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Comments: Submitted via CARA at <https://cara.fs2c.usda.gov/Public/CommentInput?Project=65356> Dear Ms. Walker: The Pew Charitable Trusts (Pew) respectfully submits these comments in response to the US Forest Service's (USFS) Notice of Intent (NOI) for Land Management Direction for Old-Growth Forest Conditions Across the National Forest System (88 Fed. Reg. 88,042 (Dec. 20, 2023)). Pew's U.S. Conservation program seeks to sustain biodiversity and resilient ecosystems [ndash] for the benefit of people and for nature [ndash] by collaborating with Tribes, local communities, businesses, policymakers, and other stakeholders to achieve balanced, commonsense solutions. Consistent with this objective, Pew has an interest in the lands and rivers of the National Forest System (NFS) and the implementation of the USFS's 2012 Land Management Planning Rule (planning rule) (36 CFR Part 219). The purpose of the planning rule is to design land and resource management plans (forest plans) that [ldquo]promote the ecological integrity of national forests[rdquo] and [ldquo]guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability[rdquo] ([sect] 219.1(c)). We have a particular interest in the rule as it applies to helping national forests resist and adapt to climate-induced changes. Pew supports the USFS's initiative to conserve existing old-growth forests and restore the abundance and distribution of old-growth forests across the NFS. This climate-informed goal and the associated strategies for its achievement will help to promote the ecological integrity of important forested ecosystems. We offer the following comments and suggestions for consideration. Distinctive Roles and Contributions Pew strongly supports the inclusion of a Distinctive Roles and Contributions (DRC) statement as part of the amendment. As the Land Management Planning Handbook explains, DRC statements [ldquo]provide focus or context and can aid in the development of plan components[rdquo] (FSH 1909.12 22.32). By including a robust DRC statement describing the critical values and ecosystem functions to which old-growth forest conditions contribute, the USFS sets out a clear marker for old forest conservation across the NFS. We suggest the following edits to further bolster and clarify the proposed DRC statement: The National Forest System plays a distinctive and key role in providing the nation with benefits related to national forests and grasslands within the broader landscape, including old growth forest conditions. Old-growth forests conditions, which are distinguished by old trees and related structural attributes, are an important part of dynamic forested ecosystems. Old growth typically differs from other stages of stand development in a variety of characteristics, including the presence of old trees, variability in canopy structure, patchiness, and development pathways depending on disturbance regimes and resulting patterns. The structure and composition of old growth forests is highly place-based and can range from old, multi-layered temperate coniferous forests with high amounts of dead wood in the form of standing snags and coarse wood to old, single-storied pine forests or oak woodlands with open canopy structure and fire-maintained herb and litter dominated understories. Healthy old-growth forest conditions, particularly when present in a sufficient abundance and distribution and with adequate connectivity, support ecological integrity and contribute to distinctive ecosystem services [mdash] such as long-term storage of carbon, increased biodiversity, improved watershed health, and social, cultural, and economic values. Old-growth forests have place-based meanings tied to cultural identity and heritage; local economies and ways of life; traditional and subsistence uses; aesthetic, spiritual, and recreational experiences; and Tribal and Indigenous histories, cultures, and practices. For millennia, Tribal and Indigenous practices have maintained resilient forest structure and composition of forests that harbor high structural and compositional diversity, with particular emphasis on understory plants and fire-dependent wildlife habitat. Standards Overall, the proposed Standards would provide important mandatory constraints on project or activity decision making to help achieve the proposed Desired Conditions. However, three modifications would further align them with the Desired Conditions. In regard to Standard 2, the USFS should better clarify the exception at (b)(ii) ([ldquo]to protect public health and safety[rdquo]). Pew supports necessary actions to protect public health and safety and recognizes that not all circumstances where the exception would be appropriate can be described in this plan component; however, clarifying that this exception applies to localized, site-specific risks to public health and safety will ensure the exception is not improperly applied to broader management

considerations, such as risks from wildfire which is already covered in the exception at (b)(i) ("reduce hazardous fuels on National Forest System lands within the wildland-urban interface to protect a community or infrastructure from wildfire"). Second, Standard 2's exception at (b)(v) ("in cases where it is determined that the direction in this amendment is not relevant or beneficial to a particular forest ecosystem") should be removed from the final amendment or significantly clarified regarding its purpose and scope. As currently written, this exception could swallow the rule in Standard 2. Last, Pew suggests striking "primary" from Standard 3 in order to remove the ambiguity that the inclusion of this word creates regarding the purposes for which vegetation management can occur in old-growth forests.

**Objective** To maintain and restore ecological integrity of NFS lands in the face of growing stressors, especially those from climate change, it is inadequate for old-growth conditions to be improved in only one landscape within each unit, as is currently presented in the proposed Objective. Pew appreciates the need to prioritize and focus resources; however, the low bar set by this Objective will not support meaningful progress toward the Desired Conditions. Additionally, the term "landscape," as it is defined in the 2012 planning rule, does not describe what scale constitutes a "landscape" — i.e., there is no relative sense of the acreage that a landscape could contain. As such, "landscapes" for the purposes of this Objective, could be small areas that — even if demonstrating improvements in old-growth forest conditions — would not meaningfully contribute to the necessary abundance and distribution of old-growth forests across the NFS, especially if significant disturbance events in old-growth forests were to occur in other portions of the unit. To address these issues, Pew suggests (a) at a minimum, clarifying the spatial scale for which this Objective will operate (for example, through specifying the use of a certain Hydrologic Unit Code) and a minimum number of priority landscapes to be identified in a unit's Adaptive Strategy for Old-Growth Forest Conservation, or (b) preferably, making the following edits to the objective: Within ten years, at the unit level will exhibit measurable improvements in old-growth desired conditions as a result of retention, recruitment, and proactive stewardship activities and natural succession. The latter approach would better recognize that forests are dynamic ecosystems subject to regular disturbance events, as noted in Desired Condition 1, and better align the Objective with an emphasis on ecosystem-wide ecological integrity in Desired Condition 4.

**Monitoring** The ability to maintain and restore old-growth forest conditions across the NFS is not predicated solely on the drafting of proper plan components, but also relies on the ability of the USFS to monitor the implementation and effectiveness of those plan components toward achievement of the Desired Conditions. To this end, it is critical that the monitoring protocols developed by Regions and units under this amendment produce compatible data so that the resulting monitoring information can be compiled in the Chief's National Old-Growth Monitoring Network and thereby analyzed across different spatial scales to meaningfully assess trends in old-growth across the NFS. Additionally, it is critical that the monitoring information be made publicly accessible through existing or new information management/decision support systems, such as the Climate Risk Viewer or its progeny. For additional comments relevant to monitoring on NFS lands, please also see Pew's comment letter, submitted alongside several partner organizations, on the USFS's proposed new monitoring chapter FSM 2040.

**Management Approach and the Application of Plan Components** As noted, Pew supports the amendment's intent and, with the incorporation of the suggestions above, generally supports the proposed plan components. However, we are concerned with the proposal's reliance on a Management Approach for achieving much of the amendment's aims via the subsequently developed Adaptive Strategies for Old-Growth Forest Conservation. Critically, Management Approaches are not Plan Components within the meaning of the 2012 planning rule and are, therefore, not legally enforceable plan content (36 CFR 219.7(f)(2)). As presented in the NOI, the sole proposed Guideline is responsible for increasing the abundance and distribution of old-growth forest conditions by recruiting future old-growth from existing mature forests, but states that it "applies to areas that do not currently meet old-growth definitional conditions but that have been identified in the Adaptive Strategy for Old-Growth Forest Conservation as a priority for the future contribution of the development of those conditions over time" (Guideline 1). Seeking to embed the application of a Plan Component (guideline) within unenforceable plan content (management approach) creates a deep tension between the proposed amendment and the 2012 planning rule. Further, the Land Management Planning Handbook discusses the use of Management Approaches in describing "principal strategies and program priorities the Responsible Official intends to employ to carry out projects and activities developed under

the plan[rdquo] (FSH 1909.1222.4) (emphasis added). However, the USFS proposes in the NOI to use the ManagementApproach/Adaptive Strategy to [ldquo]identify criteria used to indicate conditions where plancomponents will apply[rdquo] (MA1(a)), which is a necessary aspect of the forest plan itself andcannot be delegated from the plan to a subsequently developed document (see FSH 1909.1222.2, [ldquo]The public, governmental entities and Forest Service employees need to know where plancomponents apply. The plan must indicate which plan components apply unit-wide, which applyto specific parcels of land, and which apply to land of specific character.[rdquo]). The Handbookfurther states: [ldquo]Use care not to create unrealistic expectations regarding the delivery ofprograms[rdquo] (id.) [ndash] a caution which is not heeded in the proposed amendment[rsquo]s use of aManagement Approach for recruiting old-growth forest conditions. Pew appreciates and supportsthe need for stepped-down approaches from this nation-wide amendment to a local unit level, in order to ensure the management direction is appropriate for local forest conditions and thelegacies of past management, but we encourage the USFS to identify alternative mechanismsfor achieving this step down.Regarding existing old-growth forest conditions, this could be partially resolved by addinglanguage to clarify that the Desired Conditions, Objective (as modified in our commentsabove), and Standards would apply immediately upon the signing of the Record ofDecision. Given the available information in the USFS[rsquo]s mature and old growth inventory<sup>1</sup> andin the [lsquo]Mature and Old-Growth Forests[rsquo] layer in the Climate Risk Viewer,<sup>2</sup> among otherpotential data sources, there is an adequate understanding of existing old-growth forestconditions on NFS lands to analyze the environmental consequences of the proposed amendmentin relation to existing old-growth forests. In contrast to waiting several years for the developmentof Adaptive Strategies, this would also achieve an immediate conservation benefit upon theamendment[rsquo]s adoption and would be consistent with the amendment[rsquo]s stated purpose and need.Importantly, this clarification would not address the need to steward some existing mature foreststoward old-growth forest conditions. Doing so remains of vital importance for improving theabundance and distribution of old-growth forests so that the presence of these ecologically important forest conditions is resilient to natural and human disturbances and can provide theirfull contribution to the ecological integrity of NFS lands.

ConclusionThank you for this opportunity to provide this feedback in response to the NOI. Pew looksforward to collaborating with the USFS, Tribes, stakeholders, and the public to ensure the finalnationwide forest plan amendment secures the conservation and restoration of old-growth forestsacross the NFS.

ATTACHMENT: Pew comments-OG amendment NOI-2-2-24 - Comments copy/pasted to text box; coded/completed.