

United States Senate

WASHINGTON, DC 20510

September 20, 2024

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Chief Randy Moore
U.S. Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Secretary Vilsack and Chief Moore,

We write regarding the draft Environmental Impact Statement (DEIS) for Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System (proposed Amendment). While we support the stated goal of protecting old-growth forests within the National Forest System, we have concerns with the need for this proposed Amendment and the scoping and drafting process. The proposed Amendment will add an unnecessary additional layer of prescriptive guidelines on local forests that will halt much needed forest management work and exponentially increase the risk of wildfires.

Every fire season more acres of our western National Forests are scorched in catastrophic wildfires while active forest management and hazardous fuel reduction treatments are put on hold. This is compounded by drought, insects, and disease that continue to make our forests more vulnerable to these wildfires. Already this year 7.3 million acres have burned across the country. Addressing this crisis should be the top priority of the Forest Service.

Instead, the Forest Service has moved forward with an unprecedented proposal to amend all 128 Forest Plans at once. The Forest Service states that the proposed Amendment is “intended to provide consistent direction to conserve and steward old-growth forest conditions” but it fails to explain the need for the proposed changes or even if the proposed changes will address the significant threats to old growth forests. The Forest Service itself acknowledges that old growth conditions are not the same across the wide range of ecosystems that make up our National Forest System. At best, forcing all Forests to abide by the same standards will create confusion, and at worst, will trample over collaboratively balanced, locally-led forest plans.

Additionally, the decision to amend all 128 Forest Plans before the Forest Service completed the Threat Assessment for Mature and Old Growth Forests shows that this proposed Amendment is a solution in search of a problem rather than a careful proposal that would address the actual problems identified in the Threat Assessment. Unsurprisingly, the Threat Assessment identified wildfire as the number one threat to old growth forests. It also found that old growth loss was greater in areas reserved from timber harvest than in areas where timber harvest is used as a management strategy. In fact, the Threat Assessment found that old growth forests increased by 7.8% in areas where timber harvest was used. Unfortunately, the proposed Amendment will take staff time away from on-the-ground work to address the wildfire threat and refocus the agency’s limited capacity on deciding if the Forest Plan needs to be updated to comply with the new standards. The proposed Amendment was changed from the initial Notice of Intent to include language to “encourage proactive management actions, especially for wildfire risk management and hazardous fuel reduction objectives”, but in reality it will shift resources away from necessary mitigation.

Even once the initial effort is completed to identify what changes are needed to comply with the proposed Amendment, the new standards will add a permanent layer of analysis that will need to be followed for decisions on each new proposed forest management project. The environmental review process for projects already takes years to complete, and adding additional guidelines will only increase this timeline. This is the opposite of what our forests need during this crisis. The Forest Service should be focused on expediting needed on-the-ground work not putting new hurdles in place to delay hazardous fuels mitigation. This new layer of guidelines will also open the door to additional litigation against proposed projects, even further slowing the process.

The Forest Service states that the proposed Amendment comes in part from “clear congressional intent” but cites section 23001(a)(4) of the Inflation Reduction Act which provided the Forest Service with \$50 million “for the protection of old-growth forests and to complete an inventory of old-growth”. This is anything but clear congressional intent about what constitutes “protection of old-growth”. These funds could have been used for many different projects rather than creating a proposed Amendment that will further endanger old growth forests when implemented.

The proposed Amendment also contains vague and ill-defined language centering on its treatment of mature forests. The DEIS states that “the amendment does place an emphasis on identifying and prioritizing areas of mature forest to be managed for future old-growth forest” but then fails to provide any guidelines or guardrails on how much of our National Forest System this will impact. This will lead to more confusion in local units and will run counter to actual clear congressional intent that forests should be managed for multiple use.

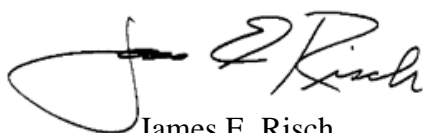
Finally, we believe that the Forest Service did not sufficiently work with state, local, and tribal partners as cooperating agencies while drafting this DEIS. The 2012 Planning Rule (36 CFR 219) clearly lays out that these entities should be engaged early in the process as they have unique perspectives and expertise that should be sought on a proposal of this scope. Only engaging with these groups late in the process means a loss of relevant information that they could have shared to better inform the proposal. There is no doubt that this failure harms the DEIS. Any final Environmental Impact Statement and Record of Decision should be shared with cooperating agencies in full prior to its finalization.

Given these serious concerns with the proposed Amendment, we urge you to address them fully before making any decision to move forward.

Sincerely,



Steve Daines
United States Senator



James E. Risch
United States Senator



Mike Crapo
United States Senator