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Tim Reed, District Ranger  
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**RE: Jellico Vegetation Management Project Draft Environmental Assessment**

District Ranger Reed,

I am writing on behalf of the Yaak Valley Forest Council to give formal comment on the Jellico Vegetation Management Project Draft Environmental Assessment.

The Yaak Valley Forest Council, created in 1997, is a Montana-based 501(c)3 nonprofit whose mission includes the conservation and restoration of critical wildlife habitat for the sensitive, threatened, and endangered species inhabiting the wild Yaak Valley, as well as the protection of the last roadless areas in the Yaak Valley and the Kootenai National Forest.

We are strong advocates for national protection of mature and old-growth forests. Old-growth and mature forests are our first line of defense against the impacts of climate change. They capture and store atmospheric carbon, helping to alleviate the climate crisis. These large trees play a vital role in restoring our planet's health. It is in our national interest to take action to preserve these old-growth forests and trees.

It is well documented that climate change is driven by rising carbon buildups in the atmosphere. Forests, particularly old-growth forests, are one of our best tools for capturing and storing atmospheric carbon.<sup>1</sup> Old-growth trees and forests have low wildfire risks and high carbon density and should be excluded from the project. These forests are worth more standing as carbon buffers to offset warming and drying due to climate change.

### **National Old Growth Amendment**

On December 20, 2023, the Biden Administration published its *Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System*.<sup>2</sup> The publication in the Federal Register stated, “*The United States Department of Agriculture (Department) is proposing to amend all land management plans for units of the National Forest System (128 plans in total) to include consistent direction to conserve and steward existing and recruit future old-growth forest conditions and to monitor their condition across planning areas of the National Forest System. The intent is to foster the long-term resilience of old-growth forest conditions and their contributions to ecological integrity across the National Forest System.*”

This project fails to align with the proposed amendment.

Our concerns with the Jellico Vegetation Management Project Draft Environmental Assessment follow:

### **Slope stability and landslide risks**

We have concerns regarding landslides and slope stability. Our collaborative partner, Kentucky Heartwood, raised these concerns in their scoping comments. We incorporate Kentucky Heartwood’s scoping comment by reference.<sup>3</sup> “The combination of steep slopes, highly erodible soils, and the hydrologic properties of coal seams predispose the landscape to mass wasting events. Road construction (including skid roads) and timber harvest can substantially increase the likelihood of a mass wasting event to occur.”<sup>4</sup> The Draft EA and associated Soils report purport to address this issue but fall far short of what is necessary to make reasonably informed, site-specific decisions that will protect soil and water resources during the Jellico project implementation. Landslides and other forms of mass wasting will significantly impact soil and water resources in the project area, including federally listed aquatic species and designated critical habitats.

Due to climate change driven by greenhouse gas emissions, extreme precipitation events are increasing in frequency and severity, and this trend is anticipated to increase in the Appalachian region, including the Daniel Boone National Forest and the Jellico Project region. Flooding, including flash flooding, landslides, and siltation, are major concerns for area residents. Addressing the impacts of climate change

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<sup>1</sup> DellaSala, D. A., Mackey, B., Norman, P., Campbell, C., Comer, P. J., Kormos, C. F., Keith, H., & Rogers, B. (2022). Mature and old-growth forests contribute to large-scale conservation targets in the conterminous United States. *Frontiers in Forests and Global Change*, 5. <https://doi.org/10.3389/ffgc.2022.979528>

<sup>2</sup> Forest Service, Department of Agriculture. (2023). *Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System, Notice of intent to prepare an environmental impact statement* (Vol. 88, No. 243/Wednesday, December 20, 2023). Federal Register. <https://www.govinfo.gov/content/pkg/FR-2023-12-20/pdf/2023-27875.pdf>

<sup>3</sup> *Jellico Vegetation Management Project (Jellico Project) Scoping Comments*. (2022, November 5). Kentucky Heartwood. <https://kyheartwood.org/wp-content/uploads/2024/04/Jellico-scoping-comments-KHW-1.pdf>

<sup>4</sup> *Jellico Vegetation Management Project (Jellico Project) Scoping Comments*. (2022, November 5). Kentucky Heartwood. <https://kyheartwood.org/wp-content/uploads/2024/04/Jellico-scoping-comments-KHW-1.pdf>, p19

and mitigating its exacerbation should be the priority management objective of our National Forest land managers.

The National Forest land in the Jellico Project is a crucial headwaters area that directly impacts many families and landowners in the immediate vicinity, as well as those downstream. The Forest Service's persistent downplaying or disregard of the connection between logging and landslides, as well as overall flood risks, has surpassed mere disagreements about science, methods, or risk assessment.

### **Cerulean warbler/Forest Plan consistency**

The LRMP for the Daniel Boone National Forest Forestwide Objective 1.1.B<sup>5</sup> directs the Forest Service to “Create and maintain at least one approximately 7,400-acre area of cerulean warbler habitat in the Licking River Management Area, Upper Kentucky River Management Area, and the Jellico Mountains of the Cumberland River Management Area.

***Objective 1.1.B.** Protect or enhance habitat for species identified by Partners in Flight (PIF) as well as others that need special attention. Management activities should:*

- a) *Provide artificial cavities and nest boxes for species that may be limited by cavity availability.*
- b) *Create and maintain at least one approximately 7,400-acre area of cerulean warbler habitat<sup>3</sup> in the Licking River Management Area, Upper Kentucky River Management Area, and the Jellico Mountains of the Cumberland River Management Area. Each 7,400-acre area can be composed of tracts at least 618 acres in size connected by corridors of either upland hardwood forest or riparian areas. Upland hardwood forest corridors should be no more than two miles long, and at least ¼-mile wide (see Figure 2 - 1 for example of possible pattern).*

*Footnote (3) for Objective 1.1.B states:*

*Predominantly mature (age≥70), open (60 BA and up) contiguous upland hardwood or riparian forest (canopy with moderate to dense shrub/midstory layers, large grapevines are required in the mix; Buehler and Nicholson 1997), with some trees >20 in.; can be upland or bottomland/riparian. Contiguous is defined as having no more than 5 percent of the area in grassy openings, regenerating forest with less than 40 BA canopy, or roads greater than 50 ft. in width; tracts may be composed of blocks of minimum 618 acres in size connected by upland hardwood corridors approximately 0.25 mile wide or riparian corridors at least 100 ft. wide, neither of which is more than 2 miles long.*

Figure 2-1 in the Forest Plan provides an illustration of how cerulean warbler habitat may be spatially arranged.

The Forest Plan only envisions three areas across the Daniel Boone National Forest to meet this objective, specifically naming the Jellico Mountains. However, the Jellico Project Draft EA does not address Forestwide Objective 1.1.B. It also fails to describe how the Proposed Action or Alternative 1

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<sup>5</sup> USDA Forest Service Southern Region. (n.d.). *LAND AND RESOURCE MANAGEMENT PLAN FOR THE DANIEL BOONE NATIONAL FOREST*. <https://www.fs.usda.gov/main/dbnf/landmanagement/planning>. <https://usfs-public.app.box.com/s/mszvz7g8kqv4b6255hfk2k8fqbcg8nu>, p 2-4.

will support or hinder meeting this Objective. The Forest Service cannot simply ignore this forestwide direction without thorough analysis and strong reasoning.

The Biological Evaluation includes a brief discussion of the Cerulean warbler (*Dendroica caerulea*) as a Management Indicator Species (MIS) for "Closed Canopy, Mature Forest Species." While the differing temporal frames for the Proposed Action and Alternative 1 offer projections, a report by Wood et al. (2013) for the American Bird Conservancy states that "Heterogeneous stand structure including large trees, canopy gaps, and understory vegetation promote density and reproductive success of ceruleans."

The authors further state that:

*Before extensive clearcutting in the late 19th and early 20th century, tree mortality from old age, windthrow, ice storm damage, and fire contributed to the development of structurally complex and relatively open stands in which oaks were dominant. In the even-aged stands that developed following those extensive harvests, natural canopy disturbances tended to be unevenly distributed and relatively small thereby creating a relatively homogenous canopy structure (e.g., a closed canopy forest with an undeveloped understory and/or midstory).*

And that:

*Ceruleans favor the complex canopy structure characteristic of unevenaged stands and old growth forest. Canopy gaps allow mid- and uppercanopy trees the growing space to form long horizontal branches and develop dense foliage. Tree species composition is relatively diverse with shade-intolerant species abundant in the overstory.*

*Cerulean warblers preferentially use canopy gaps ~400-1000 ft<sup>2</sup> in size” and highlight the importance of grapevines, stating that “Cerulean nest success was positively associated with density of grapevines (*Vitis* spp.) in Ohio.*

## **MOG/National Forest Plan/Timber Targets**

### **Timber targets**

The Draft EA does not disclose the relationship between the Jellico Project and the mandated timber targets assigned to the DBNF and the Stearns District. These timber targets have included a more than 400% increase in the volume harvested on the DBNF over the past 20+ years. FOIA documents show that the DBNF is prioritizing these harvest volume mandates over other forest needs, including recreation, forest health, water quality, and other issues.

### **Old-growth assessments and specific old-growth sites**

The need to manage for current and future old-growth, including specific old-growth and potential old-growth (POG) sites was an issue of importance raised by Kentucky Heartwood in their scoping comments. These concerns are further elevated by the Biden administration’s executive order aimed at conserving and promoting mature and old-growth forests (MOG) and the Forest Service’s proposed national forest plan amendment (NOGA).<sup>6</sup>

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<sup>6</sup> *Land management plan direction for old-growth forest conditions across the national forest system.* (2023, December 20). Federal Register. <https://www.federalregister.gov/documents/2023/12/20/2023-27875/land-management-plan-direction-for-old-growth-forest-conditions-across-the-national-forest-system>

All stands of existing inventoried old-growth should be removed from the Project.

In their scoping comment,<sup>7</sup> Kentucky Heartwood cited stands 6267-04 and 6267-02 as meeting the minimum age threshold and having significant old-growth characteristics. Both sites have a “year of origin” of 1878 in the FS Veg database, making them 148 years in 2024. These stands would be categorized as “Dry-mesic oak forest” under the Forest Plan and Region 8 old-growth guidance, which has a minimum age threshold of 130 years for consideration as POG. Tree coring of those sites under permit confirmed the sites included a significant amount of very old trees. While many of the trees were hollow, the sampled trees clearly show that the oldest age class exceeds the POG age requirements.

An additional deficiency in the proposed action and Draft EA relates to old-growth assessments and the 40-year implementation timeframe of the proposed action. A stand that is 120 years old in 2024 would not be reviewed for old-growth characteristics because of its current age – and structurally may not be old-growth – but would be harvested in 2054 when it is 150 years old and meeting old-growth criteria. And yet the stand would never receive an old-growth evaluation because it was approved for harvest decades earlier. This is an end-run around the clear direction of the Forest Plan and the proposed National Old-Growth Amendment.

Any stand meeting the definition of old-growth or included in the recently completed inventory of old-growth conducted by the USFS<sup>8</sup> should be removed from the project. Additionally, any stand that will meet the definition of old-growth within the scope of the Jellico Project’s implementation should be omitted from the project.

We appreciate the opportunity to comment.

Sincerely,

Chris Bachman  
Conservation Director  
Yaak Valley Forest Council

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<sup>7</sup> *Jellico Vegetation Management Project (Jellico Project) Scoping Comments*. (2022, November 5). Kentucky Heartwood. <https://kyheartwood.org/wp-content/uploads/2024/04/Jellico-scoping-comments-KHW-1.pdf>

<sup>8</sup> USDA Forest Service; USDOJ Bureau of Land Management. (2024, April). *Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management in Fulfillment of Section 2(b) of Executive Order No. 14072*. <https://www.fs.usda.gov/managing-land/old-growth-forests>. [https://www.fs.usda.gov/sites/default/files/fs\\_media/fs\\_document/Mature-and-Old-Growth-Forests.pdf](https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/Mature-and-Old-Growth-Forests.pdf)