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First name: Larry

Last name: Kane

Organization:

Title:

Comments: Comments in Response to USDA Notice of Intent to Prepare an EIS relating to USDA's Proposed Amendment of All Land Management Plans for Units of the National Forest System to Direct the Conservation of Existing and Recruitment of Future Old-Growth Forests

Submitted by Larry J. Kane,
Member, Indiana Forest Alliance
11268 Williams Court, Carmel, IN 46033
lkane1250@gmail.com

I. Introduction

These comments respond to a notice concerning a proposed action of the U.S. Department of Agriculture published by Thomas J. Vilsack, Secretary of Agriculture, in the Federal Register of December 20, 2023, at page 88042 and following pages ("Notice").

The proposed action of the USDA is summarized at the beginning of the Notice as follows:

"The United States Department of Agriculture . . . is proposing to amend all land management plans for units of the National Forest System (128 plans in total) to include consistent direction to conserve and steward existing and recruit future old-growth forest conditions and to monitor their condition across planning areas of the National Forest System. The intent is to foster the long-term resilience of old-growth forest conditions and the contributions to ecological integrity across the National Forest System." [Emphasis added.] FR 88042

The Notice explicitly advises the public of USDA's intent to prepare an environmental impact statement. The EIS would be directed at assessing the environmental impacts of the proposed action to amend the land management plans of 128 units of the National Forest System ("NSF") in the manner described in the Notice.

*Underlying Basis of the Proposed USDA Action

The USDA's proposed action to revise all land management plans of forests within the National Forest System is based on Executive Order 14072 ("E.O.") issued by President Biden on April 22, 2022. In the Background section of the Notice, the following key language is quoted from Section 2 of the E.O.:

"Section 2 of the [E.O.] recognizes the distinctive role that Federal forest lands play in sustaining ecological, social, and economic benefits throughout the nation and calls particular attention to the importance of mature and old-growth forests on Federal lands for their role in contributing to nature-based climate solutions by storing large amounts of carbon and increasing biodiversity, . . . enhancing climate resilience" [Emphasis added.] FR 88043

The USDA's proposed action was strongly influenced by an analysis of threats to mature and old-growth forests in the National Forest System ("NFS") that was performed pursuant to the E.O. A key finding from the initial threat analysis was that:

"mortality from wildfires is currently the leading threat to mature and old-growth forest conditions, followed by insects and disease." FR 88043

*Purpose of USDA's Proposed Action

USDA's intent for the proposed action was summarized as follows:

"This proposed amendment is intended to create a consistent approach to manage for old-growth conditions with sufficient distribution, abundance, and ecological integrity (composition, structure, function, connectivity) to be persistent over the long term, in the context of climate amplified stressors.

. . .

"The proposed action recognizes the role of old-growth forest conditions in contributing to ecological integrity. It also recognizes that there are significant ecosystem and geographic differences that would require the development of geographically informed adaptive management strategies . . ." FR 88043 [Emphasis added.]

II. Positive Aspects of USDA's Proposed Action as Described in the Notice

There is much with which I can agree regarding the USDA's proposed action.

One, I definitely agree with the overall purpose of conserving existing old-growth forests within the NFS and "recruiting" future old-growth forests in order to foster long-term resilience of old-growth forest conditions. I suggest that "recruiting future old-growth forests" should be clarified as conserving mature forests so that they can develop into old-growth forests over time. Thus, it is just as important to protect mature forests in the NFS as it is to protect old-growth forests.

This latter point is of particular importance for the hardwood forests in Hoosier National Forest ("HNF") in southern Indiana. Much of the forest within the HNF is a century or more old and need only a few decades at most to achieve old growth condition. Thus, it is very important that the proposed plan amendment emphasize that mature forests are to be conserved. It should be made clear to the Forest Service that the "recruitment" of old-growth forests must not be retarded by cutting mature forests under the ruse of maintaining or restoring "forest health" or making old growth forest "more resilient".

Two, I strongly agree that mature forests and old-growth forests are critical to mitigating climate change as a result of their ability to absorb and store carbon as referenced in the E.O. and in Desired Condition 3 as stated at FR 88047. The Notice could have been strengthened by including information concerning the much greater effectiveness of mature and old-growth forests in storing carbon than younger forests. [See Why Keeping Mature Forests Intact Is Key to the Climate Fight - Yale E360] Mature and old-growth forests are the most salient natural processes for carbon storage and sequestration.

Three, I strongly support the recognition expressed in the Notice that the design of active management activities in specific old-growth forests is proposed to be guided by consideration of geographic variations in old-growth forest conditions across the NFS.

To the extent active management is considered, it is imperative that geographical differences in national forests be considered carefully in the shaping of any management activities in any particular forest unit.

The directive that NFS management plans are to incorporate geographically-informed adaptive management strategies clearly appears as a key element of the USDA's proposed action, as referenced in the Notice at FR 88043, FR 88045, and FR 88047. For example:

"The need for change [which forms the basis for the proposed plan amendment] is . . . [among other things] direction for the development of geographically informed adaptive implementation strategies for the long-term persistence, distribution, and recruitment of old-growth forest conditions across the National Forest System . . ." FR 88045.

See also:

"Management Approach --

1. Adaptive Strategy for Old-Growth Forest Conservation:

(a) Within two years, in consultation with . . . , create or adopt an Adaptive Strategy for Old-Growth Forest Conservation based on geographically relevant data or information to:

. . .

*Provide geographically relevant information about threats, stressors, and management opportunities relevant to the ecosystem of the plan area to facilitate effective implementation.

FR 88047.

Four, while I am not generally supportive of "vegetation management" occurring in connection with old-growth forests, I certainly concur with the strong conceptual limitations on the conduct of vegetation management involving old-growth forests set forth in two provisions included in the proposed "Standards for Management Actions" set forth on FR 88047:

"1. 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.

. . .

3. Vegetation management within old-growth forest conditions may not be for the primary purpose of growing, tending, harvesting, or regeneration of trees for economic reasons. . . .

The latter constraint would be more clear, I believe, if "economic reasons" were further explained to include more explicit examples, such as "sale to timber buyers". Clarification is also needed on the exception to the constraint of item 3 that is stated as "Ecologically appropriate harvest is permitted in accordance with standards 1 and 2." Greater specificity and clarity is needed concerning the USDA's intended meaning for "ecologically appropriate harvest" to assure transparency, understanding, and consistency.

Five, I strongly concur with the proposed monitoring element of the proposed plan amendments in which the Forest Service would develop a National Old-Growth Monitoring Network to monitor changes in old-growth development in the NFS and the effects of the amended management plans. Such a monitoring program is critically important and, as a general matter, consideration of active/proactive management activities should be deferred until a baseline on old-growth conditions is reliably established and indicates a compelling need for any active management activities. The monitoring should be done transparently with clearly stated and well-designed indicators that will accurately document the changes in old-growth forest conditions over time.

III. Points of Concern with the Proposed Action

I am generally quite wary of the clear intent of the proposed plan amendments to engage in proactive management of old-growth forests in the units of the NFS to promote increased extent of such forests. For example, at FR 88043, the following statement is made:

This proposed amendment is intended to create a consistent approach to manage for old-growth forest conditions with sufficient distribution, abundance, and ecological integrity . . . to be persistent over the long term, in the context of climate amplified stressors.

My understanding from the Notice is that the focus of the proposed proactive management is to mitigate the negative impacts of various threats to the integrity of mature and old-growth forests, including, primarily, wildfires, insects, and disease. Moreover, all of these may be exacerbated by climate change.

I recognize that in parts of the U.S., such as the western states, wildfires are a clear problem that needs to be addressed with proactive measures to constrain their impact. And that threat clearly has been exacerbated by

climate change. Damage by insects such as pine beetles are another recognized problem in the western U.S. and the spread of pine beetles has been facilitated by a warming climate.

However, such threats are not universal in scope. In my home state of Indiana, for example, the Hoosier National Forest is not at risk of wildfires. Indiana and other states in the eastern portions of the Midwest have not experienced significant wildfires in their hardwood forests and are seeing increased rainfall intensity rather than reduced rainfall largely due to the changing climate. Thus, preemptive "prescribed burns" are not needed in the HNF and should not be conducted. However, the Forest Service has relentlessly persisted in pursuing proposed harvesting of thousands of acres and conducting prescribed burns of tens of thousands of acres in the southern portion of HNF. Such actions by the Forest Service should cease in view of the USDA's proposed plan amendment.

The marked differences in susceptibility to wildfire damage between western coniferous forests and eastern hardwood forests accentuate the importance of incorporating geographically-informed adaptive management strategies and principles in the final plan amendments that emerge from the USDA's proposed action, as referenced above.

My concerns are that the Notice's extensive emphasis on active management invites an overactive approach potentially influenced by the hubris characteristic of mankind that we know best what to do for the wards of our stewardship. My sense is that a "light" touch is the best approach, leaving Mother Nature alone to do her thing.

It is important for the Forest Service to recognize that refraining from conducting active management activities is a potentially valid management strategy and, in fact, should be the presumptive starting point in determining what specific management activities are to be considered for implementation in any mature or old-growth forest in the NFS. The best way to restore old growth forest within the HNF and many other eastern national forests is for the Forest Service to simply leave mature forests alone while studying them to gain a better understanding of how mature eastern hardwood forests achieve the old growth condition and how old growth forests will respond to climate change.

The list of eleven nuanced factors concerning old-growth forests listed under proposed Standard No. 2 (FR 88047) that could be a basis of "proactive stewardship" are quite worrisome. Why? Because they are implicitly indicative of the intent of the Forest Service to engage in endless tweaking of old-growth forests through the use of "vegetation management" activities to "improve" their conditions and resilience. This seems to describe a situation in which the cure is worse than the disease. The frequent disturbances of old-growth forests to perform such tweaking can have negative impacts on the wildlife residing in the old-growth forest habitat.

As mentioned above, proposed Standard No. 1 and Standard No. 3 place some constraint on the employment of "vegetation management" within old-growth forests. But these constraints are not wholly satisfactory for the following reasons at minimum.

First, these constraints do not expressly apply to mature forests since, even though they are the potential next generation of old-growth forests, they do not yet satisfy the criteria for classification as "old-growth" forests. This omission clearly seems to be an oversight in the proposed plan amendment given that the overall proposal is aimed at facilitating an expansion of "recruitment" of new old-growth forests, which, as explained above, really means protection or conservation of mature forests. Mature forests should be protected in the same ways that old-growth forests are and the proposed plan amendment should be revised to ensure that this is so.

Second, the constraint that would be imposed under proposed Standard No. 3 is potentially weakened by the ambiguous exception appearing at the end of that standard for "ecologically appropriate harvests". This ambiguity needs to be resolved by providing a more specific description of what is meant by this exception.

Thank you for your consideration of these comments.

Larry J. Kane
Lkane1250@gmail.com
11268 Williams Court
Carmel, IN 46033