



**File Code:** 2400; 1950  
**Route To:**

**Date:** April 18, 2023

**Subject:** Mature Old Growth Guidance: Infrastructure and Investment Jobs Act and Executive Order 14072

**To:** Regional Foresters

As the Agency moves forward with implementing our 10-year fuels strategy as outlined in [\*Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests\*](#), this letter serves as a reminder of overriding direction set out by the Infrastructure Investment and Jobs Act (IIJA) for projects funded by through *Section 40803 – Wildfire Risk Reduction*. While this guidance applies primarily to the high-risk landscapes funded by IIJA, its application serves our broader approach in implementing the strategy. The legislative language is:

**Section 40803(G) Priorities.** -- In carrying out projects using amounts made available under this section, the Secretary of the Interior or the Secretary of Agriculture, acting through the Chief of the Forest Service, as applicable, shall prioritize funding for projects--

- (1) for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed on the date of enactment of this Act;
- (2) that reduce the likelihood of experiencing uncharacteristically severe effects from a potential wildfire by focusing on areas strategically important for reducing the risks associated with wildfires;
- (3) that maximize the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands;
- (4) that do not include the establishment of permanent roads;
- (5) for which funding would be committed to decommission all temporary roads constructed to carry out the project; and,
- (6) That fully maintain or contribute toward the restoration of the structure and composition of old growth stands consistent with the characteristics of that forest type, taking into account the contribution of the old growth stand to landscape fire adaption and watershed health, unless the old growth stand is part of a science-based ecological restoration project authorized by the Secretary concerned that meets applicable protection and old growth enhancement objectives, as determined by the Secretary concerned.

The IIJA prioritizes funding projects that maintain or contribute toward restoration of the structure and composition of old growth stands consistent with the characteristics of that forest



type. We are required to consider the contribution of the old-growth stand to landscape fire adaption and watershed health, unless the old growth stand is part of a science-based ecological restoration project that meets applicable protection and old-growth enhancement objectives.

This direction is reinforced by Executive Order (E.O.) 14072, [Strengthening the Nation's Forests, Communities, and Local Economies](#), which states the policy of the Administration is “to pursue science-based, sustainable forest and land management; conserve America’s mature and old-growth forests on Federal lands ... and deploy climate-smart forestry practices and other nature-based solutions to improve the resilience of our lands, waters, wildlife, and communities in the face of increasing disturbances and chronic stress arising from climate impacts.” E.O. 14072 recognizes that “the primary threats to forests, including mature and old-growth forests, include climate impacts, catastrophic wildfires, insect infestation, and disease.” E.O. 14072 also states that “...we will seek opportunities, consistent with the IIIA, to conserve our mature and old-growth forests on Federal lands and restore the health and vibrancy of our Nation's forests by reducing the threat of catastrophic wildfires through ecological treatments that create resilient forest conditions using active, science-based forest management and prescribed fires; by incorporating indigenous traditional ecological knowledge; and by scaling up and optimizing climate-smart reforestation.”

In response to E.O. 14072, we recently completed the mature and old-growth (MOG) inventory that is built on the existing old-growth definitions developed by each region over the past 30 years. The inventory methods categorize MOG using approximately 200 combinations of forest type, productivity level and biophysical setting. We will shortly issue guidance on using this information. Specific Forest Plan content should guide operations to maintain or contribute toward the restoration of the structure and composition of classified old-growth stands.

If you have questions or need assistance on how to apply the guidance, please contact me at [christopher.french@usda.gov](mailto:christopher.french@usda.gov).

A handwritten signature in black ink, reading "Chris French". The signature is fluid and cursive, with the first name "Chris" and last name "French" clearly legible.

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