



Allegheny Forest Alliance

PO Box 719

Kane, PA 16735

AFAaction@gmail.com

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

**Re: Land Management Plan Direction for Old-Growth Forest Conditions
across the National Forest System**

Director,

On December 20, 2023, the U.S. Department of Agriculture (USDA) published a notice of intent to prepare an environmental impact statement (EIS) in connection with its proposed nationwide amendments to all 128 land management plans for the National Forest System (Forest Plan Amendments). 88 Fed. Reg. 88042 (Dec. 20, 2023) (Scoping Notice). The Scoping Notice states that the Forest Plan Amendments would impose uniform requirements on the long-term management of all national forests for the purpose of maintaining and expanding old-growth forest conditions throughout the National Forest System (NFS). *Id.* at 88044. The Scoping Notice is hereinafter referred to as the Proposal.

The Allegheny Forest Alliance (AFA) is a 501(c)(6) non-profit coalition of local communities and individuals who support sustainable forestry, environmental stewardship, and ensuring the stability of the communities occupied by the Allegheny National Forest (ANF). We collaborate with the ANF and other state and regional agencies and organizations to ensure the health of this 514,000+ acre national forest and adjacent state and private lands.

While our organization focuses on the ANF and its 4 host counties, we also address issues that affect the management of federal lands across the nation and the communities that host or are adjacent to them. These counties, communities, residents, and land owners depend on and are deeply invested in how their federal lands are managed and therefore are key stakeholders.

We write to express our opposition to the Proposal to amend all land management plans across the National Forest System and to urge you to use the No Action option for this unprecedented Proposal.

The Proposal is in direct conflict with the prescription required to return the ANF to good health. The 2007 ANF Forest Plan¹ reported the current structural stages shown in the chart below. The Forest Supervisor at that time stated, “As the trees continue to age, mature stands will achieve late structural conditions over much of the ANF, **but there will be very little young forest developing unless management continues to provide for regeneration.**” (emphasis added)

The unhealthy forest conditions on the ANF were radically different than the desired age class distribution. The ANF Monitoring and Evaluation Report covering years 2008 through 2013 found that, “Presently, approximately 3.4% of the ANF, or less than half of that desired, is in an early structural condition (less than 20 years old)” and that, in general, the other manifestations of the serious age imbalance had not materially improved. By the time the ANF’s 2008-2016 Monitoring and Evaluation Report² was prepared, it showed declining early structural and increasing mid and late structural – a timber age class distribution far from what was desired for good health.

Structural Stage (Age Class)	Existing Condition FY 2007	Desired Condition Decade 1*	Present Condition FY 2013*	Present Condition FY 2016*
Early Structural (dominant tree layer <5 inches DBH; 0-20 years old)	8 – 10%	8%	3.4%	3.2%
Mid Structural (dominant tree layer 5-20 inches DBH; 21-110 years old)	60%	72%	76.3%	73.6%
Late Structural (dominant tree layer ≥ 20 inches DBH; ≥ 111 years old)	28 – 35%	10%	10.3%	13.2%

(Source: ANF 2007 LRMP and 2008-2016 Monitoring and Evaluation Report)

Unfortunately, conditions on the ANF have not substantially improved since the adoption of the 2007 ANF Forest Plan, nor even since the 2008-2016 Monitoring and Evaluation Report. While the ANF staff has worked to achieve the age class balance needed for forest health, they have been hampered by staff and budget limitations.

Problems with the unhealthy age imbalance include enhanced susceptibility to pests and disease, inadequate ability to stock the forest into the future, and inadequate habitat for wildlife. The 2008-2016 Monitoring and Evaluation Report, pg. 79, states:

*“Late structural vegetation levels will continue to exceed desired Forest Plan levels at higher magnitudes **unless younger structural vegetation is sustained at levels closer to those desired in the Forest Plan.**”*

¹ <https://www.fs.usda.gov/main/alleggheny/landmanagement/planning>

² https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd970759.pdf

*“In the long term, if even-aged and uneven-aged regeneration harvests continue to be lower than the stated objectives, landscape-level desired vegetative **structural stages and age classes will not be sustained at levels sufficient to meet desired Forest Plan ecosystem conditions. In fact, the longer implementation rates are below those listed in Forest Plan objectives, the more skewed age class distribution will become towards late structural classes.**”*

While this skewing toward late structural may support the purpose of your Proposal, it will not support the ANF’s health, sustainability, and role as a timber producing forest.

Recognizing this and other serious health problems, the ANF leadership convened the Allegheny Forest Health Collaborative in 2017, bringing together over 70 organizations to address ANF forest health issues. Over two years, the group identified and reported on top forest health threats and strategies. The 2017 summary report³ begins with the problem of age class imbalance and notes that *“the current age class distribution of the ANF is very unbalanced, and the creation of early structural habitat is occurring far too slow. Current condition of Management Area (MA) 3.0: 71% is 80 years of age or older; other MAs are comparable.”* The summary report characterizes the severity of the problem as *“very significant”* and goes on to note that *“many of the other threats outlined by the collaborative would benefit from a more balanced age class distribution.”* The prescription set out in the Collaborative’s summary is the same prescription noted in the 2007 Forest Plan. Namely, more timber harvests to remove older trees to make way for the much-needed younger forest growth.

It is self-evident that the Proposal is entirely inconsistent with the well-thought-out prescription needed for the good health of the ANF – and likely, other forests in the National Forest System (NFS). Fostering old-growth is exactly the **opposite** of what the ANF requires for health and sustainability. The Proposal would be an unmitigated disaster for the ANF.

The substitution of a “one-size-fits-all” national policy for this purpose is entirely ill fitting for the specific needs of the ANF, which are well studied, documented, and commented upon. Those critical steps are required by federal law and regulations. The Proposal defies those studies, documents and comments, steers a blind course to the ruinous health of the ANF, and would result in an outcome that is entirely contrary to the well-considered prescription for the health of the ANF.

The Proposal arises in violation of the statutes and policies that are carefully followed to arrive at prescriptions for our national forests. Among other things, the one-size-fits-all approach taken in the advancement of the Proposal violates the USDA’s obligations to coordinate with state and local governments, violates the Administrative Procedures Act, violates the NFS Land Management Planning regulations, and violates NEPA. These violations are set out in more detail in the attached comments of the Multiple Use Alliance for this Proposal, which we incorporate in our comment by reference.

Our recommendation is that the USFS cease its preparation of the EIS and correct procedural missteps to comply with the laws and regulations that govern a major, system-wide action.

Specifics Regarding Our Concerns:

- 1) LACK OF SUFFICIENT RESEARCH AND ANALYSIS: The Background section of the Proposal states:

³ <https://usfs-public.app.box.com/s/axemysjxaethukuvi5xmtjdyl94st9a7?>

“Section 2(b)1 of the E.O. required the Department to inventory mature and old-growth forest conditions on National Forest System lands, which the Forest Service completed an initial draft of in April 2023 (Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management, <https://www.fs.usda.gov/sites/default/files/mature-and-old-growth-forests-tech.pdf>).”

It goes on to refer to the **“initial inventory”** and an **“initial threat analysis”** and an **“initial compilation and summation of threats”**. The statement, *“Initial analysis from that ongoing effort indicates several key findings that informed this proposed action”*, is particularly concerning. An **“initial draft”** and **“initial analysis”** gleaned from an **“ongoing effort”** are inadequate support for a system wide amendment to individual forest plans. The broad, long-term impacts of your Proposal requires the completion of inventories, analysis, and an EIS before proposing language be included in all national forest management plans.

- 2) **RESPONSIBILITY TO FURNISH A CONTINUOUS SUPPLY OF TIMBER:** Creation of old-growth forest is not the purpose for which our National Forest System was created. These forests were established to restore those deforested during our nation’s period of greatest growth⁴ and resource demand so that they could be regenerated and provide for our future timber needs, sustainably. The USFS website offers summaries of the two laws under which our national forests were established⁵ (emphasis added):

“Organic Administration Act of 1897

Unlike the national parks, which were created primarily to preserve natural beauty and unique outdoor recreation opportunities, **the founders of early national forests envisioned them as working forests with multiple objectives.** The Organic Administration Act of 1897, under which most national forests were established, states: “No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, **and to furnish a continuous supply of timber for the use and necessities of citizens of the United States...**”

Weeks Law of 1911

Several national forests were created under the Weeks Law of 1911 **to restore forests on formerly private lands that had been heavily logged or cleared for agriculture.** That law authorized the Secretary of Agriculture to “...examine, locate, and purchase such forested, cutover, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams **or for the production of timber.**” Many of today’s Eastern national forests were acquired under the Weeks Law. Their healthy condition today can be directly attributed to past reforestation efforts by the Forest Service and partners such as the Civilian Conservation Corps.”

As stated in the Proposal, the USFS is *“responsible for managing the land and resources of the National Forest System to provide for multiple-use and sustained-yield”*.⁶ A general order

⁴ <https://www.thoughtco.com/us-forest-facts-on-forestland-1343034>, pg. 3.

⁵ <https://www.fs.usda.gov/forestmanagement/aboutus/histperspective.shtml>

⁶ <https://www.federalregister.gov/documents/2023/12/20/2023-27875/land-management-plan-direction-for-old-growth-forest-conditions-across-the-national-forest-system>

amending 128 forest plans to create old-growth from mature, timber producing, multiple-use-supporting forests is contrary to the purposes for which they were established.

The ANF is one of these working forests. The 2007 Allegheny National Forest Land and Resource Management Plan⁷, pg. 8, states:

*“The ANF is managed to sustain or improve forest ecosystem health **and provide sustainable supplies of high quality timber and other forest products to present and future generations.** Sustainable forest management includes a range of reforestation activities designed to help ensure adequate tree seedlings develop where deer herbivory and interfering plants limit their establishment or survival. **Allegheny hardwood stands include black cherry, yellow poplar, white ash, and a wide variety of other species and represent the most economically valuable forest type in the eastern United States.** The exceptional quality of the black cherry and other hardwoods found here makes it highly valued throughout the world for fine furniture and veneers. Millions of board feet of timber are harvested from the ANF annually, **providing jobs** for people involved in making a variety of wood products and furniture. **For many rural communities, forest industries are key to the economy and cultural heritage.**” (emphasis added)*

Pennsylvania’s Agriculture Secretary Russell Redding stated, “Our forests have been a source of economic stability for our commonwealth for more than three centuries. Our responsible leadership and stewardship will ensure it continues to be a vital economic resource for future generations.”⁸

The AFA echoes Secretary Redding’s words. There is no one better informed to manage our national forests than the local natural resource professionals and USFS personnel living and working on each national forest. Practicing centralized silviculture, even with provisions for local land manager “flexibility”, is improper and impractical on landscapes as diverse as our NFS represents. Language like “*development of geographically informed adaptive implementation strategies, in collaboration with the public*”, still **requires** the development of new old-growth, forcing land managers to change their prescriptions to accommodate this, whether it is in the best interest of the forest and communities, or not.

The National Forest Management Act of 1976, the 2012 Planning Rule, and the Multiple Use Sustained-Yield Act of 1960 all direct that individual NFS units develop and periodically update a science-based Land and Resource Management Plan (LRMP) through a local collaborative process⁹ with the public given multiple, ample opportunities to review and comment on these plans as they are being developed.

This process balances the management and use of our public lands with local needs and conditions, ensuring both a healthy ecosystem and healthy communities. The unique components of local ecosystems – not only the environmental portion but also the human

⁷ <https://www.fs.usda.gov/main/allegheny/landmanagement/planning>

⁸ https://www.lancasterfarming.com/farming-news/news/pennsylvanias-forest-industry-reveals-some-surprising-numbers/article_f5123c45-066e-5023-8e59-70cf9fab28fa.html

⁹ Omnibus Public Land Management Act of 2009, Pub. L. No. 111-11, tit. IV, sec. 4001, 4003(b)(2), 4003(b)(6), 4003(d)(2)(C), 123 Stat. 991, 1141–45 (2009) (codified at 16 U.S.C. §§ 7301, 7303).

(including educating students, maintaining roads, sustaining jobs and businesses, and the like) – would be undermined by the Proposal. While it says there will be “*collaboration with the public*”, there is no allowance for public voice as to **whether or how much** old-growth might be created on each forest, only how more **will be** created.

The Multiple Use Sustained Yield Act of 1960 stated appropriate uses were to include timber, wildlife, range, water, and outdoor recreation, with Wilderness later added to the list. The protection of old-growth forests is properly legislated for by Congress through the Wilderness Act of 1964¹⁰ where appropriate (as determined by forest supervisors). This and other Management Area (MA) designations, such as Wilderness Study Areas, Late Structural Habitat, Wildlife Management Areas, Developed Recreation Areas, Remote Recreation Areas, Wild and Scenic River Corridors, National Recreation Areas, Scenic Areas, Historic Areas, and Research Natural Areas each have limitations on vegetation management, including prohibiting timber harvest and limiting tree removal to the purposes of public safety, habitat improvement, and scenic maintenance. On the ANF, there are 443,117 acres of forest lands, of which 167,576 (over 37%) are in the MAs listed above and have been withdrawn from timber production or are not capable or suitable for timber production (ANF 2007 LRMP¹¹, pg. 33-34).

Further, the proposed language for all 128 national forest management plans states, “*Exceptions to this standard may be allowed if the responsible official determines that actions are necessary*”. This takes management of individual forests out of the hands of the local Forest Supervisors who are responsible for all other aspects of developing the best plan for their forests – not to mention the public who are actively engaged in this planning process – and places it in the hands of the Secretary of Agriculture, who is not familiar with local conditions and needs.

It appears that the USFS is attempting to move our National Forest System to a centralized management framework rather than the existing structure that puts management in the hands of those working on the land being managed. This scenario would remove the wealth of knowledge contributed by local residents, professionals, forest user groups, state natural resource agencies, and others who participate in forest health collaboratives, resource advisory committees, and management plan and project planning and places it in the hands of one person disconnected with the land itself. **We object in strongest possible terms to the top-down approach of this Proposal.**

If these lands are not actively and sustainably managed for timber production (as required by the Multiple Use Sustained Yield Act of 1960⁷ and using the proven science of Sustainable Forest Management), it negatively affects forest health. Aside from our many forest health and ecosystem concerns are the effects that a further decrease in active management will have on local economies and timber products that our country needs.

¹⁰ <https://catalog.archives.gov/id/598375>

¹¹ <https://www.fs.usda.gov/main/allegheny/landmanagement/planning>

The Cornell Law School website provides definitions for “multiple use” and “sustained yield”¹² as used in 16 U.S. Code §528-531 as follows (emphasis added):

“As used in sections [528](#) to [531](#) of this title the following terms shall have the following meanings:

*(a) “Multiple use” means: The management of all the various renewable surface resources of the national forests **so that they are utilized in the combination that will best meet the needs of the American people**; making the most judicious use of the land for some or all of these resources or related services over [areas](#) large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and **harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land**, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.*

*(b) “[Sustained yield of the several products and services](#)” means 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.***

([Pub. L. 86-517, § 4, June 12, 1960, 74 Stat. 215.](#))”

The Proposal is in violation of this Code by ignoring the “needs of the American people” and the “achievement and maintenance in perpetuity of a high-level annual or regular periodic output”. **The Proposal should be withdrawn.**

- 3) ECONOMIC VITALITY REQUIREMENT: Under the USDA’s 2012 Forest Service Planning Rule Revision¹³, which “includes stronger protections for forests, water, and wildlife **while supporting the economic vitality of rural communities**”¹⁴, a framework was created for future land management plans:

*“Land management **plans under the new rule will include** plan components to:*

- *Restore and maintain forests and grasslands.*
- *Provide habitat for plant and animal diversity and species conservation. The requirements are intended to keep common native species common, contribute to the recovery of threatened and endangered species, conserve proposed and candidate species, and protect species of conservation concern.*
- *Maintain or restore watersheds, water resources, water quality including clean drinking water, and the ecological integrity of riparian areas.*
- ***Provide for multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish.***

¹² <https://www.law.cornell.edu/uscode/text/16/531>

¹³ <https://www.fs.usda.gov/planningrule>

¹⁴ <https://www.fs.usda.gov/restoration/planningrule.shtml>

- *Provide opportunities for sustainable recreation and recognize opportunities to connect people with nature.”*

The Proposal would violate the 2012 Planning Rule by ignoring the requirement that the economic vitality of rural communities be supported. Creation of old-growth forests would reduce recreation access/opportunities (tourism) and timber production – both of which would affect the economic vitality of rural, economically challenged national forest host communities.

Individual forest units prepare their management plans based on the specific needs, ecosystems, and capacity of the forests they manage, as well as the needs of the communities that host them. A system wide directive to create new old-growth forests on all NFS units is impractical, dangerous to the health of those forests, the forests’ ability to provide timber and other services, and disenfranchises the communities that host them.

- 4) **INADEQUATE STAKEHOLDER NOTICE AND TIME TO COMMENT:** The public awareness of this proposal afforded by publishing in the Federal Register is inadequate; most Americans don’t even know the Federal Register exists and that they can comment on actions proposed by agencies. Our government agencies, to be transparent as directed by President Obama in a 2009 memorandum¹⁵ regarding the Freedom of Information Act, must make a greater effort to **“increase and improve information dissemination to the public”**.

Likewise, the 2012 Forest Service Planning Rule Revision (ibid) states:

“Plans under the new rule will be developed using:

- ***Public involvement and collaboration throughout all stages of the planning process. The final rule provides opportunities for Tribal consultation and coordination with state and local governments and other federal agencies, and includes requirements for outreach to traditionally underrepresented communities.”***

Several additional laws and Rules require inclusion and collaboration with the public, other agencies, states, and local governments. We will not list these in our comment since Section II (pgs. 3-8) of the Multiple Use Alliance’s comment regarding this Proposal (see Attachment A) addresses each one in detail.

We will, however, address the fact that the right of these communities (relevant stakeholders) to take part in the public comment opportunity is being circumvented due to lack of notification and an inadequate amount of time to become informed and comment on this Proposal. Inadequate effort was made by the agency to ensure that the relevant stakeholders (residents, forest users, organizations, local and state governments) were notified.

It would have been quite simple for the Forest Service to send a press release to each national forest for distribution to media and email contacts within their respective regions, as well as post notices on their social media accounts. The ANF does a good job of notifying the public

¹⁵ <https://www.federalregister.gov/documents/2009/01/26/E9-1777/transparency-and-open-government>

about opportunities to participate in Forest Plan revisions and proposed projects via press releases to area newspapers, an email list, and social media.

If this were a local LRMP update or revision, there would have been local publicity of the Proposal and opportunity to comment. This Proposal denied individual national forest stakeholders sufficient notice and opportunity to comment. **Therefore, we believe it is reasonable and appropriate to request that you withdraw the Proposal**, ensure the appropriate authorities and procedures are being used, and re-open an extended comment period utilizing the public notification process we have outlined above.

- 5) **ECONOMIC CONCERNS**: As you know, when national forest management produces timber sales, the schools and municipalities hosting the forest recoup some of the tax revenues lost due to government ownership of the land. Because many of these counties have significant portions of their land mass occupied by their national forests, they struggle with a severely limited tax base and rely on these payments to provide services. If those timber sale revenues were reduced or lost entirely, these schools and municipalities would have to reduce/eliminate services and drastically increase the tax burden on private property owners, pushing their residents further into poverty.

The creation of more old-growth forest, taking it out of timber production, would further reduce this revenue stream for our schools and communities, as well as:

- a) restrict the outdoor recreation opportunities that support tourism on the ANF, which is one of the main economic drivers of our region¹⁶,
- b) affect recreational property ownership (cottages/vacation homes), which helps to support our local small businesses and tax base,
- c) further impact the timber, lumber, wood products, and related industries (*ibid*) and the availability of the products and services they provide, and
- d) decrease timber sale and recreation permit revenues for the ANF that support land management,
- e) reduce local, state, and federal tax revenues,
- f) threaten thousands of jobs (*ibid*) at local businesses and the USDA-FS, and
- g) reduce ANF recreation and special use fee receipts.

The communities and school districts of the four counties hosting the ANF suffered severe financial challenges beginning in the late 1990s as a result of anti-logging activist lawsuits interrupting timber harvest on the Forest. The reduction in the shared timber harvest revenues had a significant impact on their budgets with three results: 1) added tax burden on local residents, 2) cuts in school and municipal services, and 3) the establishment of the AFA to support the ANF in this litigation and restore active management for the forest and revenues for communities.

¹⁶ <https://headwaterseconomics.org/apps/economic-profile-system/42053+42047+42123+42083>, socioeconomic profile for Elk, Forest, McKean and Warren counties (ANF), see Land Management Reports, U.S. Forest Service.

The financial challenges have continued for our school districts and municipalities (and our national forests) with a continued lag in NFS timber harvest rates¹⁷, increasingly burdensome stewardship requirements in USFS timber sale contracts, and declining timber values. Here on the ANF, schools and municipalities have seen a drastic decline in their timber receipt payments from a 1996 high of \$6,167,974 down to \$3,409,616 in 2019 – a 45% decline¹⁸. The FY2022 payment was even lower, at \$2,827,088 and represents a 54% decline for the period.

Our national forest host communities simply cannot afford the loss of more timber producing land to create old-growth forests. **The Proposal will destroy the health of our national forests and their communities, and the No Action option should be applied.**

- 6) **CONFLICTS WITH PRIVATELY OWNED OGM RIGHTS:** When the ANF was established in 1923, the government only purchased (in most cases) the surface rights. Today, 93% of the OGM rights are still privately owned, meaning this forest could not support new areas of old-growth. Oil and gas development has been a major industry in this region since 1859 when the first commercial oil well¹⁹ was drilled in Titusville, PA, near the ANF's western border. This is an example of why the Proposal is impractical and premature; it does not consider unique characteristics and conditions on the 128 national forests. **The No Action option should be applied.**
- 7) **CONFLICTS WITH AGENCY RESEARCH:** The Proposal contradicts your agency's own research and is, in fact, a research project on a massive scale – the consequences of which will have equally massive long-term effects on our nation's forests. Some examples:
 - a) The following paragraph, from your agency's report, "Future of America's Forests and Rangelands: Forest Service 2020 Resources Planning Act Assessment, Chapter 6: Forest Resources²⁰", causes us, as national forest host communities, residents, and resource management professionals great concern, and proves some of our points:

*"The ability of forests to provide the goods and services that society depends upon will be challenged over the next 50 years. (...) In general, the forests of the United States are projected to decrease in area but increase in volume across RPA scenario climate futures. Projections suggest the **increase in volume will be driven by forest maturation outpacing the effects of disturbance and harvest pressure.** Despite projected increases in forest volume, growth rates are projected to slow. The **projected decrease in younger forests suggests much of the forested landscape will shift to an older age cohort** where forest ecosystem C growth (stock change) will be less than current (2020) estimates. **The disparity between actively growing younger forest and slower growing older forest is projected to impact the range of services forests provide, in some cases positively and in other cases negatively.**" (emphasis added)*

¹⁷ <https://storymaps.arcgis.com/collections/87744e6b06c74e82916b9b11da218d28?item=8>, see dual graphs in "Background" section.

¹⁸ <https://headwaterseconomics.org/apps/economic-profile-system/42053+42047+42123+42083>, socioeconomic profile for Elk, Forest, McKean and Warren counties (ANF), see Land Management Reports, Federal Land Payments.

¹⁹ <https://www.drakewell.org/>

²⁰ https://www.fs.usda.gov/research/publications/gtr/gtr_wo102/gtr_wo102_Chap6.pdf

- i) This assessment indicates that late structural forest will continue to **increase the age class imbalance** on the ANF (and other forests). Combined with your projected decrease in younger forests (supported by the ANF 2007 Forest Plan and 2008-2016 ANF Monitoring Report), this tells us that we must harvest mature timber and regenerate our forests rather than create more old-growth if we are to have any hope of sustaining our forests and meeting future needs for forest products.
- ii) If the projected decrease in younger forests suggests much of the forested landscape will shift to an older age cohort, we see no need to take a broad brush to NFS management plans to require the creation of more old-growth forest. In fact, it indicates a need to create more young forests. The USFS' Climate Change Resource Center²¹ website includes at least four approaches to maintain and enhance species and structural diversity, including **restoring, promoting, and preserving age class diversity**.
- iii) The projected disparity between actively growing younger forests and slower growing older forests impacting the range of services forests provide is an obvious indication that we need to harvest the mature timber and regenerate more young forest if we are to meet our future needs. The Proposal will further imbalance our forest health, hinder our forests' ability to deliver the needed timber and other services, and redirect land managers' time away from applying the prescriptions of their individual forest plans.

b) Page 3, paragraph 3 of the Proposal states:

*"The initial analysis found that mortality from wildfires is currently the leading threat to mature and old-growth forest conditions, followed by insects and disease. **The analysis found that tree cutting is now a relatively minor threat compared to climate amplified disturbances such as wildfire, insects and disease.**" (emphasis added)*

We find it interesting that invasive plants were not mentioned even once in this Proposal. This is confusing given that the USFS created a National Strategic Framework for Invasive Species Management, and the website²² states:

*"The goal of the Forest Service invasive species program is to **reduce, minimize, or eliminate the potential for introduction, establishment, spread, and impact of invasive species across all landscapes and ownerships.**"*

*"**Invasive species have been characterized as a "catastrophic wildfire in slow motion."**"*

*"**It is critical to pro-actively manage all areas of the National Forest System to increase the ability of those areas to be self-sustaining and resistant (resilience) to the establishment of invasive species. In some cases, implementing restoration,***

²¹ <https://www.fs.usda.gov/ccrc/taxonomy/term/5273>

²² <https://www.fs.usda.gov/restoration/invasivespecies.shtml>

rehabilitation, and/or re-vegetation activities following invasive species treatments helps to prevent or reduce the likelihood of the reoccurrence or spread of aquatic or terrestrial invasive species.”

The fact that invasive plants were mentioned even once in the Proposal is extremely concerning. Invasive plants, pests, animals, and diseases are all severely impacting our forests, waterways, and farmlands at an alarming rate and are an example of the conditions and issues that increases in old-growth forest could compound.

ANF staff estimate that the entire forest is impacted by invasive species²³, including 20% currently impacted by **at least 75 documented invasive plant species** (not including insects and diseases). This is increasing faster than infestations can be treated, and more are arriving nearly every year. Specifically, Glossy Buckthorn²⁴ has taken over approximately 50,000 acres of ANF and adjacent state and private lands. This is considered “ground-zero” for the species in the region and must be treated immediately or the ANF and all state and private lands within and adjacent to the forest’s boundaries will soon be completely taken over by this aggressive invasive species. There are also several other plant species having serious impacts on the ANF and this region, including threatening native plants, trees, wildlife, and waterways.

The prevalence of insects and disease on the ANF would make the conversion and maintenance of future old-growth cost prohibitive, if even possible. We commend the ANF staff who do their best to treat infestations but are hampered by limited manpower and funding. Frankly, the Proposal would take resources away from the agency’s (and its partners’) critical responsibility²⁵ to treat invasives. The USDA-FS should focus its attention on this threat and restoring the health of our nation’s forests.

The effects of creating more old-growth forests in relation to the spread of invasive species currently on and/or anticipated to arrive on each individual NFS unit must be considered, as well as **the cost to create new old-growth forests** and **the economic cost to host communities and local, state, and national economies**.

The Proposal is premature until these issues have been thoroughly researched. **The No Action option should be applied.**

- 8) **SPECIES DIVERSITY:** The creation of old-growth forest from younger forest would counter decades of efforts by individual NFS units to provide a balance of age classes to support diversity in trees, plants, and wildlife, including native species that are at risk²⁶. “Sustaining young forest

²³ <https://www.fs.usda.gov/detail/allegheny/learning/nature-science/?cid=FSEPRD535835>, species that impact the Allegheny National Forest.

²⁴ <https://plants.usda.gov/home/plantProfile?symbol=FRAL4>

²⁵ <https://crsreports.congress.gov/product/pdf/R/R43258>

²⁶ Greenberg, Cathryn H.; Collins, Beverly S.; Thompson, Frank R., III; McNab, William H. 2011. Introduction: what are early successional habitats, why are they important, and how can they be sustained. Chapter 1. In: Greenberg, Cathryn H.; Collins, Beverly S.; Thompson, Frank R., III, eds. Sustaining young forest communities; ecology and

communities; ecology and management of early successional habitats in the Central Hardwood region, USA” states:

*“There is a rising concern among natural resource scientists and managers about decline of the many plant and animal species associated with early successional habitats. There is no concise definition of early successional habitats. However, all have a well developed ground cover or shrub and young tree component, lack a closed, mature tree canopy, and are created or maintained by intense or recurring disturbances. Most ecologists and environmentalists agree that disturbances and early successional habitats are important to maintain the diverse flora and fauna native to deciduous eastern forests. Indeed, **many species, including several listed as endangered, threatened, sensitive, or of management concern, require the openness and thick cover that early successional habitats can provide.**”*

Two examples relevant to us here in Pennsylvania are the Ruffed Grouse (our State Bird) and the Whitetail Deer. Both species require younger, open woodland habitats with more sunlight for forage and cover. These are also species whose populations are controlled with hunting, which is required to maintain healthy population levels per acre on the limited quantity of younger forests available to them. Hunting is a significant element of tourism in our region, also providing permit revenues for the Pennsylvania Game Commission’s conservation work.

This is an issue that will vary significantly across the nation and must be studied for each NFS unit in preparation of your EIS.

- 9) **INAPPROPRIATELY BURDEN COMMUNITIES:** Since President Biden has directed federal agencies (“Modernizing Regulatory Review” memorandum²⁷ of January 20, 2021) to approve regulations with benefits that are “difficult or impossible to quantify”, we would argue that **burdens that are difficult or impossible to quantify must also be considered.** The Proposal would impose just such a burden on national forest host communities (and the American citizenry at large) who are mentally and emotionally affected by the realization that their government has taken an action (without making a meaningful effort to notify them of the opportunity to comment) that changes how their public lands are managed, is based on contentious (unsettled) science, will affect how they may use those lands, and will destroy their livelihoods and, potentially, their lives.

Also from the Modernizing Regulatory Review memorandum, Sec. 2, Implementation:

*“(a) I therefore direct the Director of OMB, in consultation with representatives of executive departments and agencies (agencies), as appropriate and as soon as practicable, to begin a process with the goal of producing a set of recommendations for improving and modernizing regulatory review. These recommendations should provide concrete suggestions on **how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.** The recommendations should also include proposals that would*

management of early successional habitats in the Central Hardwood region, USA. New York, NY: Springer Dordrecht : 1-10. <https://www.fs.usda.gov/research/treearch/41603#>

²⁷ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/modernizing-regulatory-review/>

ensure that regulatory review serves as a tool to affirmatively promote regulations that advance these values. **These recommendations should be informed by public engagement with relevant stakeholders.**

(b) In particular, the recommendations should:

(ii) propose procedures that **take into account the distributional consequences of regulations**, including as part of any quantitative or qualitative analysis of the costs and benefits of regulations, **to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities;**²⁸

The Proposal fails to take into account distributional consequences and would inequitably and inappropriately burden the disadvantaged²⁸, vulnerable, and marginalized rural communities that host National Forest System lands (including future generations), denying them economic growth and damaging their dignity.

To put it bluntly, there is an increasing “unquantifiable burden” on American citizens who are feeling betrayed and disenfranchised by how their government is ignoring their needs and hiding actions from them in service to a political agenda, special interest groups, and unelected elites. **The Proposal continues this pattern, so, we must object and urge that the No Action option be applied.**

The AFA represents 34 townships and 7 school districts that are the intended beneficiaries of the goals set out under the Weeks Act²⁹ (the statute under which the ANF was formed). On behalf of these school districts and municipalities, as well as the businesses and private landowners the AFA represents, **we oppose the USFS’ proposal to prescribe silviculture on a national scale.** It neither respects nor serves the unique qualities of the individual forests and their local communities, and the negative impacts the Proposal will have on the forest and human ecosystems is too great. The statutes and regulations cited above and in the attachment are used, in part, to protect the interests of NFS host communities and the Proposal demonstrates a callous disregard for these groups.

On behalf of our members, the **AFA strongly urges that the agency apply the No Action option** to avoid the destruction of our national forests, ecosystems, species diversity, communities, and economy.

Respectfully,



Julia McCray
Executive Director

²⁸ file:///C:/Users/jmkel/Downloads/populations-at-risk (1).pdf, Headwaters Economics “Populations at Risk” report for Elk, Forest, McKean, and Warren counties in Pennsylvania hosting the Allegheny National Forest.

²⁹ <https://uscode.house.gov/statviewer.htm?volume=36&page=961>

ATTACHMENT A

**COMMENTS ON THE U.S. DEPARTMENT OF AGRICULTURE'S PROPOSED LAND
MANAGEMENT PLAN DIRECTION FOR OLD-GROWTH FOREST CONDITIONS ACROSS THE
NATIONAL FOREST SYSTEM**

Submitted by the Multiple Use Alliance

February 2, 2024