



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

September 19, 2024

Re: National Old Growth Amendment Draft Environmental Impact Statement

Dear Chief Moore:

American Bird Conservancy (ABC) works to conserve birds and their habitats across the Americas. We appreciate the USDA Forest Service developing the National Old Growth Amendment Draft Environmental Impact Statement (DEIS) and respectfully submit the following comments.

We recommend the final rule add more meaningful protections for old growth forests, specifically a clear prohibition of commercial logging, that would move management in a direction more consistent with Executive Order 14072.

Further, we are concerned the DEIS does not offer an adequate range of alternatives. Alternative 3 offers the highest level of protection and therefore should be the basis for the final rule provided it includes a firm prohibition on commercial logging of old growth.

EO 14072 specifically states that it is a policy of the current administration to conserve America's mature and old-growth (MOG) forests, improve resilience, and have all practices driven by science.¹ The DEIS is not in compliance with EO 14072 because it does not ensure adequate protection of mature and old growth forests and trees.

Though the preferred alternative does contain language which incorporates tribal knowledge and benefits of mature and old growth trees beyond carbon capture, it still fails to unambiguously defend mature and old growth trees in many possible scenarios. Some specific concerns about the preferred alternative:

- By allowing the sale and removal of MOG trees, none these biodiverse, carbon-rich forests are effectively protected from logging.
- Mature forest protections are inadequate to provide for replacement old growth.

- Logging levels, and carbon removal, would nearly double in MOG forests (DEIS Threats Analysis, Fig. 19).
- None of the alternatives effectively implement President Biden’s [April 2022 Executive Order](#) on MOG, which promised to “conserve America’s mature and old-growth forests on Federal lands.” Increased logging levels in the plan run contrary to that promise.
- Promotes logging for energy production (DEIS, p. 75) that will emit [38% to 65% more CO2 into the atmosphere than burning coal](#).
- Unacceptably downplays [health impacts and cumulative effects](#) of increased logging for energy production, especially to communities that are disproportionately impacted by harmful environmental activities.
- Promotes logging for “energy production” (DEIS, p. 75) that will [emit 5.2 x more nitrogen oxides; 30 x more volatile organic compounds; 7 x more ammonia; 3.2 x more sulfur dioxide; 12.5 x more PM2.5 particulates, and 38% to 65% more CO2 into the atmosphere than burning coal](#).
- Hypothetical modeling studies and discredited assumptions were used to promote the false notion that removing carbon from forests through logging will increase forest carbon storage (DEIS, pp. 75-76; DEIS Ecological Impacts Analysis, p. 44).
- Nowhere in the DEIS or its associated reports does the Forest Service include an analysis of the impact of its increased logging of MOG trees and forests on forest carbon storage and carbon flux (gross emissions especially). Forest Service research shows that increased logging [would substantially undermine atmospheric carbon draw down](#) and compromise our ability to achieve net-zero emissions, while protecting forests from logging would [reduce atmospheric carbon](#) by 84 million tons of CO2 every year.
- Assumptions about fire are not based on best available science as there is no mention of the dozens of scientific studies, including by many US Forest Service scientists who have found that denser, MOG forests tend to burn at lower severities.

On page 16 of the DEIS it unambiguously states that old growth will continue to be allowed to be logged. We do not believe this activity is a priority for management and creates a needless loophole allowing for unsustainable cutting of old growth.

None of the alternatives require all areas currently meeting the definition (and associated criteria) of old-growth forest to be retained as such.

Similarly, Standard 2b allows for continued logging of old growth trees.

The cutting or removal of trees in old-growth forest for purposes other than proactive stewardship is permitted.

And Standard 2c provides for management discretion and creates a long list of potential loopholes that would allow for old growth logging:

Deviation from Standard 2.a and 2.b may only be allowed if the responsible official determines that vegetation management actions or incidental tree-cutting or removal are necessary for the following reasons and includes the rationale in a decision document or supporting documentation:

ABC recommends eliminating the potential loopholes allowing old growth logging allowed by Standards 2b and 2c, and revising Standard 3 to prohibit commercial timber sales as a means of carrying out forest stewardship activities.

ABC strongly supports Guideline 2 which is relevant to the next section regarding the Northwest Forest Plan which provides for replacement old growth by protecting mature forests in a system of reserves. The continued growth of the reserves and protection of mature forests is essential to recover the threatened Marbled Murrelet and Northern Spotted Owl.

Guideline 2: Where there are additional land management plan components for old-growth that existed prior to the old-growth amendment and these provide more restrictive direction for old-growth forests, the more restrictive direction should be adhered to.

Recovery of Listed Bird Populations that Depend on Old Growth Forests

American Bird Conservancy is concerned about mature and old growth forests as an important component of habitat for bird species, especially Endangered and Threatened species, and as an important part of mitigating impacts of climate change. The preferred alternative does make mention of these functions of mature and old growth trees, but still prioritizes fuel reduction and fire management above wildlife habitat and carbon storage.

The Northwest Forest Plan demonstrates how a national old growth protection rule can benefit both biodiversity and climate. Monitoring reports conducted on the Northwest Forest Plan indicate that it is working as intended to restore blocks of mature and old growth forests, and is improving water quality across the entire region. EPA studies indicate that the plan is also helping to fight climate change.

Since protections were put in place for Spotted Owls and salmon under the Northwest Forest Plan, the region's forests have gone from a source of polluting emissions into a carbon sink according to [EPA annual emissions data](#). This is a rare climate change success story that needs to be maintained and built upon. The Plan's 20-year monitoring report offers a clear picture of progress within expected parameters:

The maps showed net changes in amount of older forests on federal lands managed under the NWFP have been small (a 2.8 to 2.9 percent net decrease). This occurred despite gross losses from wildfire (4.2 to 5.4 percent), timber harvest (1.2 to 1.3 percent), and from insects or other causes (0.7 to 0.9 percent), suggesting that processes of forest succession have compensated for some of the losses resulting from disturbance. The Plan anticipated a continued decline in older forests for the first few decades until the rate of forest succession exceeds the rate of gross losses. Decadal gross losses of about 5 percent per decade as a result of timber harvesting and wildfire were expected.

As these reports indicate, the Northwest Forest Plan is working and offers a strategy to both manage threats appropriately, and to provide for climate refugia for at-risk wildlife. We support language in the preamble stating that where stronger conservation measures are in place, they

would take precedence over the national rule. The time-tested and effective wildlife and habitat protections provided by the Northwest Forest Plan may fit into this exception and therefore it is important to retain this language in the final old growth rule.

We believe the national old growth rule has the potential to replicate this success of the Northwest Forest Plan on a national scale, and make a major contribution to maintaining and recovering threatened biodiversity, and reducing climate change. The final rule should provide additional protection to at-risk old growth and mature forests in the Pacific Northwest, northern California National Forests, and support recovery of listed bird populations including Marbled Murrelet and Northern Spotted Owl.

Marbled Murrelets are seabirds in the Pacific Northwest which only nest on large lateral branches of centuries-old trees found in old growth forests. These charismatic birds are primarily threatened by commercial logging of old-growth forests up and down the Pacific Coast. Without significant, unambiguous protections for the trees they nest in, and restoration of additional old growth habitat by protecting mature forests, this valuable species remains of critical conservation concern.²

Further, the birds are highly disturbed by noise and activity, meaning that major buffers of at least 100 meters (328 feet) around known nesting stands are needed, at a minimum, to protect these birds. Placing buffers around old growth habitat also aids in reducing the microclimate effects of harvest activities and minimizes the ability of nest predators to access nests.

The recently completed [Marbled Murrelet ESA status review](#)³ found that the seabird continues to be a threatened population under the ESA. However, an endangered listing may have been warranted because the population is only reproducing at about a 25% replacement rate, indicating a major population decline may be coming in the near future.

The impact of forest fragmentation on federal lands, which leads to increased nest predation, was not adequately considered in the status review and is another reason why protecting both mature and old growth is essential for Marbled Murrelet recovery. As part of the Northwest Forest Plan amendment now underway, conservation groups are asking for increased buffers around Marbled Murrelet nests to help minimize this fragmentation and penetration of the forest by ravens and jays that feast on Marbled Murrelet eggs and chicks.

Spotted Owls also rely heavily on mature and old growth trees for nesting, roosting, and feeding. These birds are endemic to the Pacific Northwest and have been the face of forest conservation since their initial listing in 1990.⁴ They serve as important rodent control species and are also overall forest health indicators due to their predatory nature. Their small, fragmented habitat is all in areas of old growth forests, meaning that the removal of a single tree or destruction of a single stand could be devastating for the entire species.

Protection of all the remaining old growth forest habitat is essential to its recovery. Substantial amounts of mature forests must be allowed to become old growth to provide for a future population increase and recovery.

We therefore recommend the national rule protect old growth from commercial logging, and provide for protection of mature forests needed to provide for an adequate amount of habitat for the Marbled Murrelet's recovery. This will also have substantial a climate benefit because Marbled Murrelet habitat overlaps with the most carbon dense forests.

The Northwest Forest Plan addresses the conservation of mature forests by including significant areas in reserves that protect stands over 80 years of age. The proposed plan amendment is considering adding additional protections for old growth and mature forests in the matrix and Adaptive Management Areas.. Conservation groups are urging that the Forest Service boost protections to build on the [success of the plan](#):

We recommend the amendment continue the Plan's focus on recovering the Northern Spotted Owl, Marbled Murrelet and salmon stocks in the region suffering from insufficient late-successional habitat. Further protection of the immense carbon stores and carbon sequestration capacity of mature and old forests along with large trees in dry forests within the range of the Northern Spotted Owl will help mitigate climate change and ensure that older forests and large trees continue to act as climate and wildfire refugia.

The Northwest Forest Plan amendment can work in concert with the national rule. To address the dual biodiversity and climate crises, for Northwest Forests we recommend these two rulemakings result in:

1. Protection of all stands 80 years and older. This is the age where forests begin to mature and become suitable Northern Spotted Owl habitat. Given the severe shortage of contiguous old growth in the region, continuing the Northwest Forest Plan restoration strategy and reserve designation are essential to recover the owl and threatened Marbled Murrelet, and at the same time continue and increase climate change benefits.
2. Limitations on post-fire logging in old growth forests. Other than maintaining public safety, post-fire logging in old growth should be prohibited.

Climate Benefits of Mature and Old Growth Forest Protection

Leading climate and biodiversity scientists have repeatedly called for protection of old growth forests for their multiple benefits of providing both wildlife habitat and carbon storage. Most recently in regard to this proposed rulemaking over [200 top scientists stated](#):

Because of the global loss of mature and old-growth forests, and large trees generally, and their importance in mitigating the climate and biodiversity crisis on federal lands², we fully support calls by fellow scientists for a moratorium³ on logging in these critically important forests. Therefore, we request that you now direct the Forest Service and BLM to suspend all timber sales in mature and old-growth forests, and refrain from proposing new timber sales in these forests, while the federal agencies develop their Environmental Impact Statements that best comply with Executive Order 14072 in securing a national network of conservation areas.

A key climate solution comes from protecting existing high carbon stores such as old growth forests and allowing for their expansion. [Twelve percent of U.S. emissions](#) were absorbed by forests in 2021. Protecting these high carbon areas benefit the climate *and* provide increased habitat for birds.

Other scientific studies support the connection between mature and old growth protection and reduced carbon emissions. For a recent example see [Mature and old-growth forests contribute to large-scale conservation targets in the conterminous United States](#) which found:

[Mature Old Growth] on national forest lands supported the highest concentration of conservation values. However, national forests and BLM lands did not meet lower bound (30%) targets with only 24% of MOG in GAP1,2 (5.9 M ha) protection status. The vast majority (76%, 20.8 M ha) of MOG on federal lands that store 10.64 Gt CO₂ (e) are vulnerable to logging (GAP3). If federal MOG are logged over a decade, and half their carbon stock emitted, there would be an estimated 0.5 ppm increase in atmospheric CO₂ by 2030, which is equivalent to 9% of United States total annual emissions.

A broad national coalition of climate change and wildlife conservation groups support this rulemaking:

The severe loss of biodiversity and the worsening impacts of climate change require solutions that match the magnitude of the threats we face. We need transformational change, not the status quo or incremental steps towards future outcomes. Done properly, this Nationwide Forest Plan amendment could have a meaningful, near-term impact on confronting the climate crisis and on addressing the loss of biodiversity, and we look forward to working with the agency to see this potential realized.

The [Analysis of Threats](#) to Mature and Old-Growth Forests on Lands Managed by the Forest Service and Bureau of Land Management confirms there is opportunity to enhance biodiversity and climate mitigation by protecting mature and old growth forests.

Over the next five decades, the growth of younger and mature forests is projected to result in an increase of mature and old-growth forests despite increasing disturbances. Despite the threats highlighted in this analysis, the RPA assessment predicted an increasing trend in the amount of mature and old-growth forests on NFS and BLM lands until at least mid-century (2070), as the large amount of younger and mature forest age into older forests.

This critically important finding in the Threats Analysis indicates that despite the threats, forest losses will continue to be outpaced by growth, and we can anticipate mature forests adding to the amount of old growth given adequate time.

Other findings included in the DEIS about the historic loss of old growth indicate that a more protective policy that prohibits commercial logging is warranted given the substantial deficit that still exists.

Compared to historical conditions, the extent of old-growth is clearly in deficit – suggesting ecological integrity is compromised (USDA and USDI 2024b). (Page 57 DEIS)

The national old-growth inventory estimates that there are approximately 24.7 million acres of old-growth forest on National Forest System (NFS) lands, comprising approximately 17 percent of total forested NFS lands. (Page 60 DEIS)

...approximately half of all old-growth occurs in just two of the nine regions: the Pacific Northwest and Alaska Regions. In contrast, combined, the Southern and Eastern Regions contain only about five percent of the old-growth on NFS lands. Across regions, the extent of old-growth ranges from approximately three percent of the forested area in the Eastern Region to 27 percent of the forested area in the Pacific Northwest Region and 76 percent of the Alaska Region. Approximately 10–15 percent of forested lands in all other regions are classified as old-growth. (Page 60 DEIS)

Comparing the current and historical extent of an ecosystem is a common step in evaluating ecological integrity (Keith et al. 2013; Maes et al. 2020). This provides context for managing ecological systems and for identifying biodiversity values at risk when implementing forest management strategies (Wiens et al. 2012). Over the last 400 years, the extent of old-growth forests in the United States have experienced significant declines due to widespread timber harvest and land use changes (USDA and USDI 2024a, DellaSala et al. 2022). In the United States, excluding Alaska, some studies estimate that old-growth has been reduced to less than ten percent of its extent circa 1600 (Thomas et al. 1988; Spies and Franklin 1996). These studies suggest that the extent of old-growth has declined dramatically and, as such, its contribution to ecological integrity has diminished. (Page 60-61)

The following paragraph on pages 75-76 appears to be a misreading of the scientific literature which finds only a small percentage of forest carbon is stored long-term in wood products (20%) relative to the amount lost to the atmosphere (80%). This is particularly significant for mature and old growth forests which stand to quickly release vast stores of carbon to the atmosphere if logged compared to the amount released from logging young forests. Recapturing the carbon from mature and old forests would then take centuries of regrowth to get back to the previous carbon baseline, rather than only decades when younger forests are cut.

While carbon storage estimates should be included as stated below, the much larger carbon losses from logging should also be considered. From a carbon standpoint, managing young forests can provide forest products with considerably less carbon emissions than those from mature or old growth forests.

Moving carbon stored in forests to forest products storage may result in lower net greenhouse gas (GHG) emissions relative to unmanaged forests, if carbon stored in harvested wood products (HWP), substitution effects, and forest regrowth are considered (Lippke et al. 2011; McKinley et al. 2011; Skog et al. 2014; Dugan et al. 2018). The Intergovernmental Panel on Climate Change (IPCC) recognizes wood as a renewable resource that when sustainably managed can mitigate climate change (IPCC, 2022b). Assessing impacts of harvest on GHGs thus should include carbon storage estimates from wood products. (DEIS Page 75-76)

Additional Benefits to Birds from Mature and Old Growth Forests

In a changing climate, old growth forests are also likely to be important refugia for diminishing wildlife populations. In a 2017 study, *Old-growth forests buffer climate-sensitive bird*

populations from warming, researchers at Oregon State University's College of Forestry found that two tracked species of songbird—Wilson's Warbler and Hermit Warbler suffering from limited population growth from increasing climate change—were finding refuge in old growth forests.

In a similar follow up study *Forest microclimate and composition mediate long-term trends of breeding bird populations* the authors conclude that "Conservation of old-growth forests, or their characteristics in managed forests, could help slow the negative effects of climate warming on some breeding bird populations via microclimate buffering and possibly insurance effects." At least five bird species—Swainson's Thrush, Chestnut-backed Chickadee, Hermit Warbler, Varied Thrush and Wilson's Warbler —benefited from the buffering effect provided by cooler microclimates. And, the Wilson's Warbler and the Red Crossbill were found to benefit from the insurance effect provided by complex forest structure.

Many other species of birds are supported by old growth forests. For example, in magnificent California redwood forests, one might see Pacific-slope Flycatcher, Pacific Wren, Varied Thrush, Golden-crowned Kinglet, Wilson's Warbler, Pileated Woodpecker, Hutton's Vireo, Steller's Jay, Chestnut-backed Chickadee, Swainson's Thrush, Hermit Warbler, Dark-eyed Junco, Red-breasted Nuthatch, Hairy Woodpecker, and Brown Creeper.

Mature and old growth forests are also critically important to recovering and sustaining a number of bird species of conservation concern in the eastern U.S. including Cerulean Warblers and Wood Thrush. And, it is important to note, that while some species are not dependent on old growth, it is in these high-quality habitats that they reach their maximum densities.

[Assemblages of Bird Species in Western Coniferous Old-Growth Forests](#) found that the Pileated Woodpecker, Goshawk, Vaux's Swift, Townsend's Warbler, and Hermit Thrush are in this category of birds particularly benefitting from old growth forests. The Spotted Owl and its connection to old growth forests are also well-known.

The United States Geological Survey has also published work indicating that complex old growth forests are an important part of the continued survival of migratory songbirds in the face of increasing threats from climate change.⁵

The Red-cockaded woodpecker is a keystone species in the pine forests of the Southeastern United States.⁶ It has been listed under the Endangered Species Act since 1970 and is continually imperiled by the lack of adequate mature and old growth pines in their region. They provide nesting spaces for themselves and dozens of other species of birds and mammals, to say nothing of helping to control bark pests in their native forests. Overharvest of mature pines and poor fire management have left them without adequate habitat resources requiring intense management efforts to address.

Recommendations

American Bird Conservancy recommends the agency close loopholes in Standard 2b and 2c in the DEIS which allow numerous pathways for logging of old-growth trees and institute a clear

prohibition on commercial logging in Standard 3. Additionally, large swaths of mature trees need to be protected as recruitment for future old-growth, and this must be done at scale in order to buffer wildlife populations from continued decline.

North American bird populations are at a 33% overall population deficit compared to 1970,⁷ and past research has shown that setting aside small areas of old growth is inadequate to mitigate these declines.⁸ More robust habitat protection is urgently needed to reverse bird population declines and recovery listed species.

The final policy must provide more effective protection for old-growth trees. Doing so will support the objectives of this rulemaking and EO 14072, and help leave a lasting legacy of old growth forests that benefit wildlife, clean water, and climate, and that can be cherished by future generations of Americans.

We thank you for your work to propose this DEIS and for the opportunity to comment. We are available for further questions and inquiry if desired.

Sincerely,



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¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/04/22/executive-order-on-strengthening-the-nations-forests-communities-and-local-economies/>

² <https://abcbirds.org/bird/marbled-murrelet/#:~:text=The%20Marbled%20Murrelet%20flies%20as,lays%20the%20pair's%20single%20egg.>

³ U.S. Fish and Wildlife Service. 2022. Initiation of 5-year status reviews for 167 species in Oregon, Washington, Idaho, Montana, California, Hawaii, Guam, and the Northern Mariana Islands. Federal Register 87:28031-28034. May 10, 2022.

⁴ <https://abcbirds.org/bird/northern-spotted-owl/#:~:text=Northern%20Spotted%20Owls%20are%20very,hunting%20difficult%2C%20and%20forest%20fires.>

⁵ Betts, M.G. et al. (2017). Old-growth forests buffer climate-sensitive bird populations from warming. *Diversity and Distributions*, 24(4). <https://doi.org/10.1111/ddi.12688>

⁶ <https://abcbirds.org/bird/red-cockaded-woodpecker/>

⁷ Rosenberg, K. et al. (2019). Decline of the North American avifauna. *Science*, 366(6461). <https://doi.org/10.1126/science.aaw1313>

⁸ Brown, J.A. et al. (2019). Evaluating the long-term effectiveness of terrestrial protected areas: a 40-year look at forest bird diversity. *Biodiversity and Conservation*, 28. <https://doi.org/10.1007/s10531-018-01693-5>