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February 28, 2023

Submitted to: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=57302>

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Attn: Forest Plan Amendments  
Bitterroot National Forest  
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Ms. Smolt:

This letter is comments from Friends of the Clearwater (FOC) on the February 2023 Draft Environmental Assessment (EA) for the Bitterroot National Forest's Programmatic Amendment for Elk Habitat, Old Growth, Snags and Coarse Woody Debris Objectives Forest Plan ("Amendment").

These comments are a part of a combined effort that includes Friends of the Bitterroot, Friends of the Clearwater, WildEarth Guardians, Alliance for the Wild Rockies, and Native Ecosystems Council. Therefore these comments incorporate the EA comments submitted by each of those organizations, and these comments also incorporate all previous submissions to the Forest Service on the Amendment proposal from these organizations.

Please note that in these comments, text in quotes is taken from the EA if not attributed otherwise.

We begin by examining the broader context within which this Amendment process occurs. In July 1994 the Bitterroot National Forest (BNF) published its Forest Plan Five Year Review (5YR). This is the results of the process described in the 1982 National Forest Management Act (NFMA) Planning Regulations: "The Forest Supervisor shall review the conditions on the land covered by the plan at least every 5 years to determine whether conditions or demands of the public have change significantly." The 5YR stated, "The Review provides a framework for proceeding **with amending and revising the Forest Plan**, a compiled list of **needed changes**." (Emphases added.) Of the many issues the BNF highlighted in that 5YR published 29 years ago—which was Forest Plan direction that "needed changes"—Elk Habitat, Old Growth, and Snags (the latter identified as "Stand Structure) were analyzed and discussed in detail, and Coarse Woody Debris was discussed in sections under "Stand Structure" ("large woody debris left on the ground") and "Soil Productivity" ("...the amount of woody debris left on site after

harvest is of concern and the Forest Plan does not specify an amount of ground cover desirable to retain...”). The list of other issues that “needed changes” in that 5YR is extensive and remarkable. In fact, it’s hard to come away from a reading of the 5YR without concluding that, by 1994, the Forest Service (FS) believed the BNF Forest Plan was already obsolete, and largely unfit to guide and direct the management of the Forest to serve the purposes of the National Forest Management Act (NFMA) without major amendments or revision.

But instead of initiating the process of forest plan amendment in 1994, managers of the BNF decided to largely ignore the 5YR, instead charting a course that has repeatedly dragged the interested public through numerous “project-specific” forest plan amendments for elk habitat, old growth, and snags as their band-aid approach to deal with the faulty Forest Plan.

This BNF management contempt for the forest planning process and public continues to this very day: “Project-specific Forest Plan amendments related to the old growth definition have been applied to the Mud Creek and Gold Butterfly projects in 2023.”

And if the Forest Supervisor does not implement the EA’s proposed amendments, the “solution” to the failing forest plan will continue: “Other projects including Gold Butterfly, Mud Creek **and the Bitterroot Front** will be incorporating a project site-specific amendment to the Forest Plan for old growth if this forest-wide amendment is not ratified first” and “Use of project-specific plan amendments to apply current best practices and the best available scientific information to elk habitat management and old growth identification would likely continue.” (Emphasis added.)

Since the Forest Service anticipates continuing to ride this tedious, repetitious “project-specific” forest plan amendment train until it finally revises its failed forest plan in another decade or so, the obvious question is—why even do this EA process? The EA’s Purpose and Need is essentially the same as that expressed in project-specific NEPA documents in the context of “project-specific” amendments over the years, so why this EA now? Why drag the public through another time-consuming comment and objection process, if the agency believes—as it says it does—the “project-specific” process would suffice?

The answer is not obvious to the general public, and it certainly isn’t explained in the EA, but the real reason for this Amendment EA is because of two recent U.S. District Court decisions. One halted the BNF’s Gold Butterfly project because of the FS’s shenanigans with its old-growth definition. Another condemned the repeated use of “site-specific” amendments concerning another national forest in Montana. This Amendments proposal is the BNF hedging its bet on legally dubious “project-specific” amendments for the Gold Butterfly, Mud Creek and Bitterroot Front projects, anticipating them being struck down by litigation. And all the while dragging the public—and federal courts—through this tedious “site-specific amendments” process on those three projects instead of just withdrawing or postponing those decisions until this Amendment EA process concludes.

The Forest Service’s attitude towards laws, the planning process, the courts and the public is abominable. The public shouldn’t even have to be dealing with this Amendment EA because it actually represents a piecemeal forest plan revision process that ignores most of the Forest Plan inadequacies identified 29 years ago in by the BNF in its 5YR.

## OLD GROWTH AMENDMENT

The Forest Plan Final EIS states, “**The most critical element of diversity is old growth.** If sufficient old growth is retained, all other vegetative stages from grassland through mature forest will be represented in a managed forest.” (Emphasis added.)

The EA’s discussion and rationale, which attempt to justify the amendment for old-growth, are confused, self-contradictory, fail the test of best available science and obfuscate the main purpose of the amendment. And the BNF’s efforts exemplify many of the agency shenanigans examined in Juel, 2021 in regards to the concept of old growth.

An important fact missing from the EA is that the management paradigm upon which the original, current Forest Plan is based doesn’t insert itself into the natural processes that create and sustain old growth. Within that paradigm, in contemplating management actions the Forest Service is to insure that the specified percentages of existing old growth are retained in Management Areas (MAs) deemed “suitable timberland” to meet the overarching Forest Plan old-growth Standard: “The amount and distribution of old growth will be used to ensure sufficient habitat for the maintenance of viable populations of existing native and desirable non-native vertebrate species, including two indicator species, the pine marten and pileated woodpecker.”<sup>1</sup> There is no direction in the Forest Plan to log old growth in any MA for the purpose of somehow improving it, or to save it from insects and disease, or to make it more “resilient” or whatever blah blah, as this amendment proposes to do. But now the FS proposes that active management would be the defining relationship between the agency and old growth: “Green et al. is a better measure to evaluate **whether a project maintains and promotes old growth** compared to the 1987 criteria in the Forest Plan.” (Emphasis added.) Clearly, this amendment is not about recognizing the value of old growth in either an ecological or social context. It’s about logging. In an attempt to sugar coat the habitat destruction logging and road building cause, the managers pretend they can play God in old growth, outperforming the natural processes that are the only known way old growth has ever come to existence in these forest ecosystems.

This profound reimagining of nature is characteristic of the other amendments accompanying this one in the EA. It would take replacing 2+ pages of the 1987 Forest Plan with roughly six pages of text. This would be highly significant from a NEPA perspective, so the FS is obligated to prepare an Environmental Impact Statement (EIS).

“Green et al. represents the Forest Service’s best available scientific information to define old growth. This work contains measurable criteria to consistently define old growth based on a national definition that old growth forests are distinguished by old trees and related structural attributes.” The FS is deliberately distorting the purposes for which Green et al were developed, which can be discovered by reading Green et al itself. For example, those authors stated, “The

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<sup>1</sup> Beyond meeting those minimum percentages, the Forest Plan allows logging of old growth in those MAs—even clearcutting. Of the MAs designated as “unsuitable for timber” much of the land is off-limits to logging for any purpose, while some MAs allow tree removal for very limited purposes—none of them to meet timber production goals.

number of trees over a given age and size (diameter at breast height) were used as **minimum screening criteria** for old growth. ...The **minimum screening criteria** can be used to identify stands that **may meet** the old growth type descriptions.” (Emphases added.) Green et al, further explain:

The minimum criteria in the “tables of old growth type characteristics” are meant to be used as a screening device to select stands that maybe suitable for management as old growth, and the associated characteristics are meant to be used as a guideline to evaluate initially selected stands. They are also meant to serve as a common set of terms for old growth inventories. Most stands that meet minimum criteria will be suitable old growth, but there will also be some stands that meet minimum criteria that will not be suitable old growth, and some old growth may be overlooked. **Do not accept or reject a stand as old growth based on the numbers alone; use the numbers as a guide.**

(Emphasis in the original.) It requires little analysis to understand that this Amendment’s proposed substitution of the Green et al minimum large tree screening criteria for the Forest Plan definition is to remove large, old trees from old growth and still call it “old growth.” In other words, to greenwash old-growth logging.

The following is an example of what would happen under the amendment’s proposed use of Green et al to promote active management within old growth. Green et al recognizes a fairly common “old growth type” in the Western Montana Zone (Old Growth Type Code 1), where one often finds large, old Douglas-fir, western larch, and ponderosa pine trees on “moderately warm to warm, dry environments”. This old-growth type is further characterized: “There is an average of 17 trees per acre that are 21 inches DBH or more. The range of means across Forests and forest types is from 16 to 26 on habitat types with dry bunchgrass understories and 16 to 32 on habitat types with shrub understories.”

However, Green et al. as screening device sets the “minimum number” of trees per acre ( $\geq 21$  inches DBH) at only eight. Which means that under the active management regime proposed with this Amendment, including features the screening minimums as post-logging targets, the “average” stand of this old-growth type could experience removal of over half of its largest, oldest trees and still qualify as “old growth” according to the FS.

Even if the larger, older trees were not targeted in the above example, artificially reducing abundance of younger, smaller trees would have unknown but dubious implications for the stand’s potential development and habitat quality, because its natural trajectory would be drastically deviated by logging.

Proposed forestwide guideline FW-GDL-VEG-01 states, “vegetation management activities in old growth should retain all minimum old growth characteristics as defined in Green et al. (2011) **or new best available science**. (Emphasis added.) So it’s not enough to institute the arbitrary, unscientific “minimum characteristics” from Green et al—the FS wants to institute yet another layer of loophole, allowing the agency to arbitrarily throw out even those minimums if some “new science” is said to have emerged. Since the FS policy nowadays mostly views trees, snags, logs, shrubs, forbs, herbs and other vegetation as “fuels” posing a risk of “catastrophic fires”

(BNF’s Bitterroot Front Frequently Asked Questions)—there is only one direction this agency-filtered “new science” could go. Similar loopholes are found in much of other old-growth direction to be instituted by this amendment.

The logging of large, old trees in old growth facilitated by this amendment ignores best available science on the climate contributions of mature and old forests, including the scientific studies the EA cites: Stephenson et al. 2014, Mildrexler et al. 2020, Law et al. 2021.

Collateral damage of this Amendment-sanctioned logging in old growth would include the loss or reduction of old-growth habitat components. Green et al. recognize, “Associated characteristics (such as number of snags, down woody material, dead tops and decay, and diameter variation)...”. These “associated characteristics” are not included as minimum screening criteria, so the Amendment would treat their retention during logging operations as entirely optional. Yet these characteristics represent the very habitat diversity that defines old growth in its ecological sense. The associated characteristics are typically and inevitably reduced during logging, squeezing the diversity out of old growth and the old-growth ecosystem.

And where the EA states, “There is no plan to reduce all old growth stands to a minimum number of trees” the FS is employing the classic straw man. Yes, some old growth would still be off limits, at least for statutory reasons such as Wilderness designation. But for all MAs deemed “suitable timberlands” or in those unsuitable MAs where tree cutting is allowed the amended forest plan would not expressly prohibit “reducing all the old growth to a minimum number of trees.”

The EA states:

...using Forest Plan standards, stands with at least 15 trees per acre over 20” in diameter qualify as old growth. These trees could easily be produced in wetter moister sites and be less than 90 years old. In these cases, the 1987 criteria would incorrectly estimate that there is more old growth than exists because these trees are large but not necessarily old and lack the associated characteristics.

The absurdity of this statement is profound. How can the 1987 criteria “incorrectly estimate” the amount of old growth in cases where its own criteria are correctly applied? It’s like saying—in the absence of any rational context—“You don’t agree with me, therefore you’re a heretic.” The EA presupposes that the Green et al criteria better define old growth than the existing 1987 Forest Plan criteria. Whether or not one agrees, this still raises a very pertinent question, which is: What is the purpose of designating old growth in the first place? After all, the validity of any old-growth definition must fully embrace its underlying purpose. The purpose the Amendment adopts, of course, is to log it. Again, that’s not the purpose that guided the adoption of the 1987 Forest Plan. Let’s examine the 1987 Forest Plan’s purposes.

One 1987 Forest Plan Objective is: “Maintain sufficient old-growth habitat on suitable timberland **to support viable populations of old-growth dependent species.**” (Emphasis added.) That would be a purpose for designating and maintaining old growth, obviously. This same purpose is seen the following 1987 Forest Plan Standard: “The amount and distribution of

old growth will be used **to ensure sufficient habitat for the maintenance of viable populations of existing native and desirable non-native vertebrate species, including two indicator species, the pine marten and pileated woodpecker.** (Emphasis added.) And even the EA recognizes:

The purpose of old growth management in the Forest Plan (1987) is stated in the Forest-wide resource standard on page II-19 of the plan:

*"The amount and distribution of old growth will be used to ensure sufficient habitat for the maintenance of viable populations of existing native and desirable nonnative vertebrate species, including two indicator species, the pine marten and pileated woodpecker."*

To serve this 1987 Forest Plan purpose, old growth habitat is to be identified according to the numerical standards, and maintained at those levels at least. That is why the Forest Plan requires the FS to—every three years—measure 100% of the “Acres of old growth by habitat type, land class, and management area” and report on the results every 5 years. (Forest Plan at IV-6). And to make sure old-growth associated wildlife species’ viability was being assured, the Forest Plan further required the FS to monitor populations of its management indicator species for old growth—pine marten and pileated woodpecker, reporting on the results every year. (Forest Plan at IV-9).

The EA alleges that the FS cannot apply the Forest Plan definition to identify and inventory old growth as directed by its Forest Plan’s monitoring requirements: “Many of the attributes in this definition cannot be accurately measured in the field nor are part of standard data collection protocols.” That is a lie. The managers of the BNF simply and arbitrarily refuse to do it.

The FS itself demonstrates that the old-growth definition as found in the 1987 Forest Plan is in fact capable of being monitored. In the same era when the BNF began to resist the idea of doing such a thing, the Kootenai National Forest was doing it as a matter of routine implementation of their 1987 Forest Plan. Attachment A is a document entitled, “Kootenai N.F. – Three Rivers District Old Growth Validation Process – All Proposed Sales.” It includes a section, “Instructions For Old Growth Walkthrough and Write-up” which was “developed in an effort to standardize old growth walkthrough surveys and write-ups.” It also has a section listing criteria very similar to the BNF Forest Plan definition, and even includes a blank field form for use by the field surveyor. That form includes a couple lines where the surveyor is to indicate in his or her judgment why the stand meets the old-growth criteria displayed on the form. So we are left wondering why this has been so hard for the BNF.

The EA states, “The effects analysis for the proposed amendment or its alternatives did not reveal substantial adverse impacts or substantially lessen protections for any species... .” That’s true, but only because the EA includes no substantive, science-based analysis of the issue. There has been plenty of scientific evidence published since 1987 on old-growth associated (and BNF native) wildlife, not only the management indicator species but also the fisher, northern goshawk, Canada lynx and others. If the FS were to genuinely concern itself with the purposes of old growth, for providing habitat to insure population viability, the amendment process would be a forum for examination of this science.

“Not amending the Forest Plan criteria for old growth would prevent the Forest from being able to accurately quantify the amount of existing old growth at various scales to determine whether project activities are contributing to achievement of Forest Plan goals and objectives for old growth habitat and supporting viability of wildlife species associated with components common in old growth habitat.” Again, the FS is arbitrarily claiming the current forest plan is a heretic. The only thing that would “prevent the Forest” from doing its duties is its continuous refusal to do so, as exemplified over its decades long history of failing to properly and legally implement the Forest Plan. Furthermore, the FS has not conducted any analysis that supports its assumption that heavily managing old growth won’t significantly reduce its utilization by the old-growth indicator species or others strongly associated with old growth, thereby thwarting the Forest Plan’s purposes.

The EA also vilifies the 1987 Forest Plan old growth definitions because it is “based on Franklin et al. (1981)... (and) this definition has several limitations.” However, the only mention of this reference found in the Forest Plan EIS is: “The effect on total fish population of the Forest depends partly on how much of the riparian timberland area will be in the suitable timber base, and how much of the suitable land will be managed with uneven-aged and even-aged systems (Franklin and others, 1981).”

“The Forest has been applying the old growth definitions in Green et al. to identify old growth since Green et al. was published because **those definitions are the best available scientific information.**” (Emphasis added.) That assertion is made in the absence of any earlier examination of the relevant scientific issues in an open public forum—properly a forestwide planning process. And in citing Ruggiero et al. (1994) and Marcot and Murphy (1992), the EA tacitly admits that its previous “project specific” old-growth amendments were inconsistent with best available science, which indicates viability cannot be properly addressed at the project-specific scale.

And as we discuss above, we see nothing in Green et al that supports the EA’s implicit claim that it’s consistent with good science to be removing over half the largest, oldest trees in a stand of old growth.

The EA claims the old growth amendment would “remove() the standard that allows for regeneration harvest in old growth when other stands progress into the old growth successional stage; the replacement standard would only allow regeneration harvest in rare cases of severe insect or disease problems.” What the FS means by “severe” insect or disease “problems” is not really explained, but based on the FS’s recent history this loophole exception would be exploited to aggressively log much of the diversity out of forest stands. The agency cannot seem to get its head around the fact that insects and disease are normal agents of tree mortality which enhance habitat diversity. The amendment proposal fails yet another science test.

If the FS were really interested in banning the clearcutting (and other types of “regeneration” logging) of old growth, the Amendment would include a standard that explicitly does so.

Furthermore, if the FS were really interested in preserving the habitat diversity represented by old growth, it would restrain itself from logging stands where recent tree mortality events cause

the numbers of large live trees to fall outside the arbitrary Green et al criteria. This is another way the EA's language for the old growth amendment drips hypocrisy.

In some places the EA suggests using the Forest Plan old growth definition will result in an underestimate, and in other places an overestimate. This contradiction is not satisfactorily reconciled. And since the EA says the FS cannot use apply the Forest Plan definition to count old-growth acres anyway, it's clear the agency has augured so deeply into a paradox that it cannot extract itself.

The EA claims its old-growth amendment "will allow an interpretation of Forest Inventory and Analysis (FIA) plot data to give a more accurate estimation of the inventory of old growth acres across the Forest." The problem with that is, the FIA program uses the Green et al. criteria and its fishy "Minimum Characteristics" methodology we critique above. If the plot results reveal a lack of "associated characteristics" such as snags and large down logs—characteristics which define its quality as habitat for old-growth associated species—the FS is still free to include the plot for the purposes of estimating the amount of old growth forestwide. "Associated characteristics" are not part of the minimum criteria.

This situation begs the question—what's the purpose of a forestwide inventory, if there would be no minimum amount or distribution standards remaining in the amended forest plan? Especially since the chosen definition itself lacks scientific integrity?

We are not opposed to the idea of improving the validity of an old-growth definition for applying it to the BNF. However the FS's scientific tunnel vision and extreme bias towards logging everything dooms this particular effort.

Incredibly, the FS even argues against the idea of documenting the location of BNF old growth it would "improve the resilience of" and "maintain or restore":

Old growth is a successional stage and does not necessarily continue into perpetuity, even without fire as a disturbance. Natural processes will eventually lead to its decay and dissolution as old trees become snags and fall to the ground over time. **A stand map is merely a snapshot in time and the map can become quickly inaccurate following disturbance processes.**

(Emphasis added.) The final result of this absurd policy would be to render old growth on the BNF fully into the realm of the theoretical. The amended forest plan would add the definition of "stand" but the FS doesn't want to show the public a single stand of the old growth we own. The excuse expressed by the EA is that conditions change over time so there's no reason to map them. This same logic could be applied to everything else on the Forest. Forest succession happens, increasing or decreasing elk foraging habitat. Roads overgrow. Streams change course. Even mountains crumble. Some old-growth types on the BNF are expected to persist for hundreds of years in many cases. We guess that's too short a time frame for the FS to find it. In reality, the FS wants to manage as much as possible in the lack of independently verifiable data. Anything that exists only does so if the FS managers say it does. Nobody else's input matters at all.



The EA states, "...the developed plan components for the amendment ...are designed to increase the quantity of old growth in the future, increase the resistance and resilience of the old growth to disturbances and stressors, and to increase the size of the old growth patches that exist in the future." Yet without maintaining a database of BNF old growth, which could therefore be mapped, how could anyone hold FS managers accountable if they fail these loftily stated goals? The answer is—nobody could, and that's another unstated reason for this old growth amendment.

An FIA "inventory" of BNF old growth would be completely devoid of an actual, spatial reference to the real, flesh-and-blood forest. The locations of plot data are kept confidential for reasons of scientific integrity. The FIA "inventory" of BNF old growth is akin to an anonymous poll or survey. Not even the managers of the BNF are allowed to know where the plots are located on the Forest. The FS is proposing to use the FIA for purposes it cannot possibly serve.

Finally, it doesn't escape our attention that the FS hasn't a "no action" alternative to analyze here—for the Old Growth Amendment or any of the others. If the FS doesn't adopt the "programmatic" amendments, it will continue as it's pledged to do, business as usual as it has for decades, pursuing the exact same outcome with project-specific amendments. NEPA requires an analysis provide a comparison of action alternatives with the no action alternative. The FS cannot do that in this situation, because there's no meaningful distinction between its proposed alternative and the no action alternative. The FS has wormed its way into a situation where every management move it makes in regards to saving itself from its historic NEPA noncompliance moves it still further from NEPA compliance. It's perhaps ironic justice that the agency's NEPA conundrum has a parallel in the NFMA realm: After decades of refusing to do so, the agency cannot demonstrate it has, can, or ever will manage consistent with the 1987 Forest Plan, which is a violation of NFMA.

The Forest Service's only lawful release from its well-deserved prison is for it to halt all active management activities that impact the biological diversity issues it has been debasing all these years, and complete Forest Plan Revision.

Sincerely,



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Reference cited:

Juel, Jeff, 2021. Management of Old Growth in the U.S. Northern Rocky Mountains: Debasing the concept and subverting science to plunder national forests. Friends of the Clearwater, October 21, 2021.