

May 12, 2021

Joby P. Timm  
Forest Supervisor  
George Washington and Jefferson National Forests  
5162 Valleypointe Parkway  
Roanoke, VA. 24019-3050

Re: Objection-Pedlar River North Vegetation Project

Dear Supervisor Timm,

The following objection is to the NEPA analysis in the Final Environmental Assessment, Pedlar River North Vegetation Project, Pedlar Ranger District, George Washington and Jefferson National Forests, Amherst County, Virginia, April 2021.

#### Issues

The issues to which the objection applies is the failure to give due consideration to the no action alternative in the Final Environmental Assessment (FEA), the failure to use the best available science in the no action alternative analysis, the failure to have sufficient information in the Draft Environmental Assessment (DEA) for informed public comment and the failure to include the no action alternative in cumulative effects analysis. These are both factual and procedural issues. The agency failed to address this a “project issue” and, as such, these issues were omitted from consideration in the Final Environmental Assessment.

The background to these issues lies within comments and discussions with numerous individuals and commentators who have direct experience with the project area and have concerns that remain unaddressed. Specifically, they have seen the damage that management projects have had in the past on the health of the forest and the Pedlar River watershed and have noted that the overall health is improved over time as the area is left alone since the time that past management actions have been implemented. Natural systems begin to repair themselves and begin the process of being restored to fully-functioning forests, dominated by processes of natural succession and natural disturbances. They see the differences and are educated and know the differences. The increases in benefits from ecosystem services continue to increase. It is a slow, natural process that takes time to manifest but it is both real and significant. Yet, project analysis does not consider or address this fact. It is as if the only processes that are given consideration are those that are the human management activities and natural processes are unconsidered and, therefore, undocumented. It is as if the agency and the public are speaking totally different, undecipherable languages. Therefore, there cannot be a common understanding or resolution of issues.

This mirrors my own personal experience. I have tracked projects in the GWNF for 35 years and participated in the 1991 and 2014 planning processes. I have filed numerous comments on

numerous projects. I have filed appeals and objections and have been able to find resolution on some issues. But not here.

Yet Congress has put into place a process whereby these issues can be openly and clearly confronted and that is in consideration of the no action alternative under the National Environmental Policy Act (NEPA). This currently the only arena under which both the public and the agency can come together to openly discuss, confront, consider options and resolve environmental issues of “manage or leave alone” that are within the scope of a project.

In the past projects had tended to be more specific, smaller in scale, implemented at one fairly particular time. Analysis was simpler but considerations of the no action alternative were considered less relevant since changes between the time that a project was approved and the time that the project was implemented was very short. Projects that were unable to be implemented in a timely manner were dropped. Many were reinitiated and, because the information and analysis were basically “sitting on the shelf”, the process was simpler and less time consuming.

Times have changed and many of the same issues from the public remain the same. However, now that projects are of much larger scale, and over a much longer timeline, given a decade or more to be fully implemented, there is enough time between project approval and implementation to have real changes occur on the ground within the project area. A project like this one may actually be implemented under a new and different forest plan. The combination of the current state at the time of project scoping and the changes that can be projected to transpire over that 10-year period, create the opportunity and the necessity of including that analysis in the project analysis. It recognizes that changes do and will occur in the project area naturally over time, due to the absence of management.

Now projecting 10 years into the future, considering the no action alternative are clearly within the scope of the project. The consideration of changes from natural succession, natural processes and natural disturbances have always been within the scope of project level analysis, though rarely, if ever, have they been considered.

The other changing variable is consideration of climate changes. Climate is changing quickly, and projecting changes within the project timeline are now possible. Climate changes are now clearly part of the no action scenario within the scope of large scale, long time-frame projects. The Pedlar River North Vegetation Project is a perfect example of this. The combination of changing climate and vegetation management can have devastating effects on an ecosystem. That is the role of impact analysis. However, significant impacts now happen within the timeline of a project.

Impacts, moreover, are not limited to negative impacts. Positive impacts are just as important and project analysis is rife with examples of the benefits of certain management strategies and their implementation. The heart of this objection is the fact that **neither in the base analysis nor in the cumulative effects analysis are the impacts of the no action alternative sufficiently**

**considered, analyzed or evaluated in the Final EA for the Pedlar River North Vegetation project.**

- The FEA notes on page 21 that “The no action alternative recognizes that ecosystems change in the absence of active management.” Yet the FEA fails to document or analyze what it purports to “recognize”. That is, how the project area ecosystems would change, which are, in fact, the impacts of the no action alternative.
- The FEA also notes on page 21 that “Alternatives were considered but not proposed for detailed study because they did not contribute to the purpose and need of the action, were inconsistent with Plan management direction, or were not feasible due to existing conditions in the project area.” The fact that the no action alternative was not studied in detail, delegates the no action alternative to the same fate as those alternatives. It was not subject to detailed study, a clear violation of NEPA.
- The FEA on pg. 36 fails to give a clear and thorough analysis of the effects of the no action alternative. It reaches a conclusion that the no action alternative does not fulfill forest plan objectives. It mentions “long-term” but only in terms of “decline and mortality” as if it is a bad thing and then fails to explain how this will change the ecosystem in ways that benefit the forest in the real “long term.” Passing references to less than a handful of species is hardly sufficient analysis. The entire passage is stated conclusion, with no supporting analysis.
- The FEA on pg. 42 assumes that the no action alternative is a state “without the influence of....wildfire or other natural disturbances.” This is an assumption that has no basis in reality, and is inconsistent with both natural forest dynamics and a FEA which stated earlier that ecosystem changes are “recognized.”
- The FEA notes on pg. 64 that “A “No Action” alternative was not specifically analyzed under the assumption that no action would maintain the status quo of aquatic organism status and trends. Under this alternative, watershed and streamside vegetation and soil would remain unchanged. There would be no impact to the aquatic ecosystem due to vegetative management.” How can this conclusion be reached if no analysis has been done?
- The FEA concludes on pg. 68 that “under Alternative 2, there are no management activities and therefore, there would be no potential impacts to the threatened, endangered, sensitive species or locally rare species in this area. There is no analysis given to support this conclusion.
- The FEA on page 74 states that “A “No Action” alternative was not specifically analyzed under the assumption that no action would maintain the status quo of water quality/quantity trends.” There is no analysis and no information to support such a conclusion.
- The references listed in the EA are totally devoid of references that address the no action alternative. In my comments on the draft EA, I included numerous articles from peer reviewed scientific journals that represent just a sliver of the most recent science relevant to the no action alternative. These are directly incorporated here by reference. None of these were referenced in the FEA, evidence that they were not considered in the FEA analysis.

The project would be improved immeasurably if the no action alternative was honestly and sufficiently considered, analyzed and evaluated. Not only would there be room to bring

together the public and the agency with a common language, but the project itself would be improved on the ground. It would go far to establish confidence in an agency which appears to ignore significant issues raised by the public. Management activities would be focused in areas where management activities benefit the forest, the environment and the public both in the short and in the long term. "Because we can" would be replaced with "because we should," as tantamount which would result a huge improvement in this project.

The North Pedlar River Vegetation Project should be postponed until such time as either a larger scale EIS is performed or a revised EA which includes due consideration of the no action alternative.

My prior specific written comments attest to this. I wish to incorporate all of those comments, references and attachments contained in my prior DEA comments herein.

The Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508) for implementing the National Environmental Policy Act of 1969 (NEPA) state that NEPA analyses shall "include the alternative of no action" (40 CFR 1502.14).

The agency must discuss the impacts of each alternative and may discuss those impacts together in a comparative description or discuss each alternative separately. The agency should use the approach that will be most effective in the time available. The agency may contrast the impacts of the proposed action and alternatives with the current condition and expected future condition in the absence of the action. This constitutes consideration of a no action alternative as well as demonstrating the need for the action. (CEQ Guidance, 85 FR 60137-60139, Document # 2020-21044, published 09/24/2020)

The Final Environmental Assessment fails to analyze the no action alternative sufficiently, either in total or at specific scales: target level (specific unit), project level, watershed (Pedlar River Watershed), landscape level and forestwide. The Draft Environmental Assessment (DEA) devoted a full three sentences to its description of the no action alternative. (page 21, DEA) It misrepresented the no action alternative as the "status quo." Although it was stated "that ecosystems change in the absence of active management" there was no description or analysis of how ecosystems change, what aspects of the ecosystems change, and how these changes improve the quality of the environment and the ecosystem services that are provided in the project area, including but not limited to, benefits to soils, waters, species, carbon storage, climate, and recreation. These are impacts that are both valid and important to full analysis of the project.

The DEA failed to document the degree to which natural disturbances have created a mosaic of canopy gaps and early successional habitat through mortality, ice storms, blow downs, aging and increased extremes of drought and flood.

As forests continue to age, these impacts are more common, more widespread and more intense. This is particularly important given the 10-15 year range over which the project may

be stretched. In a decade, many significant changes will have transpired naturally that will create an environment different from the snapshot provided in the DEA.

In failing to fully describe and analyze the no action alternative, the public was deprived of information crucial to a full analysis of the project and its potential environmental impacts. It is disingenuous to assume that this suggestion and analysis must come from the public. It is the responsibility of the agency to provide this information under NEPA.

Appendix B, the Response to Comments from Initial Project Scoping Period & Draft EA Comment Period, it states that:

*Although we are not required to analyze a “No Action” alternative for an Environmental Assessment (EA), this alternative was considered in the Pedlar River North project. The consideration of a “No Action” alternative is only a requirement for an Environmental Impact statement (EIS). Forest Service Handbook direction states at FSH 1909.15 – Ch. 10 § 14.2 that “The EA may document consideration of a no-action alternative through the effects analysis by contrasting the impacts of the proposed action and any alternatives(s) with the current condition and expected future condition if the proposed action were not implemented. (36 CFR 220.7(b)(2)(ii))”.*

The Final Environmental Assessment (FEA) contains no description, explanation or analysis of “the expected future condition if the proposed action were not implemented.”

Clearly this analysis can be done and has been done in the past on the forest. It could be easily extrapolated and applied to the North Pedlar project. The 1991 Final Environmental Impact Statement for the Revised Land and Resource Management Plan, George Washington National Forest, January 1993 includes analysis and information that the 2014 plan lacked which conveniently hid many facts. Alternative 3 in the 1991 plan, which was basically the “no action alternative” forest-wide which would have set aside the majority of the forest to be left to natural processes and natural succession, would have, across the spectrum of 14 alternatives:

- Minimized Management Costs and budget (2-83)
- Maximized old growth acreage within 50 years (2-44, 3-164)
- Eliminated below-cost timber sales (2-49)
- Maximized Visual Quality Objectives (2-65)
- Minimized annual sediment loads (2-74, 3-149)
- Minimized soil erosion (2-75, 3-11)
- Provided the greatest protection for fisheries (3-41)
- Allowed naturally occurring fires to burn and create mosaics of early successional habitat (3-125)
- Minimized habitat fragmentation (3-165)
- Maintained the carrying capacity of populations of bear, deer and turkey (3-173)

Alternative #3 was basically “the no action alternative” and was fully analyzed in the 1991 Forest Plan EIS. This is a stark example that this analysis is notably absent from NEPA project analysis in the FEA. The USFS response here is “The comments above address issues that are beyond the scope of the proposal. (Responses to Scoping, pg 11)” This is both disingenuous and incorrect. These comments demonstrate that this analysis is possible, has been done in the past, and could, in fact, be done at the project level for the North Pedlar project.

Perhaps the reason is the word “may” in Forest Service Handbook at FSH 1909.15 – Ch. 10 § 14.2. Raising this issue in a timely fashion during the comment period raises this to a level of significance and importance. The fact that it is ignored demonstrates a clear choice to not meet the public comments on any sort of level ground in the FEA. Again, the conflict continues to be perpetuated that project analysis is limited to the “because we can” justification and ignores any discussion or analysis of “because we should.”

Here, I include and replicate the relevant information which I included in my comments on the DEA.

Recent science is clear on the value of unmanaged forests that move naturally towards a state of old growth. The absence of analysis on the no action alternative, obfuscates this fact.

When a forest is logged, carbon that would otherwise have been stored in the forest is emitted.<sup>1</sup> Natural forests are best at soaking up carbon from the atmosphere and the older a forest is, the more carbon it will absorb and store, if left standing<sup>2</sup>.

Wood does store some carbon even after it is chopped down, but much of that is quickly lost into the atmosphere in the manufacturing process, when wood is used as building material, chopped into plywood, or burned as fuel. Down woody debris and snags continue to store and slowly release carbon while creating habitat for hundreds of species of insects, mammals, amphibian, pollinators and decomposers while they act as nurse logs for maintaining the future of forests. Logging is the largest source of carbon emissions from US forests, according to research published in 2016,<sup>3</sup> with the largest amounts coming from the Southeastern United States.<sup>4</sup>

It takes decades for a forest to grow. All that time it is transferring carbon from the atmosphere to the land. When a forest is cut, it releases carbon<sup>5</sup> that took decades to absorb, carbon that is best kept out of the atmosphere.

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<sup>1</sup> Scientists concerned about climate and biodiversity impact of logging, Letter to Congress, 8 May 2020, attached.

<sup>2</sup> Rate of tree carbon accumulation increases continuously with tree size, Stephenson et. al., Nature, volume 507, pages 90–93(2014), attached.

<sup>3</sup> Attribution of net carbon change by disturbance type across forest lands of the conterminous United States N. L. Harris, et. al, Carbon Balance Management (2016) 11:24 DOI 10.1186/s13021-016-0066-5, attached.

<sup>4</sup> Classifying drivers of global forest loss, Curtis et al., Science 361, 1108–1111 (2018) 14 September 2018, attached.

<sup>5</sup> Modeling carbon stores in Oregon and Washington forest products: 1900–1992, Mark Harmon, et. al., Climatic Change, volume 33, pages 521–550, August, 1996, attached.

The older a tree gets, the more carbon it can absorb and store. That means that projects like this need to not only protect the old forests but also allow the young forests to grow old. It also means that protecting forests that are already established<sup>6</sup> is one of the most effective strategies when it comes to slowing extreme climate change.

The carbon assessment for the Pedlar River North Project ignores one salient fact: There are many objectives of forest management. If the carbon costs of management objectives are not recognized or identified, then actions to counter or reduce these costs can neither be developed nor implemented. This is why an accurate carbon analysis of the no action alternative is so critical.

This project is an example of how the protection of forests from logging is as vital to solving the climate crisis as phasing out fossil fuels. As your own analysis in the 1991 Forest Plan EIS attests, protecting existing natural forests is also the best strategy for shoring up natural flood control, and ensuring stable supplies of clean drinking water and protecting biodiversity. Projects need to reflect the reality that standing natural forests are our communities' best natural defense.

Finally, there is the impact that the no action alternative will have on the Lynchburg Reservoir. No action protects the watershed in ways that timber management and prescribed burning cannot. The 2014 Forest Plan identifies the Lynchburg Reservoir/Pedlar River Watershed as a Priority Watershed with “exceptional waters” but is “at risk” (Revised land and Resource Management Plan, George Washington National Forest, R8-MB 143 A, November 2014, D-1). 60% of the entire 21,837-acre watershed are within the GWNF. The other 40% is in private ownership, where watershed protection is not a priority. Looking at the entire watershed at the landscape level, given the development and agricultural nature of so much of the area, there is no shortage of early successional habitat in the watershed. This is clearly why these waters are considered “at risk”. Yet the Pedlar River North project area is 12,073 acres, which makes up more than 93% of the entire GWNF area within the watershed. It is a violation of the public trust to create conditions throughout the watershed that further compromise the quality of the watershed and make its waters even more “at risk”. Increased erosion from road building and grading, skid trails, heavy equipment and logging trucks and the resulting sedimentation of streams will inevitably add to the sediment load of the reservoir, resulting in increased need to filter water and dredge and remove the sediment. The watershed, left to its no action alternative, provides preventative water quality benefits at no cost.

In conclusion, the Pedlar River North Vegetation Project Final Environmental Assessment fails to sufficiently analyze the No Action Alternative and therefore fails to consider this information in its project review. The DEA failed to include No Action Alternative information for the public

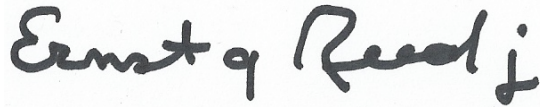
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<sup>6</sup> Intact Forests in the United States: Proforestation Mitigates Climate Change and Serves the Greatest Good, Moomaw, et. al., Front. For. Glob. Change, 11 June 2019, attached.

to consider in its comments. The project should be postponed until this analysis can be completed and presented either in an EIS or in a new environmental assessment, subject to public review, input and objection.

Thank you for considering my objection.

Sincerely,

A handwritten signature in black ink that reads "Ernie Reed". The signature is written in a cursive, slightly slanted style. The first name "Ernie" is written with a capital 'E' and a lowercase 'r', and the last name "Reed" is written with a capital 'R' and a lowercase 'd'. There is a small, dark mark at the end of the signature, possibly a flourish or a pen stroke.

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