



April 8, 2024

Submitted electronically via US Forest Service NEPA Projects Home (usda.gov)

Christopher Mattrick, District Ranger
Rochester/Middlebury Ranger Districts
Green Mountain National Forest
99 Ranger Road
Rochester, VT 05767
Christopher.mattrick@usda.gov

RE: Telephone Gap Integrated Resource Project in Green Mountain National Forest – Notice of Availability of Preliminary Environmental Assessment for Review and 30-Day Comment

Dear Mr. Mattrick:

Friends of Animals submits this comment in response to the United States Department of Agriculture Forest Service’s (Forest Service) Notice of the opportunity to review and comment on the “Telephone Gap Integrated Resource Project Preliminary Environmental Assessment” (Notice) for the “Telephone Gap Integrated Resource Project” (Project) located in the Green Mountain National Forest in the Rochester and Middlebury Ranger Districts, publicly issued on March 8, 2024 through the Rutland Herald. Friends of Animals is a non-profit international advocacy organization incorporated in the state of New York since 1957. Friends of Animals has nearly 200,000 members worldwide, including in Vermont. Friends of Animals, and its members, seek to free animals from cruelty and exploitation around the world, and to promote a respectful view of non-human, free-living and domestic animals and wildlife throughout the world, promoting a healthy global environment.

FACTUAL BACKGROUND

On April 22, 2022, President Joe Biden issued Executive Order 14072 titled “Executive Order on Strengthening the Nation’s Forests, Communities, and Local Economies.”¹ At the core of the Executive Order is protecting and strengthening America’s forests, including the increasingly endangered and threatened mature and old growth

¹ Executive Order No. 14072, FR 87, No. 81, 24851 (2022).

forests. As the Executive Order states, “[f]orests provide clean air and water, sustain the plant and animal life fundamental to combating the global climate and biodiversity crises, and hold special importance to Tribal Nations.”² The Executive Order continues “[g]lobally, forests represent some of the most biodiverse parts of our planet and plan an irreplaceable role in reaching net-zero greenhouse gas emissions.”³ Approximately 30 percent of the annual carbon dioxide emissions from human activities are absorbed by the terrestrial carbon sinks provided by forests. And in the United States, “forests absorb more than 10 percent of the annual . . . economy-wide greenhouse gas emissions.”⁴

Today, the Green Mountain National Forest contains stands of old growth and mature trees that total over 30,000 acres.⁵ Contrary to President Biden’s Executive Order, the Forest Service initially proposed to eliminate almost 12,000 acres of forest in the Green Mountain National Forest, including stands of irreplaceable mature and old growth trees.⁶ The Forest Service received over 1600 individual comments from members of the public regarding the proposed logging project, including Friends of Animals’ comment opposing the proposal, requesting that the Forest Service consider the benefits of protecting mature and old growth forests, urging the Forest Service to take a hard look at the harmful effects that will result from logging thousands of acres of mature and old growth forests, and recommending that the Forest Service adopt a “no action” alternative in which the status quo remains, with no acreage of forest being logged.

On March 8, 2024, the Forest Service published notification seeking review and comments on the Preliminary Environmental Assessment for the Telephone Gap Integrated Resource Project. While the Forest Service reduced the number of acres proposed for logging in the proposed action alternatives, the Forest Service continues with the misguided principal that the only way to “manage” forests is to generate timber resources through logging, largely for commercial interests.⁷ Friends of Animals urges the Forest Service to instead place a greater emphasis on protecting naturally growing trees and supporting their vital role in strong biodiversity and a healthy environment.

In the Preliminary Environmental Assessment, the Forest Service identified one “no action” alternative and three “action alternatives.”⁸ In Alternative A, the “no action” alternative, there would be “no implementation of any proposed management activities.”⁹ In Alternative B, the Forest Service proposes a reduction in the amount of acreage logged,

² Executive Order No. 14072, FR 87, No. 81, 24851 (2022).

³ Executive Order No. 14072, FR 87, No. 81, 24851 (2022).

⁴ Executive Order No. 14072, FR 87, No. 81, 24851 (2022).

⁵ United States Department of Agriculture, Forest Service, *Telephone Gap Integrated Resource Preliminary Environmental Assessment for 30-day Comment*, February 2024, p. 6, Table 1-4.

⁶ United States Department of Agriculture, Forest Service, *Telephone Gap Integrated Resource Project Notice of Proposed Action and Opportunity to Comment*, January 2023.

⁷ See generally, Preliminary Environmental Assessment.

⁸ Preliminary Environmental Assessment, p. 15-28.

⁹ Preliminary Environmental Assessment, p. 15.

from the 12,000 acres proposed when seeking scoping comments down to approximately 8,205 acres.¹⁰ No old growth forests are proposed for harvest, however mature and younger trees would be harvested for commercial timber sales.¹¹ Due to logging activities, a comprehensive road system will be developed. Alternative B appears to be the Forest Services' preferred option at this time. In proposed Alternative C, the Forest Service claims to address issues addressed during public comment regarding the "amount of mature and old forests proposed for harvest."¹² Despite excluding old growth forests from the logging plan, the Forest Service still intends to remove almost 11,000 acres of trees through timber harvest and non-commercial treatments.¹³ Much of the logged trees would be used for commercial timber and the logging operations would require the installation of logging infrastructure, similar to the other action alternatives.¹⁴ In proposed Alternative D, the Forest Service addresses issues from public comment "regarding the quantity of fossil fuel emissions from timber harvest activities."¹⁵ While this alternative does not propose removal of old growth stands of trees, there will still be almost 8,500 acres of trees affected by timber harvest and non-commercial treatments.¹⁶ While the action alternatives limit the removal of old growth trees, there will still be vast acres of trees logged, including mature trees, and development of roads and infrastructure that will adversely affect the wildlife in the region and contribute to the fossil fuel use that is largely responsible for the very climate change old growth and mature forests are necessary to counter.

Friends of Animals strongly encourages the Forest Service to adopt as its preferred alternative the one in which no action is taken, the status quo remains, old growth and mature forests are protected for future generations, and the preservation of mature and old growth forests is the foremost concern, as dictated by President Biden's Executive Order.

DISCUSSION

In drafting the Preliminary Environmental Assessment, the Forest Service failed to sufficiently consider the "no action" alternative, an alternative that would allow the status quo to remain and ensure that no mature and old growth trees are logged. In the "no action" alternative, existing projects may continue and existing infrastructure would remain in place, but there would not be additional projects or infrastructure required.¹⁷

The forests are the lungs of the environment and play a critical and irreplaceable role in ecological health and biodiversity. Logging thousands of acres of forest land will result in the removal of countless trees that cannot be replaced without decades or even

¹⁰ Preliminary Environmental Assessment, p. 17.

¹¹ Preliminary Environmental Assessment, p. 17.

¹² Preliminary Environmental Assessment, p. 21.

¹³ Preliminary Environmental Assessment, p. 21, Table 2-3.

¹⁴ Preliminary Environmental Assessment, p. 25.

¹⁵ Preliminary Environmental Assessment, p. 25.

¹⁶ Preliminary Environmental Assessment, p. 25-26.

¹⁷ Preliminary Environmental Assessment, p. 15.

centuries of growth. Logging not only removes trees that are vital to the ecosystem, but adversely affects the species of animals in the region and their habitats, causes erosion and water degradation in the logged area, and removes a key source of carbon absorption, sequestration, and storage at a time when we are experiencing a global climate change crisis. Logging also requires use and creation of transportation infrastructure, driven largely by fossil fuel use and contributing further to the climate crisis.

The Forest Service stated in the Notice seeing scoping comments that carbon storage will continue after felling, through wood and paper products produced from the logged trees. This is the same justification the lumber manufacturing industry uses to justify continued logging for commercial purposes, including the removal of mature and old growth trees.¹⁸ This short-sighted approach addresses only the storage of carbon, failing to acknowledge the critical importance of capturing and absorbing carbon, which occurs through the photosynthesis process in living trees, and not manufactured wood-based products. It also fails to address the amount of carbon that is released when living trees are logged.

Unfortunately, in drafting the Preliminary EA, the Forest Service continues to utilize this approach of undervaluing the impact forests have on combating climate change by stating that “[i]t is important to balance the role forest have in countering carbon emissions through their carbon sequestration and storage capacity with the need to address declining forest health and lack of habitat diversity in the project area.” The Forest Services’ current approach to address forest health and lack of habitat diversity, which was largely caused by decades of past forest logging practices, is to continue of the practice of management through logging.

The significant consequences of logging are well-documented. In drafting the Preliminary Environmental Assessment, the Forest Service should have taken a hard look at all consequences of logging and considered various alternatives, including seriously considering the alternative in which no logging takes place, trees are allowed to grow naturally, and the habitat is allowed to flourish through natural processes. While the Forest Service addressed multiple alternatives in the Preliminary Environmental Assessment, each “action alternative” utilized the long-standing practice of managing forests with logging, often for commercial purposes. Only one proposed alternative allows the forests to continue in a natural state, thriving as part of an ecosystem, and playing a necessary and vital role in the capture, sequestration, and storage of carbon, thereby assisting in the battle against climate change. In analyzing the environmental impacts of the Project for the Final

¹⁸ Northeastern Logging Manufacturers Association (NELMA), *Long Lived Wood Products Can Benefit the Climate Even More Than We Thought*, <https://nelma.org/long-lived-wood-products-can-benefit-the-climate-even-more-than-we-thought> (accessed April 5, 2024).

Environmental Assessment, the Forest Service must consider the adverse effects of logging large swaths of forestland and comply with, at a minimum, the following laws.

A. The Preliminary Environmental Assessment does not satisfy the requirements of the National Environmental Policy Act.

In 1970, Congress enacted the National Environmental Policy Act (NEPA), which requires an agency to conduct an environmental assessment (EA) and prepare an environmental impact statement (EIS) or finding of no significant impact (FONSI) prior to taking action which will significantly affect the quality of the human environment. The EIS must analyze: “(i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the [proposed action] be implemented, [and] (iii) alternatives to the proposed action.”¹⁹ When drafting an EIS the agency must evaluate all potential environmental impacts of the proposed action.²⁰ The agency must: (1) analyze all reasonable alternatives to the proposed action, and (2) identify and disclose to the public all foreseeable impacts of the proposed action, including direct, indirect, and cumulative impacts.²¹ When drafting an EA or EIS, the Forest Service must take “a hard look” at the impacts of an action prior to making a final decision.²² NEPA requires the agency to adequately evaluate all potential environmental impacts of proposed action.²³ To satisfy this obligation, the agency must identify and disclose to the public all foreseeable impacts of the proposed action, including direct, indirect, and cumulative impacts.²⁴

1. The Forest Service did sufficiently consider the “no action” alternative.

In the notice seeking scoping comments, the Forest Service questioned whether the Telephone Gap Project “complies with Forest Plan direction to include Forest-wide and Management Area standards and guidelines” and whether “a finding of no significant impact or an environmental impact statement is warranted based on the disclosure of effects in the environmental assessment.”²⁵ Removal of thousands of acres of forest land will undoubtedly have a significant environmental impact, affecting the immediate biodiversity and species in the Green Mountain National Forest, as well as having an impact beyond the immediate area through removal of a vital carbon storage source in the battle against climate change.

In the Preliminary Environmental Assessment, the Forest Service reviewed one “no action” alternative and three “action alternatives.” In each of the “action alternatives,” the

¹⁹ 42 U.S.C. § 4332(2)(C).

²⁰ 42 U.S.C. § 4332(2)(C).

²¹ *Id.* § 4332(2); 40 C.F.R. §§ 1508.7-1508.8, 1508.9(b).

²² *Baltimore Gas & Elec. Co. v. Natural Res. Defense Council*, 462 U.S. 87, 97-98 (1983).

²³ 42 U.S.C. § 4332(2)(C).

²⁴ 42 U.S.C. § 4332(2); 40 C.F.R. §§ 1508.7-1508.8.

²⁵ Project Notice for Scoping Comments, p. 5.

Forest Service proposes logging thousands of acres of forest land. In the Green Mountain National Forest, the majority of trees are 90 – 129 years old, totaling approximately 23,110 acres or 71% of the Forest Service lands in the area.²⁶ While the Forest Service proposes in the Preliminary Environmental Assessment to limit logging of old growth forests in the three action alternatives, the agency still proposes to log thousands of acres of younger trees, including stands of mature trees, nullifying the opportunity for those trees to age and increase the acreage of old growth forests.

The Forest Service should select as the preferred alternative the “no action” alternative. While the action alternatives minimize the acreage of old growth forests that will be logged, there will still be potentially thousands of acres of mature trees that will be logged, removing a vital source of carbon capture, sequestration, and storage. In fact, the only old growth stands of trees identified in the project is a 297-acre located in the northwest corner.²⁷ Even taking this small portion out of consideration for logging leaves thousands of acres of mature and younger trees that will be removed. The Forest Service tries to support logging as increasing carbon capture and decreasing carbon release by asserting that leaving trees in their present state will ultimately cause a slowing of carbon capture due to the lack of diversity in the mature and old growth stands.²⁸ The Forest Service also asserts that any continued accumulation of carbon in the “no action” alternative will be offset by the natural decomposition of “dead overstory trees caused by insects, disease, aging, and other natural disturbances and environmental stressors.”²⁹ The Forest Service also asserts that the “no action” alternative would naturally cause the release of carbon found in “[u]nderstory vegetation, downed wood, and forest floor litter.”³⁰ It appears the Forest Service believes that intervening in the natural processes of the forest, through logging, is the only way to combat climate change.

Removal of mature trees removes a vital resource for battling climate change and is also contrary to the spirit and the language of President Biden’s Executive Order. As noted by the Forest Service, [t]he [Executive Order] emphasizes the conservation of ecologically defined mature and old growth forests and the fostering of long-term forest health through climate-smart reforestation.”³¹ However, in considering alternatives for the Green Mountain National Forest, the Forest Service disregards Alternative A, the “no action alternative,” disregards the value of mature and old growth forests and instead focuses on the general lack of diversity of the forestland, a likely result of decades of forest management that was founded upon logging. In drafting the Final Environmental Assessment, the Forest Service should honor President Biden’s Executive Order and select

²⁶ Preliminary Environmental Assessment, p. 37, Figure 2.

²⁷ Preliminary Environmental Assessment, p. 38.

²⁸ Preliminary Environmental Assessment, p. 62.

²⁹ Preliminary Environmental Assessment, p. 62.

³⁰ Preliminary Environmental Assessment, p. 62.

³¹ Preliminary Environmental Assessment, p. 38.

the “no action” alternative as a preferred alternative and the best way to protect mature and old growth forests.

2. The Forest Service must take a hard look at the environmental impacts that will result from logging thousands of acres of forest.

In drafting the Preliminary Environmental Assessment, the Forest Service did not take a sufficiently “hard look” at the environmental consequences of logging thousands of acres of forestland in the Green Mountain National Forest. The foreseeable and well-documented impacts of the Telephone Gap Project in the Green Mountain National Forest include: 1) removal of a valuable resource for carbon capture, absorption and storage; 2) removal of a valuable resource that supports a critical habitat for many species; 3) removal of mature trees that are more resistant to wild fires, more resilient to drought conditions, and absorb and store more carbon than younger trees; and 4) damage to the biodiversity of the Green Mountain by removing an element that is critical to a healthy ecosystem, including the species and habitats in the region. Additional adverse effects will also result from logging operations, including use of fossil fuels in transporting logged trees and building or expanding roads to transport people, equipment, and logged trees.

It is imperative the Forest Service use the NEPA process in drafting the Final Environmental Assessment to take a “hard look” at the impacts of logging thousands of acres of trees in the Green Mountain National Forest. Friends of Animals requests that after the Forest Service’s analysis, a “no action” alternative be selected as the most beneficial to the human environment and be used as the preferred alternative going forward.

In the Preliminary Environmental Assessment, the Forest Service documents the history of the Green Mountain National Forest region and the adverse impacts human action has taken on the composition and structure of the forest.³² While climate and natural events such as weather, wind, ice, insects, and disease have played a role in the health of the forest, resource management and land use, often involving logging and timber harvesting, have also played a role that would have been avoidable without human activity.³³ Resource management in the Green Mountain National Forest, since it was created in 1932, has included “conversion of hardwood or mixed stands to softwoods to improve habitat for deer, and maintenance of or conversion to aspen, birch, and upland openings in order to improve habitat for species associate with these habitats.”³⁴ It is abundantly clear that the current condition of the forest is the result of human intervention and decades of resource management through logging. With the Preliminary Environmental Assessment, the Forest Service continues on this path without considering

³² Preliminary Environmental Assessment, p. 35.

³³ Preliminary Environmental Assessment, p. 35.

³⁴ Preliminary Environmental Assessment, p. 35.

the adverse effects that increased and continued logging will have on the immediate environment, the ecosystem, and the loss of a valuable resource in battling climate change.

Friends of Animals encourages the Forest Service to draft a Final Environmental Assessment that does not continue the damage that was created by decades of logging and deforestation. Throughout the Preliminary Environmental Assessment, the Forest Service states that human intervention and management practices are contributing factors to the current condition of the Green Mountain National Forest. Despite the resulting lack of diversity in the forests, the Forest Service proposes to continue this method and remove thousands of acres of trees. President Biden’s Executive Order mandated protection of mature and old growth forests to assist in the fight against climate change. The Executive Order did not encourage logging of mature and younger trees for management purposes. Friends of Animals encourages the Forest Service to abide by President Biden’s Executive Order, perform no logging, and allow natural processes to rehabilitate the damaged forest and continue the process of natural carbon capture, sequestration, storage, and release, and select the “no action” alternative in the Final Environmental Assessment.

B. The Forest Service must comply with the Endangered Species Act when drafting the Final Environmental Assessment.

Congress passed the Endangered Species Act (ESA) in 1973 to promote “the conservation of threatened and endangered plants and animals and the habitats in which they are found.”³⁵ In enacting the ESA, Congress intended “to halt and reverse the trend towards species extinction, whatever the cost.”³⁶ The ESA requires federal agencies to ensure agency actions do not jeopardize a species or “result in the destruction or adverse modification of designated critical habitat of such species.”³⁷ The ESA also prohibits the taking of an animal listed as endangered or threatened without a permit. Taking is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”³⁸

In the Preliminary Environmental Assessment, the Forest Service noted multiple threatened and endangered species in the Green Mountain National Forest and in the area of the Project.³⁹ Specifically, the Preliminary Environmental Assessment notes the endangered Indiana bat and northern long-eared bat as being present in the Green Mountain National Forest and with a “high likelihood of occurrence in the project area.”⁴⁰ Also noted are the gray wolf and Canada lynx, both of which have a “low likelihood of

³⁵ Environmental Protection Agency, *Summary of the Endangered Species Act*, <https://www.epa.gov/laws-regulations/summary-endangered-species-act> (last updated September 6, 2023).

³⁶ *Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978).

³⁷ Environmental Protection Agency, *Summary of the Endangered Species Act*, <https://www.epa.gov/laws-regulations/summary-endangered-species-act> (last updated September 6, 2023).

³⁸ 16 U.S.C. 1532(19).

³⁹ Preliminary Environmental Assessment, p. 70-71.

⁴⁰ Preliminary Environmental Assessment, p. 70-71.

occurrence in the project area” because they have been extirpated from the area.⁴¹ The Forest Service also addresses species that, while not endangered or threatened under the ESA, are endangered, threatened, declining, or listed as being of special concern status as Regional Forester Sensitive Species under state conservation law.⁴²

While these species are listed as those that inhabit the area of the Project, the Forest Service should include a broader spectrum of species and habitats when working to complete the Final Environmental Assessment. Logging will have effects that will go outside of the Project area, through the effects on climate change and soil erosion and the loss of habitat in general for species, including migratory bird species, fish, and amphibious creatures. The Forest Service should analyze the effects logging will have on all species and habitats, regardless of whether such species and habitats have been designated for endangered or threatened species status. This includes the numerous sensitive animal and plant species listed as Regional Forester’s Sensitive Species.⁴³

There is no question that logging the number of acres of trees proposed in the action alternatives, even if limiting logging to exclude stands of old growth trees, will irreparably affect species and ecosystems in the Project area and beyond the Green Mountain National Forest ecosystem, including species listed under either or both the ESA and the Regional Forester Sensitive Species list. It is only logical that removing a critical element from the ecosystem, one that will take centuries to replenish, will have a long-term and adverse effect on the species that rely on the critical element for clean water, clean air, shelter, and food. Given the significant and adverse effects that will result, Friends of Animals suggests that the best action is choosing the alternative in which no action is taken, the status quo remains, and “changes in habitat conditions . . . would take place through natural processes such as wind and ice storms, fire, beaver activity, floods, insects and disease, and natural forest succession.”⁴⁴

The Forest Service states in the Preliminary Environmental Assessment that under proposed Alternatives B, C, or D, there will be incorporated the Forest Plan standards that are designed to benefit the Indiana bat and other wildlife, which will then have a trickle-down effect and benefit the northern long-eared bat as well.⁴⁵ The benefit these species may enjoy is speculative and based on implementation of general Forest Plan standards that generally include “wildlife reserve trees, protection of riparian and wetland areas, and the retention of snag, den, nest, and mast trees.”⁴⁶ While it is speculative that there will be any benefit to threatened and endangered species, it is assured and guaranteed that removal of mature and old growth forests will have an immediate and adverse effect, removing a vital element in a healthy ecosystem. The “no action” alternative must be

⁴¹ Preliminary Environmental Assessment, p. 70-71.

⁴² Preliminary Environmental Assessment, p. 70-71.

⁴³ Preliminary Environmental Assessment, p. 72, Table 3-18.

⁴⁴ Preliminary Environmental Assessment, p. 73, Section 3.5.4.1.

⁴⁵ Preliminary Environmental Assessment, p. 73-74, section 3.5.4.2.

⁴⁶ Preliminary Environmental Assessment, p. 74.

considered by the Forest Service as the best alternative to eliminate removal of mature and old growth forests, assisting in the protection of the forest ecosystem, species, and habitats in and outside of the Project area, as well as following the mandate given to the Forest Service by President Biden's Executive Order.

CONCLUSION

Friends of Animals thanks the Forest Service for the opportunity to review and comment on the Preliminary Environmental Assessment for the Telephone Gap Integrated Project. Friends of Animals urges the Forest Service to thoroughly analyze all potential impacts of logging thousands of acres of heavily wooded forest land, including hundreds, if not thousands of acres of mature trees. The Nation's forests play a vital and irreplaceable role in carbon capture, absorption, storage, fire resistance, and in promoting a healthy and diverse ecosystem for the species that inhabit the region. Friends of Animals urges the Forest Service to analyze all potential environmental impacts closely when drafting the final EA, and strongly supports the Forest Service concluding that no logging is the best solution for the Green Mountain National Forest, the species that inhabit the region, and the environmental and climate in general.

Thank you for the opportunity to comment, and please contact me if you have any questions or concerns.

Sincerely,
Rob Huss
Senior Attorney
Friends of Animals
Wildlife Law Program