SOUTHERN ENVIRONMENTAL LAW CENTER

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September 16, 2024

Submitted online at https://cara.fs2c.usda.gov/Public/CommentInput?Project=65183

Objection Reviewing Officer Joby P. Timm
Forest Supervisor
George Washington and Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, Virginia 24019

Re: Administrative objection to Dunlap Creek project

Dear Objection Reviewing Officer Timm:

We respectfully submit this objection to the Dunlap Creek Vegetation Management Project on behalf of the Virginia Wilderness Committee and the Southern Environmental Law Center.

I. Notice of Objection

The Virginia Wilderness Committee (VWC) and the Southern Environmental Law Center (SELC) hereby file this letter of objection to the draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) and Environmental Assessment (EA) for the Dunlap Creek Vegetation Management Project, pursuant to 36 C.F.R. Part 218. The Project is located on the James River Ranger District of the George Washington National Forest (GWNF), in Alleghany County, Virginia. The responsible official for the Project is Kevin Kyle, District Ranger for the James River Ranger District. The legal notice of the opportunity to object was published in The Recorder on August 1, 2020. This letter of objection is therefore timely. In accordance with 36 C.F.R. §§ 218.2 and 218.8, SELC shall serve as the Lead Objector who represents the other objectors for purposes of communication regarding the objection.

II. Discussion and Statement of Reasons

A. Until Objectors can review the Project Record, discuss concerns with the Forest Service, and attempt to resolve those concerns, this project cannot move to a final Decision Notice or implementation.

Objectors have been denied access to relevant environmental information. NEPA requires the Forest Service to "identify, consider, and disclose to the public relevant environmental information early in the process before decisions are made and before actions are taken... [P]ublic scrutiny [is] essential to implementing NEPA. 40 C.F.R. § 1500.1(b) (emphasis added)[1]. In so doing, NEPA guarantees the public more than having to accept an agency saying "trust us." The statute's famous "twin aims"—that the agency will consider the environmental impacts of its proposed actions, and that it will inform the public that environmental concerns have been part of the agency's decisionmaking process—reflect a Congressional judgment that the public will get to check agencies' work. *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983). To that end, federal courts "have consistently held that public involvement lies at the center of NEPA's procedural requirements." *Ohio Valley Envtl. Coal. v. U.S. Army Corps of Eng'rs*, 674 F. Supp. 2d 783, 809 (S.D.W.V. 2009).

To understand a proposed project and determine if we have concerns to raise for the agency's consideration through the NEPA process, Objectors need to review the underlying documents that inform the agency's statements in the EA and Decision Notice. There is nothing new or novel about this. We routinely request and receive this information without rigmarole. Indeed, the Forest Service understands this need and advised the public in the EA: "The Project Record provides a combined repository of information supporting these analyses and is filed at the James River Ranger District Office, 422 Forestry Road, Hot Springs, Virginia 24445."[2]

We first requested this information on April 1 while the Draft EA was out for comments. We clarified the request on April 30.[3] As of September 16, 2024, we still have not received any responsive documents. While waiting to receive these key documents, we were forced to submit Draft EA comments without this information. Now the Final EA and Draft Decision Notice are out. Once the Forest Service completes the administrative objection process, it can sign a Final Decision Notice and move on to implementation. Yet Objectors still have not received the very Project Record that the District says supports their environmental analysis and is sitting in their Hot Springs office.

It is our understanding that District staff have tried to provide the Project Record to us, but it is hung up at the regional level. While we understand this dilemma, the Region's failure

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[1] *See also Sierra Nevada Forest Prot. Campaign v. Weingardt*, 376 F. Supp. 2d 984, 990 (E.D. Cal. 2005) (these regulations "require that an agency give environmental information to the public and then provide an opportunity for informed comments to the agency.").

[2] Final EA at 13 (emphasis added).

[3] FOIA request attached.

does not excuse the District to charge ahead. Whether the hold-up is happening at the District-, Forest-, Region-, or National- level does not matter. The Forest Service is one agency. And without timely providing Objectors with the relevant environmental information to which we are entitled, the "twin aims" of NEPA are not met.

Examples of information in the Project Record that Objectors need include the following:

- The Final EA states that "[f]ield surveys of the project area resulted in the observation of some forest pest occurrences, including, but not limited to, invasive plant species, insects, and disease (DCR 2022)" and "Surveys have been conducted in the project area for non-native invasive species (DCR 2022). Several non-native invasive species were identified within and adjacent to the proposed harvest units, areas of proposed temporary road construction, and along existing roads."[4] We needed to review those survey results to know which species were observed where. Based on that information, we might have requested that the District drop or delay harvest in specific units with an existing NNIS infestation until NNIS treatment has eradicated the risk of spread. Or we might have recommended that the District consider specific mitigation measures to lessen the risk of spread. But without the survey results that the Forest Service relied on in analyzing potential NNIS impacts of this project, we could not—and still cannot—do so.

- The Soil and Water Resources Report relied in part on stream channel data gathered by a CATT survey crew and IDT personnel.[5] They surveyed where stream channels occurred and whether they were perennial, intermittent, or channeled ephemeral. We needed this information to determine which units we needed to visit and to provide feedback regarding sedimentation and water quality impacts, as well as other related resources that could be impacted.

- The District Biologist spent 8 days in 2023 surveying the project area for threatened and endangered species.[6] Other GWJNF staff visited the area, as did a botanist. Information from these visits would have helped us determine if we have concerns to raise related to species in the project area, including endangered bats.

- The Response to Comments indicates that the Forest Service has conducted additional old growth surveys in response to Draft EA comments-which we appreciate. We would like to review those tally sheets and/or notes to determine if our concerns have been addressed.

All of the above are part of the Project Record. We are entitled to review them (absent any applicable exception for specific documents) and we need to review them to provide the

[4] Final EA at 23, 24.
[5] Final EA, Soil and Water Resources Report, 9.
[6] Final EA Biological Assessment at 4.

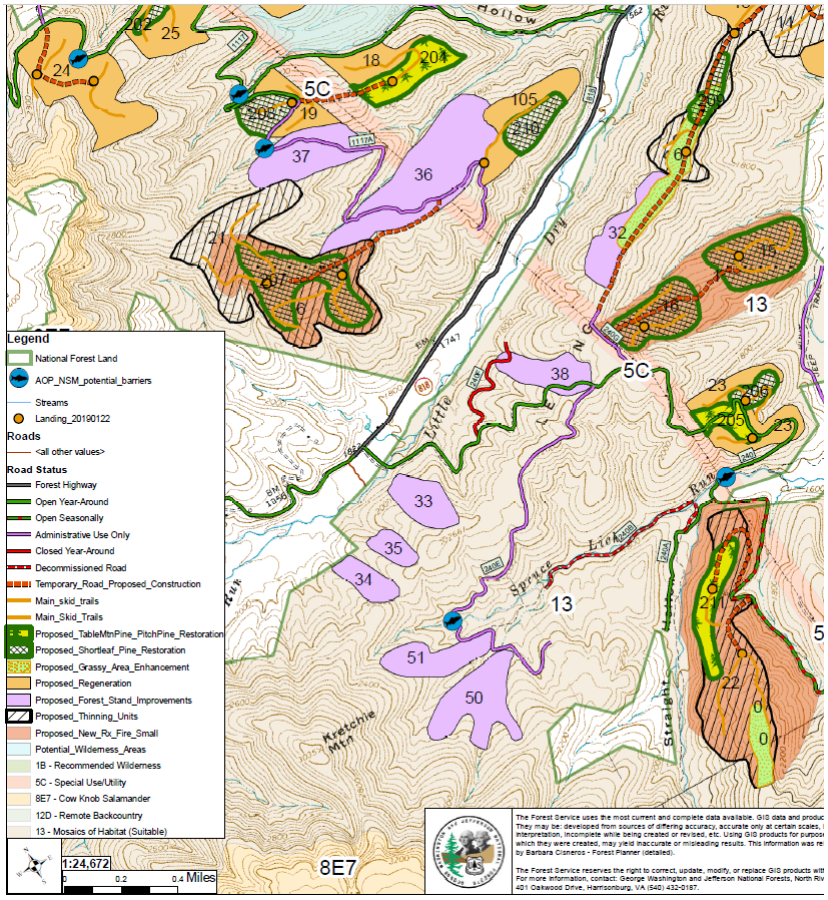
"public scrutiny" at the heart of NEPA. *See* 40 C.F.R. § 1500.1(b). We have been denied this right, and the project should not move forward with a Final Decision Notice or implementation until we (and all other interested members of the public in this situation) have been provided with the documents, as well as time to review them, raise concerns with the Forest Service, and attempt to resolve those concerns. Without this information and the opportunity to provide feedback, the "twin aims" of NEPA are not met.

B. The Forest Service must produce maps that provide relevant information at the unit level.

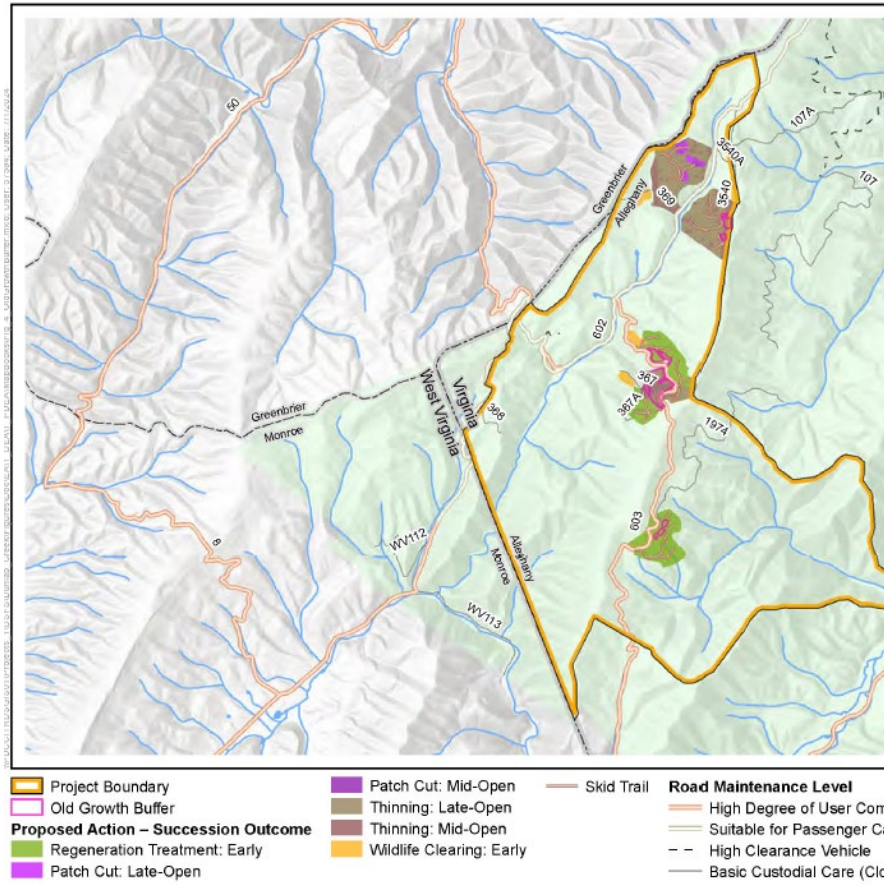
The Final EA maps, while supplemented and improved in some ways, are still not at a scale that shows Objectors and other interested members of the public what is being proposed at the unit level. While GWJNF staff typically generate unit maps at an approximate 1:25,000 scale, maps for this project are far more zoomed out. For example, they are at a 1:55,000 scale (Old Grown Buffers, West Unit), 1:100,000 scale (Management Prescriptions map), and 1:150,000 (Forest System Roads). Objectors simply could not glean information at the unit level from these maps. Nor could we create our own maps because we still have not received provided the shapefiles sought in the April request. Nor could we zoom in on the low-resolution maps. The mapping scale issue is immediately apparent in the below screenshots comparing maps for the recent North Shenandoah project and this project.

In addition to the issue of proper scale for the maps, the project maps fail to combine relevant map layers and label units so that Objectors can understand what is happening where and then communicate with the Forest Service about locations of concern. For example, there is a map that labels units but does not delineate the individual units clearly or provide other information about those units. There is a map showing management prescription areas (MPA), but it does not show which units are within each MPA (or label the units). There are maps that show identified old growth but the units are not clearly delineated or labelled. We cannot flip between maps and mentally layer all of this spatial information to understand what is happening where and then describe the location of our concerns. Yet that is very simple for the Forest Service to do with GIS. It is the norm actually. As they are, the project maps fail to share the "relevant environmental information" with Objectors and the public. *See* 40 C.F.R. § 1500.1(b).

Here is a map for the North Shenandoah Project's Feltz Ridge/Leading Ridge vegetation treatment map. Its scale is ~1:25,000. It depicts the relevant attributes and topography at the unit level.



Here is a Dunlap Creek Project map depicting where old growth has been identified and excluded from harvest in the West Units. Its 1:55,000 scale prevents Objectors from understanding where the buffers are and the conditions in and around those areas.



C. The Forest Service must properly identify all old growth and commit that all newly identified old growth will be excluded from harvest.

We thank the Forest Service for re-visiting all or some old growth areas in response to Draft EA comments. The Final EA and Response to Comments indicate that Forest Service staff identified over 10 additional acres of existing old growth that will be excluded from harvest, which has been updated in project maps. As discussed above, we would like to review updated unit-level mapping to confirm this. Additionally, the Forest Service needs to update Table 6, which purports to summarize the units where old growth has been identified and excluded from harvest. However, the table in the Final EA has not been updated. It is identical to its counterpart in the Draft EA.[7] These errors must be corrected.

Final EA, Table 6:

Table 6. Old Growth Community Types Identified in Harvest Units

Unit Number	Comp/ Stand	Forest Type	Old Growth Type	Approximate Acreage
1	1568 0002	Chestnut Oak–Scarlett Oak–Yellow Pine	25	1.95
3	1570 0012	Chestnut Oak–White Oak–Scarlett Oak	21	9.39
4	1570 0010	Upland Hardwood–White Pine	25	1.17
5	1570 0003	Upland Hardwood–White Pine	25	2.55
9	1535 0025	Chestnut Oak–White Oak–Scarlett Oak	21	≤1.00
10	1535 0025	Chestnut Oak and Chestnut Oak–White Oak–Scarlett Oak	21	3.50
11	1571 0021	Chestnut Oak–White Oak–Scarlett Oak	21	≤1.00
23	1503 0028	Chestnut Oak	21	1.30
25	1503 0025	Chestnut Oak	21	1.28
27	1503 0024	Upland Oak and Chestnut Oak–White Oak–Scarlett Oak	5 and 21	3.60
28	1503 0024	Chestnut Oak–Scarlett Oak	21	1.10
31	1503 0017	Upland Hardwood–White Pine	25	≤1.00
33	1503 0014	Upland Hardwood–White Pine	25	≤1.00
34	1503 0013	Chestnut Oak–White Oak–Scarlett Oak	21	≤1.00

Source: Forest Service 2024b.

Draft EA, Table 6:

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1	1568 0002	Chestnut Oak–Scarlett Oak–Yellow Pine	25	1.95
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9	1535 0025	Chestnut Oak–White Oak–Scarlett Oak	21	≤1.00
10	1535 0025	Chestnut Oak and Chestnut Oak–White Oak–Scarlett Oak	21	3.50
11	1571 0021	Chestnut Oak–White Oak–Scarlett Oak	21	≤1.00
23	1503 0028	Chestnut Oak	21	1.30
25	1503 0025	Chestnut Oak	21	1.28
27	1503 0024	Upland Oak and Chestnut Oak–White Oak–Scarlett Oak	5 and 21	3.60
28	1503 0024	Chestnut Oak–Scarlett Oak	21	1.10
31	1503 0017	Upland Hardwood–White Pine	25	≤1.00
33	1503 0014	Upland Hardwood–White Pine	25	≤1.00
34	1503 0013	Chestnut Oak–White Oak–Scarlett Oak	21	≤1.00

Source: Forest Service 2024b.

The failure to document the additional old growth in the Final EA increases Objectors' concerns regarding whether all old growth has been identified and will be properly excluded from the harvest units. Once Objectors receive the up-to-date Project Record and have time to review the documents, we would like to have a field trip with Forest Service staff to examine old growth in selected project units and to discuss the process of old growth surveying, the process to update project documents and spatial records, and how these errors occurred here.

Related, Objectors would also like the Forest Service to simplify its assurance that "if more old growth is found when the actual individual units are marked for implementation these areas would be removed from the mechanical treatment units and excluded from burn units" to "If more old growth is found, these areas will be removed from the mechanical treatment units and excluded from burn units."[8] We understand that the Forest Service ultimately determines whether an area meets the Regional criteria for old growth. That said, any old growth confirmed

[7] The Response to Draft EA Comments provides that the Forest Service identified and excluded from harvest the following additional old growth areas: 2.63 acres added to a 5.69 area of old growth in West 3 unit; 4 acres added in Central 11 unit; 2.88 acres added in Central 7 unit; and 1.13 acres added in East 28 unit.

[8] Final EA at 21.

in a project unit must be dropped from harvest, regardless of when it is discovered or by whom. Logging any existing old growth would be very difficult to justify without an EIS, which the Forest Service has not done here.

D. The Forest Service must adequately analyze carbon impacts.

The Final EA fails to provide an adequate assessment of the direct, indirect, and cumulative carbon impacts of the Project as required by NEPA.[9] First, it fully omits any accounting of the project-specific carbon effects associated with the proposed action. Then, in the forest-wide carbon analysis it does include, it fails to apply the most recent and best available science, relying instead on outdated assumptions about carbon storage and sequestration that obfuscate the impact of harvest on forest carbon dynamics.

While we appreciate the Agency's efforts to take a forest-wide look at the scope of carbon effects from logging in the Forest, the absence of any project-specific analysis and dependence on debunked science in the Final EA ultimately curtail its value as a tool for analyzing either individual project-level or cumulative carbon impacts of this Project.

1. The Final EA lacks project-level carbon analyses necessary for its conclusion under NEPA.

According to the Center for Environmental Quality's 2023 guidance, NEPA requires agencies to, among other things, quantify the reasonably foreseeable greenhouse gas emissions of the proposed action and any alternatives, and provide appropriate context for those emissions.[10] The Final EA purports to include "a project-specific climate analysis" that "determined the direct, indirect, and cumulative effects of the proposed action on carbon stocks, emissions, and dynamics."[11] That analysis, included as a Resource Report in Appendix C, is the only support the Final EA offers for its conclusion that "[a]ll effects of the proposed action would be marginal and would not significantly affect carbon and climate resources."[12]

But the Report draws no such conclusion; in fact, the Report does not mention the project's proposed action at all. Instead, it describes itself as offering "a framework to support carbon analysis at the forest level," meant to provide "information to inform project and programmatic NEPA analyses, as well as forest- and landscape-level carbon analyses."[13] While such a framework might, as it claims, "provide[] necessary context for estimating carbon gains or losses from proposed activities and past disturbances," it does not itself *estimate* those carbon effects for this Project. The unit-level assessment might, as it claims, "help to inform project-level carbon analysis in a consistent, efficient, and unbiased approach that reflects the

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[9] 5 U.S.C. Sec. 4332.
[10] 88 Fed. Reg. 1196, 1212 (Jan. 9, 2023).
[11] Final EA, Appendix C: Forest Carbon Assessment for the George Washington and Jefferson National Forests in the Forest Service's Southern Region at 14.
[12] *Id.* at 14.
[13] *Id.* at 12.

CEQ NEPA Guidance," but it does not *perform* that analysis.[14] Because the Report fails to make any specific determinations about the Project's effects on carbon stocks or emissions at all, the Final EA's conclusion that those effects would be marginal is entirely unsubstantiated.

The Draft EA included a project-level carbon assessment report which attempted to quantify the anticipated emissions resulting from the proposed action. Objectors identified several flaws with that analysis, including its failure to analyze the cumulative effects of the Project on carbon storage when added to the incremental effects of other timber projects. In response, the Forest Service claimed to have adjusted its analysis "to encompass the additive effect of all timber projects within the George Washington Forest."

To be clear, the Report in the Final EA is not the cumulative analysis NEPA requires. A proper cumulative-effects analysis requires an agency to consider "the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions."[15] Assessing cumulative effects begins, then, by assessing a Project's individual impact, so as to "add[]" it to the carbon effects of other Forest Service actions. In the Final EA, there is no project-level impact to add.

Moreover, addressing the cumulative effects of a project requires analyzing the effects "from individually minor but collectively significant actions taking place over a period of time."[16] In the Final EA, the Report derives its estimates about forest-wide carbon losses from total harvest impacts between 1990 and 2011.[17] Forest-wide estimates that omit the most recent decade-and-a-half of disturbances cannot adequately contextualize the cumulative carbon impact of this Project, which is taking place at a different period of time alongside a raft of other Forest Service timber projects. To accurately assess this Project's effects on carbon, the Forest Service must contextualize this project by analyzing its cumulative impacts alongside other Forest Service timber harvest projects.

2. Outdated science and data plague the forest-level analysis, limiting its probative value.

In the carbon analysis it does perform, the Final EA nonetheless falls short of NEPA's "hard look" requirement. The Report acknowledges, "Forest Service (FS) policies and CEQ recommendations require the use of best available science and data in NEPA analyses."[18] Yet

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[14] *Id.* at 6.
[15] 40 C.F.R. § 1508.1(i)(3).
[16] *Appalachian Voices, v. U.S. Dep't of Interior*, 25 F.4th 259, 271 (4th Cir. 2022) (holding that "[i]t is clear . . . that climate change typically must form part of the [cumulative-effects] analysis in some way").
[17] Final EA, Appendix C: Forest Carbon Assessment for the George Washington and Jefferson National Forests in the Forest Service's Southern Region at 17 (explaining that the "method used to produce the disturbed impact [satellite data], ForCaMF, is no longer being updated" as of 2011 and "there is no viable substitute").
[18] *Id.* at 6.

the climate assessment is plagued by debunked science and outdated data, each of which obscure rather than elucidate the potential carbon impacts of harvests, even at the broad forest level.

First, the unit-level analysis relies on forest age as a primary factor in its assessment of forest carbon,[19] when that assumption has been upended by more than a decade of scientific scholarship and research. The Report repeatedly adopts the premise that "young forests generally have higher rates of carbon sequestration while older forests have greater carbon stocks."[20] Then, observing that in the Washington and Jefferson National Forest, forests "are mostly middle-aged and older (greater than 80 years), and few stands are young," the Report draws the conclusion "that while forest carbon stocks of the George Washington and Jefferson NF have increased in recent decades, carbon stocks may decline due to forest aging in the coming decades without additional disturbance."[21] In its assessment of "Future Carbon Conditions," the Report states ominously that "[i]f the Forest continues on this aging trajectory, more stands will reach a slower growth stage in coming years and decades . . . , potentially causing the rate of carbon accumulation to decline."[22] In its final summary, after identifying the Washington and Jefferson National Forest as a historic carbon sink, the Report suggests that may have changed due to "a potential age-related decline in forest carbon stocks in the Southern Region (all land ownerships) beginning in the 2020s." Indeed, in the entire section it commits to "Effects of Forest Aging," the Report states that "the effects of non-disturbance factors"—i.e., forest age—"have become more important in influencing carbon trends on the forest" than historical disturbances and subsequent regrowth.[23]

Even if the Report had provided data on the stands impacted by this Project (it does not), the general analysis itself is flawed from the start. The premise that older trees sequester less carbon than young ones has long been debunked. In a 2008 meta-analysis examining data collected from temperate (70%) and boreal (30%) old-growth forests across the globe, Luyssaert et al. found that "biomass continues to increase for centuries," contrary to "the commonly accepted and long-standing view that old growth forests are carbon neutral (that is, that photosynthesis is balanced by respiration)."[24] Another global analysis from 2014 scrutinized data on 673,046 trees from 403 species and concluded that the "large, old trees do not act simply as senescent carbon reservoirs but actively fix large amounts of carbon compared to

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[19] *Id.* at 10 (listing "forest aging" as one of the primary drivers of forest carbon dynamics, along with disturbance and management).
[20] *Id.* at 3. *See also id.* at 30 ("The rate of carbon uptake and sequestration generally declines as forests age."); *id.* at 25 ("the oldest forests take up carbon more slowly than younger forests"); Id. (describing "declines in carbon accumulation associated with historical disturbance, aging, and climate.").
[21] *Id.* at 4.
[22] *Id.* at 26.
[23] *Id.* at 24.
[24] Luyssaert et al (2008). Old-growth forests as global carbon sinks. Nature Letters, Vol 455, 11 September 2008 (attached).

smaller trees; at the extreme, a single big tree can add the same amount of carbon to the forest within a year as is contained in an entire mid-sized tree."[25] As the study's lead author explained to Nature, "The trees that are adding the most mass are the biggest ones, and that holds pretty much everywhere on Earth we looked."[26] Studies at smaller scale have echoed the same finding. For example, an assessment of tree ring data from the Lilley Cornett Woods in Letcher County, Kentucky found that older trees were still achieving maximum growth rates after 200 years.[27]

Beyond making outdated assumptions about the carbon effects of forest aging, the Final EA's carbon assessment further obfuscates the carbon impacts of the Project by reciting flawed and irrelevant statements about the emissions impact of forest regeneration and of harvested wood. The Report suggests that "[i]n some cases, removing carbon from forests for human use can result in lower net contributions of GHGs to the atmosphere than if the forest was not managed, if carbon stored in wood products, substitution effects, and forest regrowth is considered."[28] The Report does not define the parameters of such cases, or ask or answer whether this project might represent one of them. Instead, in quantifying decreases in carbon stocks on the Washington and Jefferson National Forest, the Report qualifies its estimate of 1.27% loss, noting that "[t]hese estimates represent an upper bound because they do not account for continued storage of harvested carbon in wood products or the effect of substitution."[29] This statement is misleading.

The Forest Service's own data about carbon remaining in primary wood products demonstrates how little harvested wood is stored for long periods of time.[30] A decade after harvest, 57% of the carbon stored in the original forest—which likely took many decades or centuries to sequester—has been released to the atmosphere.[31] Carbon emissions associated with the timber sale continue increasing over time as wood products are disposed so that fifty years post sale, 70% of the carbon once stored in the harvested forest has been released to the atmosphere.[32] After fifty years, only 12% of the carbon in the harvested forest is being stored in in-use wood products.[33] Although the Report admits, vaguely, that the duration of carbon

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[25] Stephenson, N., Das, A., Condit, R. et al. Rate of tree carbon accumulation increases continuously with tree size. Nature 507, 90–93 (2014). https://doi.org/10.1038/nature12914 (attached).
[26] Tollefson, J. Tree growth never slows. Nature (2014). https://doi.org/10.1038/nature.2014.14536.
[27] Ryan W. McEwan, Neil Pederson, Adrienne Cooper, Josh Taylor, Robert Watts, and Amy Hruska. Fire and gap dynamics over 300 years in an old-growth temperate forest. Applied Vegetation Science 17 (2014) pp. 312-322.
[28] Final EA, Appendix C: Forest Carbon Assessment for the George Washington and Jefferson National Forests in the Forest Service's Southern Region at 21.
[29] *Id.* at 29.
[30] *See* attached U.S. Forest Serv., Assessment for the Nantahala and Pisgah National Forests, at 83 (2014), available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd532825.pdf
[31] *Id.*
[32] *Id.*
[33] *Id.*

storage varies by product,[34] the implication that the carbon sequestered in manufactured wood products meaningfully mitigates the carbon impacts of timber harvest is simply inaccurate, even according to the Forest Service's account.

The reality for energy generation from biomass is even worse. The Report suggests that "wood-based energy can displace fossil fuel energy, resulting in a substitution effect that provides added benefits for greenhouse gas emissions reductions, beyond the carbon stored in the products themselves."[35] But substituting woody biomass for fossil fuels does not cause a net reduction in carbon emissions—quite the opposite. "Since in general woody biomass is less energy dense than fossil fuels, and contains higher quantities of moisture and less hydrogen, at the point of combustion burning wood for energy usually emits more greenhouse gases per unit of energy produced than is the case with fossil fuels."[36]

Elsewhere, the Report attempts to vaguely minimize the impact of harvest on carbon by noting that "regrowing forests sequester carbon, eventually accumulating the same amount of carbon initially emitted, in the absence of further disturbance or climate change."[37] First, any observations that presume an absence of climate change are irrelevant at best, misleading at worst. Second, even in the best-case scenario, forests do not re-sequester the carbon emitted during timber harvest for multiple decades to centuries at best.[38] Brushing that significant time gap away with an "eventually" flouts the fact that achieving emissions reductions is highly time critical. The Biden-Harris Administration has set a target of "net-zero emissions economy-wide

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[34] Final EA, Appendix C: Forest Carbon Assessment for the George Washington and Jefferson National Forests in the Forest Service's Southern Region at 15.
[35] *Id.* at 15.
[36] Duncan Brack, Woody Biomass for Power and Heat Impacts on the Global Climate 14 (February 2017), https://www.chathamhouse.org/sites/default/files/publications/research/2017-02-23-woody-biomass-global-climatebrack-final2.pdf (attached). *See also* S. Env't L. Ctr., Comments on the Department of Treasury's Treatment of Forest-Derived Biomass Electricity Under Section 45Y (Nov. 4, 2022) (explaining that burning wood emits more carbon dioxide than fossil fuels per unit of electricity generated) (attached).
[37] Final EA, Appendix C: Forest Carbon Assessment for the George Washington and Jefferson National Forests in the Forest Service's Southern Region at 10; *see also id.* at 15 ("Much of the amount of harvested carbon that is initially transferred out of the forest can also be recovered with time, as the forest in the affected area regenerates and grows over the decades following harvest.").
[38] *See* Tara Hudiburg et al., Meeting GHG Reduction Targets Requires Accounting for All Forest Sector Emissions, 14 Env't Rsch. Letters (2019) (noting that carbon removed from old-growth forests, for example, will not be fully replaced for hundreds of years—"and cannot be recovered [ever] if current management practices continue") (attached).

by no later than 2050."[39] The existing forest is sequestering carbon now. The possibility of breaking even on carbon emissions decades or centuries later is so remote as to be irrelevant.

Finally, the Report raises potential changes to the forest's carbon stocks with which the Final EA fails to grapple. From 1990 to 2011, the Report identified timber harvest as the primary disturbance affecting forest carbon stocks, estimating that it reduced total forested area by less than 2.6 percent over that 21-year period.[40] Insect disturbances came close behind, impacting 1.92 percent of forested areas.[41] Lacking quantitative data on forest disturbances over the past 15 years, the Report did not attempt to estimate timber harvest loss, but it did highlight a health advisory report on the Washington and Jefferson National Forest completed by the Forest Service in 2023. According to that report, 21 percent of the forest biomass is "at risk," which means that without remediation, that portion of forest will experience a 25 percent reduction due to insects and disease over the next 15 years. Put simply, that means the Forest Service predicted a 5.25 percent loss of forest biomass in the Washington and Jefferson National Forest between 2013 and 2027, absent any logging activity. The Report is correct to conclude that such a loss "may have subsequent carbon implications," but it needed to analyze that implication further, quantifying predicted losses and adding them to the cumulative carbon costs associated with this Project and others on the Forest.

III. Request for Relief

For the foregoing reasons, Objectors respectfully request that the Forest Service and Objectors come to a mutually satisfactory agreement regarding:

A. Before the decision notice is signed, Objectors will receive all documents in the Project Record and a reasonable opportunity for (a) Objectors to raise and discuss concerns with Forest Service staff arising out of Objectors' review of the Project Record; and (b) Forest Service staff and Objectors to resolve concerns and settle this administrative objection.

B. The Forest Service will produce project mapping that allow Objectors and members of the public to see attributes and topography at the unit level.

C. The Forest Service will accurately document in the Decision Notice and project mapping all old growth that is being excluded from harvest, including those areas referenced in the Response to Draft EA Comments that are not included in Table 6 of the Final EA.

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[39] Executive Order 14057, 86 Fed. Reg. 70,935 (Dec. 8, 2021).
[40] Final EA, Appendix C: Forest Carbon Assessment for the George Washington and Jefferson National Forests in the Forest Service's Southern Region at 18.
[41] *Id.*

D. Once Objectors receive and have a reasonable opportunity to review the Project Record, the Forest Service will host a field trip to examine old growth in selected project units.

E. The Forest Service will commit that if more old growth is identified in the project units, such areas will be excluded from mechanical treatment and burn units.

F. The Forest Service will adequately assess the direct, indirect, and cumulative carbon impacts of the Project as required by NEPA.

We look forward to discussing the above issues with you.

Respectfully submitted, and signed for Objectors,

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Attachments

IV. List of attachments:

1. SELC emails attaching FOIA request (4-1-2024 and 4-30-24).

2. Luyssaert et al (2008). Old-growth forests as global carbon sinks. Nature Letters, Vol 455, 11 September 2008.

3. Stephenson, N., Das, A., Condit, R. et al. Rate of tree carbon accumulation increases continuously with tree size. Nature 507, 90–93 (2014). https://doi.org/10.1038/nature12914

4. U.S. Forest Serv., Assessment for the Nantahala and Pisgah National Forests, at 83 (2014), available at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd532825.pdf

5. Duncan Brack, Woody Biomass for Power and Heat Impacts on the Global Climate 14 (February 2017), https://www.chathamhouse.org/sites/default/files/publications/research/2017-02-23-woody-biomass-global-climatebrack-final2.pdf

6. SELC Comments on the Department of Treasury's Treatment of Forest-Derived Biomass Electricity Under Section 45Y (Nov. 4, 2022).

7. Tara Hudiburg et al., Meeting GHG Reduction Targets Requires Accounting for All Forest Sector Emissions, 14 Env't Rsch. Letters (2019).