



August 19, 2024

Mary Yonce, District Ranger
George Washington and Jefferson National Forest
USDA Forest Service
401 Oakwood Drive
Harrisonburg, VA 22801
(Submitted Electronically via <https://cara.fs2c.usda.gov/Public/CommentInput?project=66558>)

RE: Scoping Comments from the Allegheny Blue Ridge Alliance on the Proposed Mad Lick Forest Resiliency and Restoration Project

Dear District Ranger Yonce,

The Allegheny Blue Ridge Alliance (“ABRA”) respectfully submits these comments on the proposed Mad Lick Forest Resiliency and Restoration Project (“MLFRRP” or “the Project”) in the North River Ranger District of the George Washington National Forest (“GWNF”).

ABRA is a nonprofit organization dedicated to promoting and protecting the environmental integrity of the Allegheny-Blue Ridge region and the surrounding Central Appalachian Highlands of Virginia and West Virginia. ABRA promotes responsible resource management, particularly on publicly owned lands, by providing access to critical information needed for effective public involvement in environmental review and oversight. ABRA’s Conservation Hub is based on the use of GIS mapping to provide details and context for land development projects and management practices that involve risk of environmental harm, as well as for environmental preservation and restoration initiatives. ABRA also provides public access to regulatory documents and assessments related to specific projects or issues.

As proposed, the Project threatens to inflict adverse impacts on forest health, the climate, the Ramsey’s Draft Wilderness Area, biodiversity and imperiled species, water quality, scenic and recreational values, and other features. Among other issues, the Project must navigate possible violations of federal environmental law, avoid conflicts with presidential executive orders, and must avoid undermining the U.S. Forest Service’s (“USFS” or “the Forest Service”) burgeoning effort to protect and recruit old-growth forests. If the project proceeds, and given the sensitivity of the resources present, the Forest Service should conduct an environmental impact statement (EIS)—it will be difficult to legally or scientifically justify a finding that this proposed sprawling project would have no significant impact.

I. ABRA Requests that the Forest Service Extend the Comment Period

At current, there is functionally zero meaningful information available for the public to make informed scoping comments. The project maps available to the public seem intentionally limited in terms of the information provided, with critical information on resources present within the project area missing, such as watershed flowlines and hydrology, endangered and protected species habitat, forest stand age, Federal wilderness areas, proposed National Scenic Areas, and numerous other relevant contextual data necessary to have any realistic chance of providing meaningfully informed scoping comments that can holistically, and accurately anticipate the proposal's effects in anticipation of the future Public Comment Period.

ABRA recently submitted a Freedom of Information Request to obtain this critical information this Project proposal has been designed around, but the information is not currently in the public domain. Therefore, we request that all supporting documentation used to produce the Project proposal be made available, and that the scoping comment period be extended for at least another 30 days after all supporting documentation is released to the public.

II. Need to Conduct an Objective, “Hard Look” Evaluation of the Environmental Baseline Within the Project Area

A meaningful baseline analysis would examine land use practice and management history, together with landscape variables, for association with suspected elevated stream sedimentation levels throughout the GWNF, as well as general habitat degradation for a range of aquatic and terrestrial species. The analysis should also separately focus on existing habitat for the native brook trout, a Management Indicator Species for the GWNF. This analysis should also focus on existing habitat for the Cow Knob Salamander, and prioritize strict compliance with the Cow Knob Salamander Conservation Agreement. The analysis should also separately focus on habitat for the seven endangered species, one proposed endangered species, and one candidate species for listing under the Endangered Species Act (“ESA”) that may be potentially affected by activities within the Project boundary. Analysis focused on critical habitat for the Indiana Bat, in particular, is essential for meaningful and informed consultation with the U.S. Fish and Wildlife Service concerning requirements of the Endangered Species Act (ESA).

Finally, we observe that any description and evaluation of sedimentation issues at a watershed level should involve an analysis based on credible scientific methods and the best available data.

III. Need for Analysis Regarding Potential Impacts Upon the Ramseys Draft Wilderness Area and Wilderness Study Area

It is impossible to tell with any certainty based on the USFS provided maps whether the Project proposal area is adjacent to the Ramsey's Draft Wilderness Area (“RDWA”) and a Wilderness Study Area or not. Using a variety of other sources together with the project area, ABRA believes the Project area is potentially directly adjacent to the RDWA and within a Wilderness Study Area.

Should this be the case, the Forest Service, as land manager under the Wilderness Act of 1964,¹ is responsible for preserving the wilderness character of the area and shall so administer such

¹ 16 U.S. Code § 1131.

area for such other purposes for which it may have been established as also to preserve its wilderness character. Under this obligation, the Forest Service must ensure that the Project does not strip the Ramseys Draft Wilderness Area and the Wilderness Study Area of its “primeval character and influence,” and that the Project proposal does not compromise the Service’s mandate to protect and manage the RDWA’s natural condition of appearing “to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable.”²

IV. Need for an Assessment of the Cumulative Impact of Forest Service Land Management Projects in Watersheds that Support Native Brook Trout

The streams that are designated native brook trout streams should be the focus of a cumulative effects analysis to examine the risk and significance of additional degradation associated with GWNF land management projects.

A meaningful cumulative effects analysis must consider existing and foreseeable sources or causes of the sedimentation problem on both public and private land. The appropriate source for information concerning the cumulative impact of projects and land management activities on GWNF lands is a baseline environmental assessment focused on chronic sedimentation, as described above.

V. Need for an Evaluation of Project Effects on Watershed and Ecological Resilience to Changing Climate Conditions

Survival of cold-water-dependent aquatic species like the brook trout depends on the maintenance of headwaters with deep organic soils that retain and slowly release water that is both clean and cool. This applies, as well, to the survival of many other sensitive aquatic species. These cold-water species and others survive in the GWNF and Central Appalachian Highlands due to presence of high-integrity, hydrologically intact, forested watersheds.

The viability of aquatic habitat in the GWNF and central Appalachian Highlands is threatened by intensification of temperature and flow extremes associated with climate change. In this context, sustainability of aquatic habitat, both in the National Forest and downstream, will depend on preservation of the forest, soil, and hydrologic properties that provide resilience to these stressors. If the GWNF is to account for the effects of its proposed actions, including road and skid trail construction, regeneration timber harvest (clear-cutting), prescribed fire, etc., it must account for the effects of these actions on watershed soils and hydrologic function.

In conceiving and planning projects such as the MLFRRP, the GWNF must consider the implications of its proposed actions in the context of climate change. This includes consideration of:

1. Differences in soil development and carbon storage function between older intact forests and younger disturbed forests and associated timeline justifications,

² *Id.*, § 1131(c).

2. Project impacts on watershed resilience to increasing temperature, more high intensity precipitation events around drought-conditions, and flow-related stress.
3. The importance of watershed and ecological integrity in National Forest headwater areas in the context of the larger MLFRRP project area, native brook trout habitat, and the Central Appalachian region.

We note that the Proposed Action section of the Mad Lick Project Scoping Documents states (page 3): The project uses different management tools (prescribed fire, vegetation management, herbicide application, tree planting, soil restoration activities, and stream restoration activities) to improve the structure and ecological function of the Forest and improve the Forest's ability to respond and adapt to a changing climate. Each of these cited management tools should be objectively evaluated with respect to both baseline conditions, as well as cumulative impacts and mitigation of climate change and ecosystem response to stresses associated with climate change.

VI. Need for Evaluation of the Project's Role in Climate Change Mitigation and Resiliency

The Forest Service's decision whether to proceed with MLFRRP and, if so, what form the project should take, must be supported by sound science. Accordingly, the Forest Service must incorporate into its analysis the many recent peer-reviewed studies that investigate climate change mitigation and the intersection of forest ecology and forest carbon. Climate change is driving and exacerbating a range of threats to Virginia, the Central Appalachian Highlands region, and the globe.

Flooding, drought, harmful algal blooms, extinction threats, and impacts to forestry operations are among the many consequences of these climatic changes. Although perhaps not a primary driver of the spread of invasive species, ticks, and disease, climate change can amplify these threats as well.

An emerging global consensus recognizes forest protection as critical to mitigating the impacts of climate change. On November 12, 2021, the U.S. joined 140 other nations in signing a commitment "to halt and reverse forest loss and *land degradation* by 2030" (emphasis added) at the COP 26 UN Climate Change Conference in Glasgow, Scotland.³ Soon afterward, the February 2022 Intergovernmental Panel on Climate Change Report found that "[s]afeguarding biodiversity and ecosystems is fundamental to climate resilient development, in light of the threats climate change poses to them and their roles in adaptation and mitigation."⁴

On the global scale, forest protection represents approximately *half or more* of the climate change mitigation needed to hold temperature rise to 1.5 degrees Celsius.⁵ Virginia may be a relatively small state, but its temperate deciduous forests are among the planet's most effective carbon sinks, and in any event global objectives can be attained only through the aggregation of

³ UN Climate Change Conference (COP26), *Glasgow Leaders' Declaration on Forests and Land Use* (2021).

⁴ IPCC, *Summary for Policymakers*, in *Climate Change 2022 Impacts, Adaptations, and Vulnerability* 32 (2022).

⁵ Erb et al., *Unexpectedly Large Impact of Forest Management and Grazing on Global Vegetation Biomass*, 553 *Nature* 73 (2018).

climate-smart strategies applied at many different sites. In the U.S., the Appalachians in-situ carbon storage potential is second only to that of the Pacific Northwest, but carbon storage levels remain artificially low due to timber cutting frequency and intensity. Across the East and Upper Midwest, timber cutting accounts for 86% of annual forest carbon loss. In comparison, only 9% of forest carbon in the same geographic area is lost annually from insect damage, and 3% from conversion to other land uses.⁶ Other recent studies show that among land uses in Appalachia, timber cutting is the leading cause of tree mortality⁷ and has the greatest impact on aboveground carbon storage.⁸ Thus, logging associated with proposed projects such as MLFRRP is a material factor impacting regional climate change mitigation.

Pursuant to the National Environmental Policy Act (“NEPA”), the GWNF must provide a site-specific, quantified assessment of how much carbon would be lost and how long it would take to be replaced. The analysis should address direct emissions from equipment, loss of carbon in waste material (tops, stumps, roots, non-merchantable stems, etc.), loss of carbon due to soil disturbance and vegetation changes, the status of stored carbon throughout the lifecycle of wood products, the ability of mature forests to store and continue sequestering carbon, sequestration of carbon in new growth, and long-term changes in carbon sequestration due to management-induced changes in the state of the ecosystem, including the soil. The cumulative effects of this project together with other ongoing and foreseeable projects should also be assessed in line with the White House Council on Environmental Quality’s “National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change,” which states:

“NEPA requires more than a statement that emissions from a proposed Federal action or its alternatives represent only a small fraction of global or domestic emissions. Such a statement merely notes the nature of the climate change challenge, and is not a useful basis for deciding whether or to what extent to consider climate change effects under NEPA. Moreover, such comparisons and fractions also are not an appropriate method for characterizing the extent of a proposed action’s and its alternatives’ contributions to climate change because this approach does not reveal anything beyond the nature of the climate change challenge itself—the fact that diverse individual sources of emissions each make a relatively small addition to global atmospheric [greenhouse gas] concentrations that collectively have a large effect.”⁹

A last note on climate change mitigation is the need for the Forest Service to assess the social cost of MLFRRP’s emissions in the Draft Environmental Assessment (“EA”). USFS must make scientifically sound, reasonable total estimates for the carbon dioxide emissions from the project, in metric tons over 10-15 years. According to recent estimates from EPA, the mid-range estimate

⁶ Harris et al., *Attribution of Net Carbon Change by Disturbance Type Across Forest Lands of the Conterminous United States*, 11:24 Carbon Balance & Management (2016).

⁷ Brown et al., *Timber Harvest as the Predominant Disturbance Regime in Northeastern U.S. Forests: Effects of Harvest Intensification*, 9(3) Ecosphere (Mar. 2018).

⁸ Duveneck & Thompson, *Social and Biophysical Determinants of Future Forest Conditions in New England, Effects of a Modern Land-Use Regime* (2019), Global Environmental Change, Volume 55, pp. 115-129 <https://www.sciencedirect.com/science/article/pii/S0959378018312731?via%3Dihub>.

⁹ White House Council on Environmental Quality, “National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change,” 88 Fed. Reg. 1196, 1201 (Jan 9, 2023).

for the social cost of carbon dioxide is \$230/metric ton.¹⁰ Multiplying that figure by the estimated metric tons of carbon dioxide emissions anticipated from the proposed action will provide the the social cost of the project's carbon dioxide emissions. That cost is likely an underestimate of the project's actual social cost, as it excludes non-climate ecosystem values that the project would impair.

VII. USFS Must Take a Hard Look at the Projects Potentially Significant Impacts on Mature and Old Growth Forests.

Under NEPA, the Forest Service must take a “hard look” at the environmental impacts of its planned action.¹¹ The impacts of the Project cannot evade a hard look review, and USFS's conclusions cannot be based on incomplete or speculative information. USFS must live up to NEPA's standards, including the White House Council on Environmental Quality's (“CEQ”) requirement to ensure the “scientific integrity[] of the discussions and analyses in environmental documents.”¹²

Mature and old-growth forests are powerhouses of climate mitigation, biodiversity protection, water purity, and a host of other ecosystem attributes. On April 22, 2022, President Biden signed Executive Order 14072, directing USDA to address threats to mature and old-growth forests on National Forest System lands.¹³ On December 20, 2023, national USFS leadership released a proposed national old-growth amendment (“NOGA”), accompanied by a letter from the Deputy Chief requiring that he review any projects that would log in areas that meet regional old-growth definitions.¹⁴ The proposed action for MLFRRP must not fall short of protecting mature and old-growth forests and cannot end up serving the misguided objective of significantly reducing the extent of these valuable forests across GWNF in favor of the younger forests that would replace them. If the Project does this, it will discredit national policy. It is concerning to see the GWNF's own stand age data overlaid the project area, as it shows a tremendous amount of overlap with the oldest stands of trees in the forest (80-119 years and 120+ years).

A succinct final note on this issue, the Forest Service must disclose in the Draft EA for the Project if logging would occur in regionally defined old-growth conditions, and publicly post maps showing the project's overlap with those conditions and the proposed management actions.

VIII. Conclusion

¹⁰ U.S. Env'tl. Prot. Agency, *EPA Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances* 101 tbl 4.1.1 (Nov. 2023). \$230/metric ton is the mid-range estimate for emissions in 2030 in 2020 dollars. We have used the 2030 estimate because harvest activities under DCIRP may be occurring at that time.

¹¹ *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 374 (1989).

¹² 40 C.F.R. § 1502.23.

¹³ Executive Order 14072 of April 22, 2022, “Strengthening the Nation's Forests, Communities, and Local Economies,” 87 Fed. Reg. 24,851, 24,852 § 2(c)(iii) (Apr. 27, 2022).

¹⁴ USFS, “Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System,” 88 Fed. Reg. 88,042 (Dec. 20, 2023); Letter from Christopher French, USFS, to Regional Foresters re “Review of Proposed Projects with Management of Old Growth Forest Conditions” (Dec. 18, 2023) (hereinafter “Deputy Chief's Letter”).

In closing, ABRA strongly encourages the Forest Service to complete an Environmental Impact Statement for this project, given the sensitivity of resources present, as well as the significance and intensity factors present within the project proposal area. NEPA requires that federal agencies prepare an EIS for projects that are likely to have significant effects.¹⁵ In determining whether the effects of the proposed action are likely to be significant, agencies are to consider “[b]oth short- and long-term effects” and “[b]oth beneficial and adverse effects” among other factors.¹⁶ In making the significance determination, agencies also must consider connected actions.¹⁷ If the Forest Service intends to move forward with the proposed project, it should do so only after preparing an EIS.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Andrew Young".

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¹⁵ 42 U.S.C. § 4336(b)(1); 40 CFR § 1501.3(a)(3).

¹⁶ *Id.* § 1501.3(b)(2).

¹⁷ *See id.* § 1501.3(b).