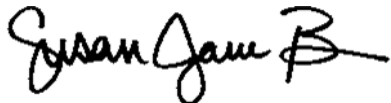
⁹ Forest Service Handbook 1909.12.22.4.

old growth forest recruitment and conservation. We look forward to continuing our dialogue with you to ensure the agency's approach meets these objectives.

Finally, the selected alternative must clarify and better constrain the extensive exceptions to old growth conservation in the NOGA. In particular, if not eliminated altogether, Standards 2b and 2c should be clarified that the “incidental” harvest of old growth forests may only occur when no other practicable alternatives exist and after the effects of such cutting and removal have been minimized and mitigated. Standard 2c(iv) should likewise be clarified and limited to cultural uses only as informed by Indigenous Knowledge: there should be no “de minimis” “community” harvest of old growth forests.¹⁰ Standard 2c(vi), which allows line officers unbridled discretion to disregard other NOGA Standards when “not relevant or beneficial to a particular species or forest ecosystem type,” must either be eliminated altogether or substantially revised: this exception has the potential to swallow the entire NOGA. We also suggest that the Forest Service eliminate the exception in Standard 2c(v) pertaining to Research Natural Areas, revise Standard 2c(i) to reflect the definition of “municipal water supply systems” in the Healthy Forests Restoration Act (HFRA), and utilize its [2010 Wildland-Urban Interface of the Conterminous United States map](#)¹¹ rather than the definition of “wildland urban interface” contained in HFRA as this map represents the best available scientific information.

Thank you for the opportunity to provide comments in response to the Forest Service's proposed national old growth forest plan amendment. We look forward to working with you to conserve and restore mature and old growth forests and ecological integrity across the National Forest System. If you have any questions about these comments, please contact Susan Jane Brown at sjb@silvix.org or 503-680-5513.

Sincerely,



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¹⁰ If an exception is necessary to provide for subsistence or transitional purposes on the Tongass National Forest, we suggest the addition of a new exception specifically tailored for these purposes. As written, “de minimis” and “community” are undefined and therefore subject to potential misuse.

¹¹ Available at <https://research.fs.usda.gov/treesearch/48642>.

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