

United States Senate

WASHINGTON, DC 20510

June 13, 2022

The Honorable Thomas J. Vilsack
Secretary, U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington D.C., 20250

Dear Secretary Vilsack,

On April 22, 2022 President Biden issued an Executive Order entitled “Strengthening the Nation’s Forests, Communities, and Local Economies.” While the rhetoric of the Executive Order focused on climate change, resilient forests and ecosystems, the order directs federal agencies to create an “old-growth” and “mature” tree stand inventory on Federal lands and develop subsequent protective regulations, despite the absence of a legal definition or, for that matter, a universal definition for these terms and an abundance of existing protective regulations for “old-growth.”

As you know, the National Forest System encompasses 193 million acres—from humid, subtropical pine flatwoods in Florida to temperate rainforests in Washington to fire adapted pine forests in the Rockies to short-lived aspen stands in the mountain west and Lake States. We are concerned that any national or even regional definition of “old-growth” or “mature” trees, cannot possibly encompass this broad array of forest types in a meaningful way. By failing to acknowledge the role and need of increased management prescriptions, the order also fails to recognize the complexities of forest ecosystems, carbon cycles, and the carbon stored in forests and wood products. Furthermore, the Executive Order will divert limited time, staff, and away from aggressively utilizing the numerous management tools Congress has provided the Forest Service in recent years and implementing Department’s stated goal of “dramatically increasing fuels and forest health treatments” to instead create redundant analysis and more bureaucracy that is bound to tie the hands of land managers down the road.

We are concerned about the impact of the Executive Order will have on the Forest Service’s ability to focus on address the wildfire crisis and improve management of the land. In an attempt to understand the public safety, economic, and ecosystem implications of this Executive Order, we respectfully request answers to the attached questions within 60 days.

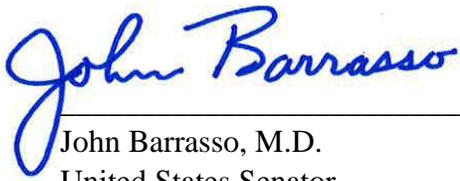
Sincerely,

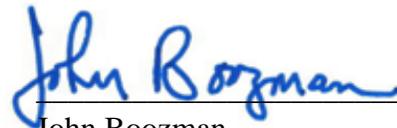


Steve Daines
United States Senator



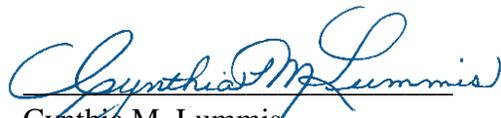
John Thune
United States Senator


John Barrasso, M.D.
United States Senator


John Boozman
United States Senator


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United States Senator


Mike Crapo
United States Senator


Cynthia M. Lummis
United States Senator


Roger Marshall, M.D.
United States Senator


M. Michael Rounds
United States Senator

Questions to the U.S. Department of Agriculture, Forest Service:

- What is the estimated amount of staff, staff days, and associated cost required to create an inventory of “old-growth” and “mature” forests on Federal Lands and which mission areas and budget accounts will be charged with executing this initiative?
- On January 18, 2022 you launched the “10 Year Strategy to Confront the Wildfire Crisis” which called to increase fuel and forest health treatments by “up to four times current treatment levels in the West.” How will spending one year creating a definition and inventory of “old-growth” and “mature” forests and cataloging risks assist in achieving this goal?
- The 2012 Planning rule required every National Forest plan “provide for key characteristics associated with terrestrial and aquatic ecosystem types” including old growth. The Obama-era rule sought to address old growth protections in this way because “these issues are best identified and determined at the forest level.” Is this no longer the position of the federal government?
- In addition to being incorporated at the plan-level, the Forest Service has developed regional plans to conserve old growth forests including the Sierra Nevada Plan Amendment, Northwest Forest Plan, and old growth limitations in the Rockies. How did the Administration arrive at the conclusion that the multiple, existing, locally driven protections were insufficient? Please provide examples of issues that arose that now justify a national top-down approach.
- Please provide a timeline for when USDA and DOI intend to initiate public comment and environmental review broken down by each phase of this initiative (i.e. establishing a definition, cataloging and ranking threats, developing an inventory, and determining further protections).
- Do you anticipate the same definitions for “old growth” and “mature” trees or the same protective measures that follow the creation of an inventory will be universally applied to all National Forests?
- The Executive Order lists catastrophic wildfire, insect infestation, and disease as the primary threats to forests. These threats are often the direct result of “hands off” management, including reduced thinning and fuels treatments. Accordingly and also in line with the Administration’s 10 Year Strategy, can we expect the inventory, directions, and regulations that follow this Executive Order to include policies to expedite and increase forest treatment projects?
- The National Forest Management Act requires that “stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth,” or maturity, prior to harvest. Please explain how the creation of a national inventory of “mature” stands and protective regulations is consistent with the direction established by Congress in the National Forest Management Act and other binding Federal laws.
- The last nationwide initiative that sought to inventory and then protect certain forest landscapes was the Roadless Rule in 2001. How many acres of Inventoried Roadless Areas are in each condition class and how many acres are affected by insect and disease? Since 2001, what is the mortality rate of IRAs, how many acres have been mechanically treated, and how many acres have burned in wildfire?
- At three different places the Executive Order mentions the importance of a sustainable forest products sector to protect ecosystem services and sustain rural economies. Over the

past several years, western public land states have seen dozens of mill closures with even more anticipated over the course of the next one to two years due to reductions in timber supplies from federal lands. What impact does the further loss of milling and forest contractor infrastructure have on climate change and ecosystem services do you anticipate will result from further mill closures? How will the creation of an inventory of “old growth” and “mature” trees and further protective restrictions help restore our sustainable forest product sector when investors have no certainty there will be a reliable and consistent supply of timber from federal lands?

- The Executive Order calls to advance climate-smart forestry. In their Sixth Assessment Report, the Intergovernmental Panel on Climate Change cautioned that any increase in carbon storage resulting from reduced timber harvest will be offset by emissions resulting from increased imports, often from countries that do not share our modern forest practices. Additionally, deferred management heightens the risk of wildfire emissions. Accordingly, at any point will federal agencies reduce or delay already modest harvest levels on federal lands as a result of this Executive Order?
- The Executive Order charges federal agencies to meet reforestation targets by 2030. The Forest Service has testified that there are 4 million acres in need of reforestation. For context, there are 80 million acres in need of restoration treatment, 75.3 million acres designated as Insect and Disease Areas, 63 million acres at high risk of wildfire, and 48% of watersheds are function at-risk or impaired in the National Forest System alone. If the goal is overall forest health, why haven't federal agencies been charged to meet treatment targets for these four areas?