



February 2, 2024

Director, Ecosystem Management Coordination  
201 14th Street SW, Mailstop 1108  
Washington, DC 20250-1124

**RE: Notice of intent to prepare an environmental impact statement (EIS) on Land Management Plan Direction for Old-Growth Forest Conditions across the National Forest System, 88 Fed. Reg. 88,043 (December 20, 2023).**

Thank you for the opportunity to respond to the Notice of Intent (NOI) captioned above. The American Forest Resource Council (AFRC) is a trade association representing mills, wood product manufacturers, loggers, and purchasers of public timber in the Western United States. Put another way, AFRC represents the customers and partners of the Forest Service. We have member companies in Montana, Idaho, Washington, Oregon, Nevada, and California. Their expertise, employees, and equipment – and the vast, complex product supply chain of the forest infrastructure they help create, maintain, and support – are essential to achieving the forest management goals and missions of the Forest Service. The health and productivity of our National Forest System (NFS) lands is paramount to the viability of our membership, and the family-wage jobs and communities they support.

The scope and scale of this proposed amendment is unprecedented. To our knowledge, the Forest Service has never attempted to amend *every single management plan* in the nation with a single EIS to achieve “consistency” on any plan element since the enactment of the National Forest Management Act (NFMA). While we support the need to protect and enhance forests of all successional stages, including old growth, from wildfire, insect and disease damage, and other climatic stressors, we do not support the proposed strategy of doing so with a nationwide amendment on an aggressive timeline of less than one year. Such an approach fails to accommodate and respond to the dynamic, geographically specific, ecologically unique forest ecosystems and tree species across the 193 million acres of federal land under the Forest Service’s stewardship.

A more legally valid, socially acceptable, scientifically credible approach would be to address the stated goals of the Forest Service at the forest level through forest plan amendments or revisions focused on the unique threats to each forest unit of the NFS, to involve the public and locally impacted communities, accompanied by appropriate environmental analysis at a more geographically specific scale. Given the goal of the National Environmental Policy Act (NEPA) is to provide detailed statements assessing the environmental impact of and alternatives to major

federal actions significantly affecting the environment, **we ask the Forest Service to explain and offer its legal and policy rationale for pursuing a nationwide EIS to achieve the requirements of NEPA, rather than pursuing EISs or environmental assessments at the forest plan level.**

Below are topics and questions the Forest Service must incorporate and address in its EIS.

2012 Planning Rule (36 C.F.R. Part 219)

**1) The proposed amendment is premature and inconsistent with public participation requirements of the 2012 Planning Rule.**

Executive Order (EO) 14072 directs the Forest Service to:

1. Define mature and old-growth forests on federal lands,
2. Complete an inventory and make it publicly available,
3. Identify threats to mature and old-growth forests, and
4. Develop policies to address threats.

There is a deliberate chronology to these action items, as the execution of each item is dependent on the completion of the item prior. For example, the Forest Service could not conduct an inventory of old growth forests (#2) unless the parameters of those forests are defined (#1). Subsequently, the Forest Service could not conduct a threat analysis (#3) until an inventory was completed (#2). And finally, the Forest Service cannot develop policies to address threats (#4) until those threats are identified (#3).

Since April 22, 2022, the issuance of EO 14072, the Forest Service has progressed through this list of action items chronologically. The Forest Service published its mature and old-growth forest definition and subsequent inventory in April 2023. Following this publication, the Forest Service indicated its intention to complete a threat analysis. However, that threat analysis has not been finalized or shared with the public as of January 2024. The Forest Service's webpage on "Mature and Old Growth Forests" states the following:

*The Forest Service and BLM have completed an initial threat analysis for mature and old-growth forests and are drafting a report for publication in early 2024. A summary of this report is also forthcoming.<sup>1</sup>*

Despite the status of this threat analysis, the agency has decided to initiate "policies to address threats" by developing this proposed amendment. This decision is puzzling to us. **Why wouldn't the agency initiate the amendment process to address threats to old growth until the threats have been formally identified and shared with the public?**

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<sup>1</sup> [Mature and Old Growth Forests | US Forest Service \(usda.gov\).](https://www.usda.gov/land-management/old-growth-forests)

Section 219.4(a) of the 2012 Planning Rule directs the responsible official, when developing opportunities for public participation, to “take into account” “the accessibility of the process, opportunities, and information[.]” 36 C.F.R. § 219.(a). We do not believe that the public has been provided the “accessibility of information” to adequately provide input on this proposed amendment due to the failure to adhere to the chronology of EO 14072, namely the failure to develop and publish a threat analysis. Releasing the final threat assessment two days before the public comment deadline closes does not achieve the Forest Service’s legal obligations.

The April 2023 report titled, *Old-Growth and Mature Forest: Definition, Identification, and Initial Inventory on BLM and Forest Service Lands* (Old Growth Report), stated that “it is expected that a continual adaptive management process integrating new science, local conversations, and social processes will refine old-growth and mature forest working definitions over time.” Rather than embrace this integration of local conversations and social processes, the Forest Service has opted to recklessly fast-track this amendment process.

Due to this failure to follow its own chronological progression through the action items in EO 14072 and associated lack of necessary information and data, we strongly urge the Forest Service to delay this amendment process until the public has an adequate opportunity to assess the results of the promised, final threat analysis. Failure to do so would be in violation of Section 219.4(a) of the 2012 Planning Rule.

**2) The proposal to create an Adaptive Strategy for Old-Growth Forest Conservation is inconsistent with the 2012 Planning Rule.**

The NOI proposes to “direct the development of a place-based strategy” by creating an “adaptive strategy for old-growth forest conservation.” The NOI indicates that this “strategy” would not be a decision document representing final agency action, but rather it would be implemented as “other plan content” that can be established or modified through an administrative change to enable adaptation. The NOI cites 36 C.F.R. § 219.7(f)(2) as the relevant regulation enabling this action.

This particular regulation is a component of the 2012 Planning Rule. Section 219.7(f)(2) includes the allowance for “*Optional content in the plan.* A plan may include additional content, such as potential management approaches or strategies and partnership opportunities or coordination activities.” 36 C.F.R. § 219.7(f)(2) (emphasis added). However, Section 219.7 is specific to “new plan development or plan revision.” This NOI is proposing an amendment, not new plan development or plan revision. *Compare* 36 C.F.R. § 219.13 (discussing plan amendment and administrative changes), *with* 36 C.F.R. § 219.7(f)(2). Therefore, including this “strategy” as “other plan content” is inconsistent with the current regulations and violates the 2012 Planning Rule.

**3) The proposed need for change is flawed and in violation of the 2012 Planning Rule.**

Section 219.13(b)(1) directs the Forest Service to “base an amendment on a preliminary identification of the need to change the plan.” The need for change identified in the NOI is to

“create a consistent set of national plan components and 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.” This statement does not amount to a “need for change.” Instead, this is simply a declaration of what the Forest Service intends to do.

In fact, recent assessments and monitoring reports indicate that there is no need for the type of change proposed in the NOI regarding the management and recruitment of old-growth forests. Section 219.13(b)(1) of the Planning Rule states that “[t]he preliminary identification of the need to change the plan may be based on a new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances.” Findings and information in existing assessments and monitoring reports do not support the proposed components of this proposed nationwide amendment.

- a) The 2023 Old Growth Report was completed by the Forest Service in response to EO 14072 by defining, identifying, and inventorying old growth and mature forests on federal lands. This report made the following conclusions:
  - Old-growth and mature forests combined cover the majority of Forest Service and BLM forest lands.
  - Old-growth and mature forests are generally widely distributed geographically and across land use allocations, with old-growth covering 18% and mature forest covering 45% of forested Forest Service and BLM lands.
- b) In July 2020, the Forest Service completed a *Bioregional Assessment of Northwest Forests* (BioA) to inform options to efficiently and effectively update plans. That assessment, and its 2021 supplement, concluded that:
- c) An Old-growth forest is generally considered stable on federal lands and has *increased* slightly since 1993, providing the abundance, diversity, connectivity, and availability needed to support ecosystem functions and specific old-growth-dependent species in the BioA area.<sup>2</sup>

(The BioA Supplement categorized the “conservation of dense, multi-layered, old growth forests” under the heading “What is Working Well.”)<sup>3</sup>

Routine Northwest Forest Plan (NWFP) monitoring generates 5-year reports that assess the status of multiple resources for NFS land in the Pacific Northwest. The most recent, the 25-year report, was published in 2022 and assessed the status of these resources from 1994-2018. Assessment of old growth forests was analyzed in a document titled *The First 25 Years (1994–2018): Status and Trends of Late-Successional and Old-Growth Forests*. That assessment concluded that “trends in older forest are stable to slightly increasing. These levels are due to

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<sup>2</sup> U.S. Department of Agriculture, Forest Service, *Bioregional Assessment of Northwest Forests* (2020).

<sup>3</sup> U.S. Department of Agriculture, Forest Service, *Supplemental Report to the Bioregional Assessment of Northwest Forests* (2021).

losses of older forests in dry ecosystems due to wildfire balanced by gains in older forests in moist ecosystems.”<sup>4</sup>

These observations lead to an obvious question: what, exactly, is the Forest Service solving for? These assessments and monitoring reports do not align with the Forest Service’s stated goals focused on long-term persistence, distribution, and recruitment of old growth. Nor do they support the standards and guidelines in the proposed amendment.

To align this amendment process with current regulations the Forest Service must develop a need for change based on these, and other, relevant assessments, monitoring reports, and documentations. The Need for Change, as currently defined in the NOI, is in violation of Section 219.13 of the Planning Rule.

**4) The Amendment is being proposed and analyzed at an inappropriate scale and undermines ongoing local planning efforts, in violation of the 2012 Planning Rule.**

Section 219.2 of the Planning Rule clearly identifies three distinct organizational levels of the Forest Service where planning should occur. This section states that “Forest Service planning occurs at different organizational levels and geographic scales. Planning occurs at three levels—national strategic planning, NFS unit planning, and project or activity planning.” Section 219.2(a) outlines the scope and scale of issues where national strategic planning is appropriate. This section highlights the “preparation of the Forest Service strategic plan, which establishes goals, objectives, performance measures, and strategies for management of the NFS.”

Section 219.2(b) states that “NFS **unit planning** results in the development, amendment, or revision of a land management plan.” Although the Planning Rule permits agency employees above the Forest Supervisor to act as the Responsible Official, the **development** of amendments remains a function of unit-level planning, not national strategic level planning.

Numerous NFS units have completed, or are in the process of completing, Forest Plan Amendments and Revisions that will be undermined by the adoption of this amendment as proposed.

a) Nez Perce-Clearwater

The Nez Perce-Clearwater National Forest has released a Draft Record of Decision and Land Management Plan (LMP) that includes the following Desired Conditions, Standards, and Guidelines:

- i. Amounts of old growth where the cover type is Ponderosa pine, western larch, western white pine, and whitebark pine are maintained or increased from existing amounts. Amounts of old growth where the cover type is western redcedar, Pacific yew, and western hemlock are maintained through time.

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<sup>4</sup> Davis, Raymond J. et al., *Northwest Forest Plan—The First 25 Years (1994–2018): Status and Trends of Late-Successional and Old-Growth Forests* (2022). Pacific Northwest Research Station, General Technical Report PNW-GTR-1004.

- ii. Vegetation management activities may be authorized in old growth stands where the cover type is Ponderosa pine, western larch, western white pine, Pacific yew, western redcedar, western hemlock, and whitebark pine only if the activities are designed to increase the resistance and resiliency of the stand to disturbances or stressors and if the activities are not likely to modify stand characteristics to the extent that the stand would no longer meet the minimum screening criteria definition of an old growth type.
- iii. To promote resilient old growth cover types, stands other than those types described in MA2 and MA3-DC-FOR-10 should be managed to meet minimum screening criteria for old growth.

b) Sierra/Sequoia

The Sequoia and Sierra National Forests finalized their revised LMPs in 2022. They included the following Desired Conditions, Standards, and Guidelines:

- i. The composition, structure, and functions of old forests and surrounding landscapes are resilient to fire, drought, insects, pathogens, and climate change.
- ii. To achieve desired conditions for large tree density based on the vegetation type, and to promote high-quality nesting and denning habitat for old-forest-associated species, thinning to increase heterogeneity and resilience should retain the oldest and largest trees and large trees with habitat features that benefit these wildlife species.

c) Colville

The Colville National Forest revised its LMP in 2019. It included the following Desired Conditions, Standards, and Guidelines:

- i. During the expected 15 years of plan implementation, restore or move toward restoration of late structure ponderosa pine forest habitat on 500 acres per year.
- ii. Large trees, snags, and down wood are represented across the landscape and large tree habitat is maintained to support wildlife, aquatic and soil resources and support recovery processes in the post disturbance ecosystem.
- iii. Management activities should retain and generally emphasize recruitment of individual large trees across the landscape.

d) Northwest Forest Plan (NWFP)

The Forest Service is also in the process of amending the NWFP. Some of the proposed amendments directly address mature and old growth forests:

- i. Improve sustainability of mature and old growth ecosystems by providing plan direction to maintain and expand mature and old growth forest conditions and reduce loss risk across all land use allocations.
- ii. New plan direction would improve conservation and recruitment of mature and old growth forest conditions and associated habitat for the Northern Spotted Owl and other vulnerable species in moist forest settings.

Plan revision efforts are also ongoing for the Lolo, Malheur, Umatilla, and Wallowa-Whitman National Forests with substantial local engagement. Old growth and mature forest management are among the issues being addressed through these revision efforts.

The Planning Rule is clear that planning efforts at the National level should be strategic in nature, while plan amendments should be addressed at the Unit level. The substance of this proposed amendment is clearly technical in nature and should therefore be addressed at the Unit level.

**5) The proposed amendment does not consider the best available science and information in violation of the 2012 Planning Rule.**

Section 219.3 of the 2012 Planning Rule requires that the responsible official shall use the best available scientific information to inform the planning process.

There is overwhelming consensus, supported by Forest Service monitoring and assessments, that the primary threat to old growth forests is wildfire. Secondary threats include forest mortality from insects and disease. These assessments and monitoring reports also highlight obstacles in existing LMPs that inhibit the agency’s ability to effectively mitigate those threats. The emphasis of the proposed amendment ignores this science and is misguided toward creating new restrictions on forest management rather than removing existing obstacles to addressing these threats.

- a) The NWFP 25-year Monitoring Report on late-successional and old-growth trends concluded that “wildfire remained the leading cause for older forest losses on federal lands, accounting for about 70 percent of all losses since 1993.”<sup>5</sup> The figure copied below from this Report illustrates the disproportionate causes for loss of late successional (OGSI 80) and old growth (OGSI 200) forests on federal land, with wildfire dwarfing other factors in losses.

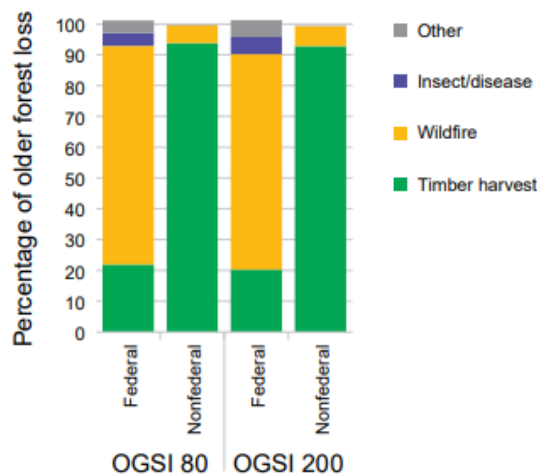


Figure 27—Landscape Change and Monitoring System-explained causes for losses of older forests between 1993 and 2017. OGSI = old-growth structure index.

<sup>5</sup> *Id.*

The proposed amendment ignores these results by proposing limitations on timber harvesting when timber harvesting is clearly not a primary threat to the maintenance or recruitment of old-growth forests. In fact, timber harvesting is acknowledged as a necessary tool to reduce fuel loads in a manner that can mitigate losses due to wildfire.

- b) The BioA concluded that “old-growth forests are increasingly at risk of loss due to fire. Acres of old-growth forests have declined in frequent-fire dependent ecosystems.” The BioA Supplement asserted that “recent trends in wildfire activity throughout the drier, frequent-fire dependent ecosystems of the plan area demonstrate that current treatments are insufficient in pace and scale to mitigate and restore fire resiliency in this ecosystem.”

The proposed amendment does not address any of the barriers creating this “insufficient pace and scale” for mitigation of the threats.

- c) The NWFP 25-year monitoring report on the Status and Trends Northern Spotted Owl (NSO) Habitats concluded that wildfire was the cause for the loss of 703,700 acres of NSO habitat (late-seral and old growth forest is generally considered a proxy for NSO habitat) since the plan’s inception. These losses accounted for over two-thirds of total losses of late-successional and old-growth forest habitat. Other losses, such as from timber harvest, were minor in comparison and often represented a temporary reduction in habitat following density reduction treatments designed to reduce the likelihood of total habitat loss due to wildfire.<sup>6</sup>

Many of these documents also assess the obstacles to addressing wildfire risk; specifically, those obstacles presented in existing LMPs.

- a) The BioA concludes that “current direction related to tree age and size in the NWFP and the Eastside Screens, which promote old-growth forests, might be appropriate in some instances but can create barriers to implementing appropriate management when applied using a one size fits all approach.”
- b) The BioA Supplement states that “one example of management direction that is not necessarily aligned with current best available science is the 80-year exemption associated with NWFP late-successional reserves.” The BioA Supplement also concluded that “the 80-year exemption applies to frequent-fire dependent, fire diverse (mixed severity), and fire infrequent systems although old forest develops and manifests very differently across all three of these categories. New science about frequent-fire dependent and fire diverse (mixed severity) ecosystems may suggest the need to modernize the 80-year exemption.”
- c) In 2018, the Forest Service published a “Synthesis of science to inform land management within the Northwest Forest Plan area,” which is commonly referred to as the Science Synthesis. Chapter 3 of this Synthesis, titled *Old Growth, Disturbance, Forest Succession, and Management in the Area of the Northwest Forest Plan* concluded that

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<sup>6</sup> Davis, Raymond J. et al., *Northwest Forest Plan—The First 25 Years (1994–2018): Status and Trends of Northern Spotted Owl Habitats* (2022). Pacific Northwest Research Station, General Technical Report PNW-GTR-1003.



“this 80-year rule for LSRs is a one-size-fits-all approach that does not take into account that stand age is only a rough proxy for stand structure and development potential, both of which can differ greatly based on site conditions and history.”<sup>7</sup>

Unfortunately, the proposed amendment ignores these factors that pose a real obstacle to taking actions that would protect and promote old-growth forests. If the Forest Service is serious about addressing the primary threats to old growth (wildfire, insects and disease) then it must follow the science and include amendments that address these roadblocks.

The “desired condition” included in the proposed amendment of “carbon stored in old-growth conditions contributes to the long-term carbon storage, stability, and resiliency of forest carbon across the National Forest System” is also not based on the best available science. The ongoing narrative that climate change mitigation through forest management is best achieved through no management, or less proactive management, is not supported by the best available science.

On the contrary, there is scientific support for the practice of regular timber harvests at an age where tree growth begins to slow, storage of that tree carbon in long-lasting wood products, and proactive reforestation. A failure to adhere to these steps limits any given acre’s ability to maximize carbon sequestration through the replacement of slow growing large trees with fast growing small trees and the storage of that large tree carbon in long-lasting wood products. Not storing that carbon in wood products also poses the risk of losing the carbon in standing trees from high intensity wildfire, which is becoming increasingly prevalent on public lands in western states.

A 2022 study estimated that wildfires in California in 2020 emitted 127 million metric tons of carbon into the atmosphere, making the greenhouse gas (GHG) emissions from wildfires the second most important source in the state, after transportation.<sup>8</sup> For context, the Forest Service recently disclosed that the agency only “commercially harvests one tenth of one percent of acres within the National Forest System each year. Harvests designed to improve stand health and resilience by reducing forest density or removing trees damaged by insect or disease make up 86 percent of those acres. The remainder are final regeneration harvests that are designed to be followed by reforestation.”<sup>9</sup>

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<sup>7</sup> Spies, T.A., et al.; *Synthesis of science to inform land management within the Northwest Forest Plan area*. (2018). U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. Gen. Tech. Rep. PNW-GTR-966.

<sup>8</sup> Jerrett, Michael, et al., Up in smoke: *California's greenhouse gas reductions could be wiped out by 2020 wildfires*. (2022). *Environmental Pollution*, Volume 310, 119888, ISSN 0269-7491, available at, <https://doi.org/10.1016/j.envpol.2022.119888>.

<sup>9</sup> 88 Fed. Reg. 24,497 (April 21, 2023).

A 2016 study (Gray et al.)<sup>10</sup> on carbon stocks and accumulation concluded that:

- Although large trees accumulated carbon at a faster rate than small trees on an individual basis, their contribution to carbon accumulation rates was smaller on an area basis, and their importance relative to small trees declined in older stands compared to younger stands.
- Old-growth and large trees are important carbon stocks, but they play a minor role in additional carbon accumulation.

This study supports the notion that, if the role of forests in the fight against climate change is to reduce global greenhouse gasses through maximizing *the sequestration* of carbon from atmospheric CO<sub>2</sub>, then increasing the acreage of young, fast growing small trees is a strategically smart and prudent management approach.

To further support the concepts validated by Gray et al., the USDA recently published a Technical Report<sup>11</sup> on the future of America’s forests and rangelands. Key points of the Report include:

- The projected decrease in young forests and increase in older forests will result in overall *decreases in growth rates and carbon sequestration*.
- The amount of carbon sequestered by forests is projected to decline between 2020 and 2070 under all scenarios, with the forest ecosystem projected to be a net source of carbon in 2070.
- Without active management, significant disturbance, and land use change, forests approach a steady state in terms of carbon stock change over time.
- Annual carbon sequestration is projected to decrease, indicating carbon saturation of U.S. forests, due in part to forest aging and senescence.

Finally, a 2023 study at Oregon State University concluded that “over a 240-year projection time frame, the Oregon State scientists found that for highly productive stands, 60-year rotations with low-intensity thinning at 40 years led to the greatest carbon storage (in the standing trees plus what was removed from the thinning).”<sup>12</sup> These results validate the notion that routine timber harvests, with carbon storage in long-lasting wood products, yielded higher total carbon storage over a 240-year period than if a forest was left to grow to an age of 240 years.

The Forest Service must use and communicate the best available science that debunks the claim of anti-forestry groups that claim “preservation” of old growth forests alone is the key to climate change mitigation. Instead, the Forest Service must acknowledge the overwhelming scientific consensus that timber harvest, storage of harvested carbon in long-lasting wood products,

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<sup>10</sup> Gray, A. N., T. R. Whittier, and M. E. Harmon. *Carbon stocks and accumulation rates in Pacific Northwest forests: role of stand age, plant community, and productivity*. (2016) *Ecosphere* 7(1):e01224. 10.1002/ecs2.1224

<sup>11</sup> U.S. Department of Agriculture, Forest Service. 2023. *Future of America’s Forest and Rangelands: Forest Service 2020 Resources Planning Act Assessment*. Gen. Tech. Rep. WO-102. Washington, DC. 348 p. <https://doi.org/10.2737/WO-GTR-102>.

<sup>12</sup> Carlisle, Catherine, et al., *Modeling Above-Ground Carbon Dynamics under Different Silvicultural Treatments on the McDonald–Dunn Research Forest*. *Forests* 2023, 14, 2090. <https://doi.org/10.3390/f14102090>.

followed by reforestation of young forests that can accelerate carbon sequestration is the optimal management approach to maximizing the climate change mitigation potential of forests.

Ultimately the proposed amendment is not informed by the best available science, including the science that has informed multiple monitoring and assessment documents. In fact, the actions that the science in those documents provides seems to inform actions that are counter to what is proposed in the NOI. These failures amount to a violation of Section 219.3 of the 2012 Planning Rule.

#### National Environmental Policy Act (NEPA)

##### **1) The scale of the proposed amendment inhibits the agency’s ability to take a hard look at the environmental consequences required by NEPA.**

NEPA and its implementing regulations set forth procedures designed to ensure that federal agencies take a “hard look” at the environmental consequences of their proposed actions. The Ninth Circuit has interpreted a “hard look” to mean “a reasonably thorough discussion of the significant aspects of the probable environmental consequences.” *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1194 (9th Cir. 2008). To take the required “hard look” the agency may not rely on incorrect or incomplete assumptions or data. The geographic scale of this proposed amendment—128 Forest Plans covering 193 million acres—make this requisite hard look impossible.

First, the Forest Service cannot determine the acreage or location of forests that will be impacted by this amendment and its associated standards and guidelines. The April 2023 Old Growth Report included a section that addressed “appropriate use of data.” This section indicated that “this initial inventory report is national in scale and presents *estimates* of old-growth and mature forests.” This document also stated that “although there is interest in a high-resolution spatial representation of old-growth and mature forest, this was not achievable with a rapid, national-scale inventory based solely on FIA field plot data.” It should be noted that FIA field plot data is based on a single plot per 6,000 acres, making site specificity unreliable. And finally, it acknowledged that “application of FIA estimates for small areas (with few sample plots) can result in *substantial uncertainty* as indicated by large sampling error.”

The coarse nature of FIA plots, the scale of the inventory, and the associated substantial uncertainty makes the NEPA required hard look at the impacts of this sweeping amendment untenable. The Forest Service cannot determine (or even estimate) the acreage of old growth on any of the 128 National Forests or where those acres are located and therefore cannot take a hard look at the impacts to a variety of exiting LMP components.

Implementation of several of the proposed Management Approaches, Standards, and Guidelines are likely to create significant impacts that the Forest Service cannot fully predict or assess.

- a) The potential impacts from the proposed Management Approach of creating an *Adaptive Strategy for Old Growth Forest Conservation* are extremely uncertain. This “strategy” requires, among other things, each National Forest Unit to:

- i. Prioritize areas for the retention and promotion of old-growth forest conditions.
- ii. Develop additional proactive climate-informed stewardship, conservation, and management approaches.
- iii. Exhibit measurable improvements in old growth desired conditions as a result of retention, recruitment, and proactive stewardship activities and natural succession.

This specific strategy goes beyond simply “maintaining” existing old growth by requiring each National Forest to establish “areas” where old growth will be retained and promoted. This “promotion” will have profound impacts on how *all* forest types are managed within these new “areas.” This Strategy could effectively establish entirely new Land Use Allocations, which are typically heavily vetted through the Plan Revision process with robust local public input. Tens of thousands of acres that were previously set aside for sustainable timber production could effectively be redesignated to old growth “reserves.” The uncertainty of where these areas will be located, and the size of these areas make it impossible for the Forest Service to take a hard look at the environmental and social impacts of their creation. And since the NOI is clear that these “strategies” would not be a decision document representing final agency action, this amendment process is the sole opportunity for the public to provide input on its implementation and for the Forest Service to analyze its environmental and social impacts.

- b) The potential impacts of the Standard that proposes that “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” are extremely uncertain.

As stated earlier, the Inventory published in April 2023 merely provides estimates for the location of old growth forests and is not intended to be used for site-specific purposes. As such, the Forest Service cannot take a hard look at the impacts of implementing this Standard. This Standard would effectively change the management direction on an unknown number of acres of NFS land in a manner that would alter each National Forest’s vegetation management program, timber outputs, and desired future conditions.

- c) The potential impacts of the Standard that proposes that “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” are also impossible to disclose and analyze. For similar reasons stated for the previous Standard, this Standard will have significant and unknown impacts to various existing LMP components including, but not limited to: timber outputs, desired future conditions, wildfire risk, carbon emissions from wildfires, and related socio-economic impacts at the local level.

It should also be noted that the proposed amendment acknowledges the uncertainty of the standards and guidelines that it is proposing. In the “plan monitoring” section of the proposed amendment, the Forest Service states that “within two years, identify initial criteria indicating where these plan components will apply.” **How can the Forest Service possibly analyze the**

**impacts of the proposed amendment when the Forest Service will not know “where these plan components will apply” for at least two years after the finalization of the amendment?**

Finally, each current LMP for each of the 128 National Forests implicated by this proposed amendment was designed to meet multiple statutory requirements. Among those statutes is the Multiple Use Sustained Yield Act (MUSYA) that requires the Forest Service to “develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom.” MUSYA defines “sustained yield” as the “achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land.” 16 U.S.C. § 531(b). During development of these LMPs, the Forest Service Units analyzed whether each of the renewable resources would be sustained and maintained in perpetuity. Among those renewable resources are timber supply, old growth forest conditions, and wildlife habitat.

This amendment has the potential to alter each National Forest’s LMP in a manner that creates inconsistency with MUSYA. The “achievement and maintenance in perpetuity” of numerous resources will be affected by this proposed amendment.

Ultimately, the uncertainties outlined above coupled with the vast scope and scale of the proposed amendment inhibit the Forest Service’s ability to comply with NEPA’s requirement to take a hard look at the environmental consequences of the proposed amendment.

**2) Other Questions and Impacts that require a “hard look” under NEPA.**

AFRC also represents members who own and manage private forestland adjacent to NFS lands. The proposed national amendment will undoubtedly have direct and indirect impacts on private landowners. Our members rely on private industrial forestlands, as well as private small woodland owners, to provide the vast majority of wood fiber to supply the forest sector and wood products manufacturing infrastructure.

At a minimum, the Environmental Impact Statement referenced in the NOI must adequately consider and respond to the following questions:

- How will a national amendment amend or change specific land allocations, such as late-successional reserves and matrix lands in the Pacific Northwest under the Northwest Forest Plan, and what are the associated impacts to neighboring landowners?
- How will the national amendment impact private landowners’ ability to manage their own lands under current agreements with the U.S. Forest Service, BLM, and other regulatory agencies such as the U.S. Fish and Wildlife Service? Will prior agreements with landowners be honored or will they be reevaluated and changed?
- How will the national amendment impact or change the ability of private landowners to manage their lands, conduct timber harvests, treat hazardous fuel loads, and perform

other silvicultural activities when they are immediately adjacent to any new land allocation or old growth forests impacted by the national amendment?

- How will the national amendment impact current plans and strategies to construct and maintain shaded fuel breaks, conduct hazardous fuel reduction treatments across ownerships, and accelerate the pace and scale of active forest management within the Wildland Urban Interface and mapped Firesheds as prioritized by the Biden Administration and Forest Service?
- How will the national amendment address road access and existing road agreements, or new road construction and maintenance on private lands that are within the NFS and adjacent to old growth forests?
- How will the national amendment address safe access for first responders, firefighters, search and rescue, and law enforcement when access through old growth forests and associated land allocations is necessary?
- How will the national amendment address, analyze, and respond to public access to the NFS, including recreational sites, existing and new trails, campgrounds, boat launches, dispersed camping, and recreational permitting that are within or adjacent to old growth forests?

## **Conclusion**

AFRC, its members, and the communities the forest sector supports care deeply about the health and resiliency of our National Forest System and all the values they provide to society, including the protection of old growth forests from the impacts of wildfires, disease and insects. The best way to protect old growth on federal lands from these threats is through proactive, science-based, intentional, strategic, active management. By definition, this approach requires tailored approaches and plans at the local level, with public input, that address the extraordinary diversity and unique threats of each national forest. This is in direct contradiction to the Forest Service's stated goal of creating a "consistent" national approach to protecting and recruiting old growth.

We reiterate our concern that the Forest Service is pursuing a legally flawed process through its attempt to amend 128 national forest land plans and meeting its NEPA requirement through one Environmental Impact Statement. The current trajectory of the process violates the 2012 Planning Rule and the requirements of the National Environmental Policy Act as explained above – not to mention shortchanges the American public from meaningful, informed engagement on scientifically complex topics through a truncated timeline impacting millions of acres of publicly-owned land. Absent pursuing an alternative strategy of forest-by-forest plan amendments and revisions consistent with Federal law, we expect the Forest Service to respond to the above concerns and questions in detail in the forthcoming draft environmental impact statement.

Protecting old growth from fire, disease, and insects on NFS lands – the identified threats to these ecosystem types – requires action. What specific actions and strategies is the Forest Service proposing, in what specific locations, and how will those specific actions be analyzed in a meaningful and transparent way?

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is written in a cursive, flowing style.

Travis Joseph  
President