

October 24, 2024

Via Email

Reviewing Office
ATTN: Administrative Review Staff,
USDA Forest Service, Eastern Region,
626 E. Wisconsin Avenue

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Subject: Objection, Buffalo Springs Restoration Project

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Re: Objection to Buffalo Springs Restoration Project, and Accompanying Environmental Analysis

Reviewing Officer,

Pursuant to 36 C.F.R. § 218.8, I hereby submit formal objections to the Buffalo Springs Restoration Project (BS Project), including the U.S. Forest Service's (USFS) environmental analysis of the Project's effects under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347. These objections are submitted on behalf of the members of Heartwood.

Heartwood

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Heartwood is a 501c3 network of organizations and individuals from across the eastern U.S. with over 2,000 individuals on its mailing list, and over 150 member groups spread across 18 states.

Several comments on the Draft EA were submitted that referenced Heartwood, which is appropriate. Heartwood was literally formed in the midst of the BS Project area, and many members felt that the proposed project was deliberately targeting an area of deep significance to us. Since it's founding in 1991 (excepting one year due to the pandemic) Heartwood has held an annual gathering in the BS Project area. This portion of the Hoosier National Forest is near and dear to us and its fate is of great concern. We are committed to its protection.

I ask that all comments submitted in the name of Heartwood on the BS Project Draft EA, and all objections to the Draft Decision Notice submitted by Heartwood members be included by reference. This step is being taken because many of the original comments were ignored by the USFS, and many of the responses to comments were based on misinterpretations of the comments. This is to include all member groups of Heartwood, including the Indiana Forest Alliance and Protect Our Woods.

The most egregious of the failures to adequately respond to comments on the Draft EA will be addressed below, but first I will begin with the proverbial elephant in the room, which must be included as an objection because it represents new information and changed conditions.

President Biden's Executive Order 14072 instructs the USFS to produce an inventory of all mature and old-growth (*both*, not either/or) forests under its management, and to amend every Land and Resource Management Plan (LRMP) for every Forest Service unit in the U.S. in order to protect and expand mature and old-growth forests. This was not addressed in the Draft EA or in the responses to comments. The BS Project was proposed using a LRMP that is not merely stale, but well beyond the required deadline for revision. The USFS states that until a new LRMP is developed it is allowed to operate under the old LRMP. The expiration of the existing LRMP is the fault of the USFS, not the public, and the USFS should accept responsibility for this, rather than taking advantage of its own failure. This raises several concerns. First, the BS Project is a commitment for up to 25 years and includes both mature and old-growth stands. The FS states that it may be three to five years before a new LRMP is developed for the Hoosier. How can it be appropriate to commit to a 25-year project under a LRMP that is likely to be replaced in the near future? When the required MOG amendment is added into this equation, it is highly unlikely that the BS Project would be consistent with an amended new LRMP.

No serious effort was made by the USFS to identify potential mature and old-growth stands in the BS Project area. What efforts were made to define old-growth (mature was ignored altogether) were based on silvicultural assumptions about timber harvest maturity rather than ecological science. The forest is more than just the trees, or the quantity of board feet. It involves complexity of species, which was not given a hard look in the effort to define old-growth. Modern ecological science recognizes that the forest can be older than any of the trees in it, and this matters in terms of ecological resilience and diversity. This was not taken into account.

In short, the massive BS Project—the largest ever proposed on the Hoosier—has all the appearance of a cynical attempt to grandfather in an extensive logging and burning project that would not be allowed under an amended new LRMP. A basic principle should be observed here: “Can” does not equal “should.” The BS Project should be withdrawn until the required revisions and amendments are in place and then a full EIS prepared for public comment. The refusal to do so demands a full explanation as to why rushing this BS Project through is so important that the USFS is willing to risk losing what public trust it had.

The BS Project, and all future proposed Projects, should conform to GAP levels 1 and 2 protections in accordance with the 30X30 initiative. That the Draft EA does not even mention these mandates is a failure of the USFS to meet its obligations. The criteria and expectations of this dictate have been evolving rapidly and form clear “new information” that must be taken into account.

The USFS refused the public’s request for an extension to the comment period on the Draft EA. The scoping period of only 30 days, over the holiday season, was inadequate for the public to deal with the Draft EA and get out on the ground to examine the actual conditions in the BS Project area. Reading and analyzing the full Draft EA, getting into the Project area, and then consulting with experts who can provide greater understanding of the issues is critical for informed public input to take place, as is required by NEPA. The USFS claimed that such an extension is not allowed, but this is simply not the case. Extensions are not unusual for Project proposals, especially when they are as large and complex as this one. In our experience, when a request for an extension is denied, a full explanation of why is provided, not a false assertion that it can’t be done.

The USFS also rejected, off hand, the Citizen’s Preferred Alternative. The explanation was that it did not meet the desired conditions stipulated in the current, and expired, LRMP. No consideration was given to the fact that a new Area Plan, consistent with MOG amendments, will be produced. This new Plan will likely change the desired conditions of this unique portion of the Hoosier, and the Citizen’s Preferred Alternative might well meet the new desired conditions. Justifying the BS Project based on the desired conditions of the expired LRMP while failing to consider the changing conditions of the forest, the E.O.’s directives, and the rapidly emerging climate science is unacceptable. Again, this has the appearance of attempting to rush the BS Project through to grand-father in the logging and burning that might not be allowed with a new LRMP. No attempt was made to explain why this is not the case in spite of comments that suggested it was.

The E.O. creates the need to transition from the USFS’ traditional silvicultural analysis to an ecological analysis to account for the rapidly emerging climate science. The USFS continues to evaluate forest conditions based on DBH and/or age of the trees, with harvest age used as the standard. It makes the false assertion that carbon sequestration slows as the trees approach 80 to 120 years old (timber harvest maturity due to a slowing rate of DBH increase) and become carbon sources, rather than sinks, after 120 years. This is simply not supported by the newest and best science. The DBH rate of increase does slow because an equivalent annual increase in woody mass produces a slower growth rate in a large tree than in a small one. But, carbon sequestration actually increases as the tree continues to age. When the tree eventually falls, fungi and other decomposers, move the stored carbon into the soil where it is stored long term and provides increased nutrients for younger trees, especially through the mycorrhizal network. This is an especially egregious example of not applying the best and most current science. A mature or old-growth forest can store far more carbon than what is in the trees. Climate and carbon sequestration are not given the required hard look in the old LRMP or in the Draft EA. The E.O. and MOG mandates now require that this be done. The USFS does not acknowledge that we know far more about climate science now than when the expired LRMP was produced.

Again, a full EIS rather than an EA might have allowed this desperately needed transition.

The USFS removed the Paoli Experimental Forest from the BS Project without adequate explanation. This was apparently in response to the tornado, which actually achieved many of the desired conditions the USFS purports to be able to create by artificial means. Natural disturbances will occur and will increase with climate change. There is no need to artificially create them. The need for salvage logging in this section of forest has not been justified, other than the monetary value of the trees. This should have been fully explained and justified. Again, a full EIS might have addressed this. The changing conditions facing bats, in particular, as well as the reported presence of Cerulean Warbler, prime grouse habitat, etc., certainly require a full EIS. At minimum, an explanation for why the Paoli Experimental Forest salvage was separated from the BS Project should be provided.

Comments on the Draft EA mentioned the effects of the Emerald Ash Borer and asked whether efforts would be made to avoid the surviving trees that have resistance to the insect. This comment was ignored. It should have received a response.

There was inadequate analysis of the impacts on the several endangered and threatened species known to be in the area. There was also inadequate effort to survey what other species of concern might be in the BS Project Area. This is yet another reason why a full EIS should have been provided. The more thorough analysis would have also evaluated the impacts of the increased fragmentation and edge effects. The use of a very narrow definition of what counts as “fragmentation” is inconsistent with current ecological science. The additional edge effects will certainly have a negative impact on several species of birds, salamanders, etc. that are known to be in the BS Project area.

Another glaring avoidance of ecological science is the claim that the BS Project area was historically an oak-hickory forest and needs to be thinned and burned to prevent the mesophication of the forest. First, it was historically a mixed mesophytic forest and was never dominated by oaks and hickories. There is ample proof of this, and it was cited in the comments. Second, the mesophytic forests of the eastern U.S., and the Hoosier in particular, have a more closed canopy and much more diverse species. All this combines to make the forest more moist, less prone to fires, and lowers the temperature for the entire region. This is why the hardwood forests of the east have escaped the most severe temperature increases that are occurring in other regions. The mesophytic forest is not a problem to be solved, it is a key factor in mitigating climate change. To take actions that will make the forest dryer and more fire prone in the climate crisis is irresponsible and incompatible with the E.O. and MOG directives.

Fire was never a major driver of the forest conditions in the BS Project area. The science clearly verifies this. The introduction of massive thinning and burning for extended periods of time will make the forest less resilient in the face of climate change. This is in direct opposition to the directives of the E.O. on mature and old-growth forests. The “desired conditions” used by the USFS in the BS Project are outdated and counter to the rapidly emerging science on climate change. This was brushed off in the USFS response to the public’s comments. Given that the BS Project is counter to what will, or should, be included in a new LRMP with the mandated amendments, there is no justification for

allowing this to go forward. The goal of artificially creating conditions in the forest that will require perpetual effort to prevent it from changing to its natural conditions makes no sense, especially with a changing climate.

The Draft EA did not provide nearly enough detailed data on the preferred stand density of the forest, other than to claim it is currently too dense. A full explanation, based on current ecological science, including climate science and the MOG initiative, should have been provided to make the need for thinning and burning understandable. There was also no data provided about the extent to which the existing pine stands are gradually being replaced by hardwoods. Such a gradual transition to natural conditions, with the changing climate clearly prioritizing the winners and losers, will have minimal impact on the varied species, such as vertebrates, invertebrates, flora, fungi, etc. Rapid removal by clearcutting and burning will have a much greater impact on these species than a slow, natural transition. This was not adequately analyzed, and no explanation was provided as to why the forced transition is preferable. In fact, given the MOG amendments that are mandated by the E.O., the desired condition should be to protect as much existing old-growth as possible while moving mature forest towards old-growth conditions. Mature and old-growth forests are rare in the eastern U.S. and the changing climate and emerging carbon science clearly indicate that we need as much of it as possible. The BS Project will set these forests back by a century or more. This is opposite of what needs to be done, but no consideration was given to this.

Again, a full EIS might have taken these factors into account. We do know, with certainty, that the climate is changing, *and* that we cannot be certain what those changes will be. Rather than attempting to force “preferred” conditions from an arbitrarily chosen past time period, allowing the forest to naturally adapt to the changes—while it continues to assist in mitigating those changes—should have been considered. Yet, the No Action alternative was given little to no consideration, and no explanation for why this was the case was provided in the response to the comments.

The required economic analysis of the BS Project is woefully inadequate. This is the least comprehensive economic evaluation I have ever seen! It is not enough to calculate that the USFS will make a profit from the logging. A full analysis of the economic impacts on the local and regional economy should have also been made. There will be an impact on the diverse tourism economy of the entire region. There will also be an economic impact on local landowners, especially those with private woodlots as the sale of timber by the USFS with the BS Project will deflate the value of private timberlands. There will also be an economic impact from the potential harm to Patoka Lake and the drinking water supply for the surrounding communities. These issues were raised in the comments, but not adequately addressed. Simply declaring that it won’t happen is not the same as a thorough analysis, which would also include detailed mitigation measures. Enough information must be provided to allow the public to evaluate the assertions of the USFS.

The Draft EA acknowledges that there are heritage sites in the BS Project area, and that minimal harm will occur to them. But, this is taking the sites individually. The potential for a Cultural Landscape, taking the whole collection of sites, including Buffalo Trace, into

account to determine if the whole provides more significance than the parts is required by Section 106 of the National Heritage Preservation Act. There was little to no information provided on this and minimal response to the provided comments.

The USFS states that there are no inventoried roadless areas in the BS Project area to protect. The fact is that there are portions in the Project area that meet the qualifications of a Roadless Area, even if they have not been inventoried. A full EIS would have taken this into account and would have altered the BS Project alternatives. The use of an EA was “justified” by the claim that the “threshold of significance” was not met. There are multiple “thresholds of significance” that should have been considered, and they are clearly met. The bald assertion that they are not met is not the same as providing evidence based on actual analysis, and certainly is not an adequate response to comments that asked for an EIS.

The assertion that the logging and burning will have minimal impact on the fungi in the soil is inconsistent with the emerging ecological science. The USFS made the claim that while ectomycorrhizal fungi may decline initially due to the logging, it recovers quickly. This claim was “justified” by the fact that much of the BS Project area was once deforested but is now forested. This is not taking current ecological science into account. Logging, with the use of heavy equipment, compacts the soil. Some varieties of fungi do recover, and trees can grow there. This is not the same as old-growth conditions in the forest that the E.O. mandates. Natural senescence of the forest creates lots of down woody debris and many standing and broken snags. It also produces pronounced pit and mound topography. All this creates multiple micro habitats and increases species diversity. As stated above, an old forest can be older than any of the living trees in it. It is not just the presence of trees, but the conditions in the canopy, understory, ground cover, and underground. Focusing on the trees alone is a silvicultural approach that is appropriate when production of a sustained yield of timber harvest is prioritized. This is inappropriate given the dictates of the MOG E.O. and the 30X30 directive. Much of the BS Project area is mature forest, and absent USFS intervention, is moving towards old-growth status. In short, the Draft EA the USFS produced is inadequate and inappropriate for the changing conditions we are facing, including the coming MOG amendments.

A Finding of No Significant Impact (FONSI) was issued to justify the EA and lack of a more inclusive EIS. If, in fact, there would be no significant impact, then the No Action alternative should have been the obvious answer. Why expend taxpayer dollars if there will be no significant impact? Even if a positive significant impact would result from the project, an EIS should have been prepared to explain and justify why it was positive. To ignore the obvious negative impacts and still issue a FONSI is unacceptable. The USFS holds a moral, as well as legal, obligation to the citizen owners of the land it is entrusted to manage. That obligation has not been fulfilled.

The BS Project is inappropriate and not justifiable when the new information regarding climate and carbon sequestration are considered, especially if the best science is used. The Project should be withdrawn and a full EIS provided after new LRMP and MOG amendments are in place.

David Nickell
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