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Last name: Sutton

Organization: Nantahala Pisgah Forest Partnership

Title: Lead Objector

Comments: See attached documents:

1. Nantahala Pisgah Forest Partnership Objection to the Nantahala Pisgah National Forests Land Management Plan.

2. Attachment: Nantahala Pisgah Forest Partnership Comments on the Draft Plan submitted June 25, 2020

March 22, 2022

Ken Arney, Reviewing Officer

Regional Forester USDA Forest Service, Southern Region

James Melonas, Responsible Official

Forest Supervisor National Forests in North Carolina

Attn: Objection Coordinator

Nantahala and Pisgah National Forests 160 Zillicoa St., Suite A Asheville, NC 28801

Submitted electronically via CARA Online Portal:

<https://cara.ecosystem-management.org/Public/CommentInput?Project=43545>

Notice of Objection to the Final Land Management Plan for the Nantahala and Pisgah National Forests

#### OBJECTOR CONTACT INFORMATION

Pursuant to 36 C.F.R. [sect] 219.54 (c)(3) Megan Sutton of the Nature Conservancy is designated as the lead objector. If Megan is unable to perform her duties as lead objector, Manly Fuller of the North Carolina Wildlife Federation will act as lead objector.

Nantahala and Pisgah Forest Partnership

Megan N. Sutton, Lead Objector

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Member Organizations

Access Fund

American Whitewater

Back Country Horsemen of North Carolina

Carolina Climbers Coalition

Carolina Land & Lakes Resource Conservation & Development Council

Carolina Mountain Club

Columbia Forest Products

Defenders of Wildlife

EcoForesters

Evergreen Packaging

International Mountain Biking Association

MountainTrue

North Carolina Chapter of The Nature Conservancy

North Carolina Council of Trout Unlimited

North Carolina Horse Council

North Carolina Wildlife Federation

Southern Appalachian Mineral Society

Southern Off-Road Bicycle Association

The Wilderness Society

Wildlands Network

#### Affiliate Organizations

Audubon North Carolina

Chattooga Conservancy

North Carolina Chapter of The Sierra Club

Southern Environmental Law Center

#### Abstentions

The Ruffed Grouse Society and North Carolina Backcountry Hunters and Anglers abstain from this Partnership objection because they were not members, nor active contributors, at the time of the Partnership's June 2020 comments.

#### NOTICE OF OBJECTION

The Nantahala Pisgah Forest Partnership files this objection to the Final Land Management Plan for the Nantahala and Pisgah National Forests (the Final Plan) under the process identified in 36 CFR [sect] 219 Subpart B. The Draft Record of Decision (ROD) for the Final Environmental Impact Statement (FEIS) and Final Plan was issued on January 21, 2022. The legal notice of the ROD, FEIS and Final Plan was published in the Nantahala and Pisgah National Forests newspaper of record, The Asheville Citizen Times, on January 21, 2022; therefore, this objection is timely.

#### ELIGIBILITY TO OBJECT

Over the last nine years the Nantahala Pisgah Forest Partnership (Partnership) has engaged in robust public dialogue in support of the forest planning process. The Partnership utilized a variety of sources including national, regional, and local community expertise with an emphasis on public participation and information sharing in order to reach consensus. Partnership members and affiliates have contributed thousands of hours to build consensus around and support for recommendations that would facilitate a Forest Plan which best addresses the interests of our many stakeholders as well as the needs of the environment, local communities, and the countless species that call the Nantahala and Pisgah home. We continue our participation in this process with the intent of creating a lasting voice for the innovative management of and public investment in the future of our beloved National Forests.

The Partnership provided substantive consensus-based comments on the Draft Plan in June 2020 that balanced all stakeholder needs to the fullest extent possible. Our agreements and consensus recommendations were hard earned. The Partnership included representatives from the full spectrum of interests, and the only qualification for membership was a willingness to validate other members's interests and work for common ground. Every member stretched as far as possible to create the largest possible zone of consent.

## INTRODUCTION

While we reiterate our public appreciation of the enormous task of creating the new Forest Plan, we feel that the Plan does not go far enough in resolving conflict. Because of this, we, the members and affiliates of the Nantahala Pisgah Forest Partnership, object to the Final Land Management Plan released by the Nantahala and Pisgah National Forests based on the 2012 Planning Rule's requirement to "provide social, economic, and ecological sustainability" and to "provide for integrated, sustainable multiple uses" (36 CFR [sect] 219.8, 219.10). By needlessly providing for undue conflict at the Plan and project level, the Final Plan misses the opportunity we provided to facilitate faster and more progress toward meeting the Purpose and Need.

We recognize that the Partnership's elegant and specific solutions are not the only possible answers that resolve conflict; however, we do not see other conflict resolution ideas being proposed in the Final Plan that adequately address the areas we have outlined below. We strongly object that deferring many issues to project implementation is sufficient and ask that the Reviewing Officer reconsider the Partnership's solutions. The collaboratively developed, comprehensive comments are an alternative that was not analyzed in detail, and yet got closer to fulfilling the spirit and language of the 2012 Planning Rule.

Please note that our objections are not just a list of randomly aggregated individual interests. The Partnership is not just a list of individual stakeholders in our Forests. We are a collaborative organization of interests which acts for each of us, as we act for all. Many in our group of stakeholders will object individually, according to the process of the objection period. It is anticipated there will be multiple Interested Parties joining these individual objections, and these must be recognized as more than merely curious. This is the direct result of our years of collaboration, and the seriousness with which we, as the members and affiliates of the Partnership, are committed to solving the issues that our recommendations resolve. We recognize that each of our interests are interconnected and object accordingly. When one group's interest is negatively affected, the whole Partnership is negatively affected.

Our concerns also directly affect the Forest Service's proclaimed ability to successfully utilize collaboration that is mandated in the 2012 Planning Rule. If potential conflict and solutions are not addressed sufficiently in the Plan, they will likely be pushed out into implementation, perhaps substantially stalling projects, and delaying the restoration that our forests and wildlife so desperately need.

The areas outlined below are the specific issues that we feel the Final Plan has yet to resolve.

## STATEMENT OF ISSUES

### I. Tier 2 Active Management Objective + Land Allocations + Other Requirements ("triggers")

The Partnership re-affirms its commitment to resolving conflict by redirecting the agency to reconsider the critical and important linkages between

(1) the Tier 2 Active Management Objectives,

(2) Management Area allocations, and

(3) the explicit need to address resource issues of Non-Native Invasive Species (NNIS) and road maintenance needs simultaneously.

The Partnership provided recommendations with agreed upon Management Area allocations as the necessary glue to hold these issues that are in tension, together. These land allocations we recommended provide ample space to meet stretch goals for all members's interests, from young forests to wilderness to eligible Wild and Scenic Rivers, while providing management direction for different areas to guide the development of broadly supported projects (Comments pp. 25-29). This means that these recommended land allocations will make implementation of the Plan more efficient and less contentious.

Land allocation by the Forest Service in Alternative E differed significantly from the land allocations recommended by the Partnership. We formed the Partnership because we believe we can accomplish more when we work together. We have seen in the old Plan that timber volume and young forest habitat on paper does not equate to actions on the ground. We are therefore concerned that the management area allocations proposed in Alternative E could lead to delayed project implementation due to increased environmental analysis and objections.

The Partnership specifically recommended some places be in management areas not suitable for timber production because we also support commercial utilization of lands in the suitable base. We support suitable lands having rotational harvest. For that reason, we support the Forest Service's Desired Condition that "Locally, young forest patch size will frequently exceed average natural disturbance gap size to provide for habitat diversity and benefit wildlife, and to facilitate restoration operations and financial considerations" (Final Plan pg. 214). In addition, the Partnership recommendations include the importance of "Good allocations [that] tailor the management direction for different areas to guide the development of good projects, in which recommended work is likely to make it into a final decision and be implemented in an efficient manner" (Comments pp. 25-29). To address this, it is critical that the management area allocations reflect the Partnership's consensus approach.

Hand in hand with our recommendations on land allocation is our commitment to achieving Tier 2 levels of management. A key difference in the Partnership's recommended Tiers and the Forest Service's regarding timber harvest was a higher level for Tier 1 young forest creation, 1,600 acres for the Partnership vs. 1,200 acres for the Forest Service (Comments pp. 7-8, Final Plan pg. 70). We understand that the Forest Service is bound by the fiscal capability requirement of the Planning Rule, and so it is even more important to us that Tier 2 levels of Management, for all interests, are achieved. In the opinion of Partnership members, Tier 2 levels of Management could be expedited by efficient management area allocation.

The Partnership reaffirms our commitment to meeting the needs of all interests, and therefore we proposed the concept of Tiered Objectives, and then reached consensus on active management Objectives (Comments pp. 7-8). With these agreements for active management, came negotiations on treating NNIS with a Desired Condition to prevent spread as active management expanded, and a proposed "road bank" to address the backlog of road maintenance. To reiterate, the Partnership re-affirms the importance of adaptive management triggers in order to have collaborative support for Tier 2 levels of active management. Specifically, the Partnership needs for NNIS control and road maintenance levels to balance out increased numbers in active management.

More specifically, the Partnership recommended that an Objective that all new harvest units and associated roads (including a 100-foot buffer) be monitored for new infestations of priority NNIS. In order to operate within Tier 2 for active management, the Partnership recommended it be mandatory to monitor for and control the spread of NNIS, consistent with a Desired Condition to prevent spread (Comments pp. 12-13). In addition, the Partnership recommended that basic road maintenance levels are set such that the backlog is not increasing and provided explicit solutions for how to address the tensions between ground disturbing activities and the protection of soil and water to create a more sustainable network (Comments pp. 35-40). The importance of linking NNIS

treatment and road maintenance to Tier 2 active management amounts was a required component of reaching collaborative consensus.

Therefore, the agency's approach fails to meet the purpose and need of the Plan, as well as stated Desired Conditions and Objectives, to the extent and with the efficiency of the Partnership proposed solutions (Final Plan pg. 1-2). Our Partnership members and affiliates stretched well beyond their comfort zone, and farther than they may have otherwise been able to in order to balance all stakeholder needs to the fullest extent possible. To remedy the Final Plan language, we recommended:

- 1) Linking Objectives in the way proposed by the Partnership to ensure that no one interest benefits at the expense of another (Comments pp. 12-13, 35-40)
- 2) Adopting a Management Area Allocation similar to the one advocated by the Partnership (Comments pp. 25-30)
- 3) Pursuing a timber harvest strategy that yields higher volume per acre in Tier 1 than Tier 2 (Comments pp. 7-8).

## II. Recreation

The Partnership recommendations included requests for sustainable recreation-related Plan components. These Plan component recommendations were carefully crafted to integrate with Management Area allocations and other elements of our agreements to ensure that as other interests' needs are met on the Forest, the Forest Service provides for meaningful and positive outdoor experiences for the over 5 million annual visitors. The result of this integrated approach would have been fewer conflicts during implementation among stakeholders, between stakeholders and the Forest Service, and between visitors and natural resources. In rejecting management area allocations including designations, management sideboards, and approaches to sustainably managing recreational uses like climbing, paddling, horseback riding, hiking, biking and mineral gathering, the Forest Service has chosen a future with more conflicts and less collaboration, and with less satisfied visitors, and is failing to adequately provide for sustainable recreation as is required by the 2012 Forest Planning Rule.

Regarding climbing, in REC-S-19 the Forest introduced climbing closures and policy that fail to integrate the collaborative goals of the Forest Plan, introduced new and potentially prohibitive fixed anchor policies in CDW-S-05 and RW-S-13, and in REC-O-09 included a future Tier 2 climbing management plan (CMP) goal with imminent prohibitive climbing management recommendations prior to the collaborative work that an effective CMP requires (Comments pg. 82, Final Plan pg. 124). Regarding paddling, WSR-S-31, WSR-S-32, and WSR-S-37 wrongly impose severe limits on paddling the Chattooga River that do not provide for sustainable recreation, and the Forest fails to recognize Wild and Scenic River recreation values on the North Fork of the French Broad and Tuckasegee Rivers, and Overflow Creek (Comments pg. 44, Final Plan pp. 254-58). Regarding mineral hunting, the Forest erred in including unprecedented and undesirable new language in REC-S-03, prohibiting use of any "surface penetrating tool," which contradicts current management standards (Comments pg. 82, Final Plan pg. 116). Regarding restricting bicycles and horses to designated trails, REC-S-11 and its associated footnote (20), the closure order could technically be implemented after REC-O-07a "begins" collaborative trail planning which fails to secure time for the process, as suggested in FEIS and we ask that it be changed to "upon completion of collaborative trail planning in each GA (EE/BM/BLM/HD)" (Comments pg. 9 & 81, Final Plan pg. 122, FEIS 3-465).

Therefore, the agency's approach fails to meet the purpose and need of the Plan, as well as stated Desired Conditions and Objectives, to the extent and with the efficiency of the Partnership proposed solutions (Final Plan pg. 1-2). We therefore request remedy of these errors in the Final Plan by bringing each error into alignment with the Partnership's Comments on the Draft Plan, which address each point in detail. Doing so

would more fully provide for sustainable recreation as is required in the 2012 Planning Rule.

### III. Old Growth

In our Comments on the Draft Plan the Partnership supported a 256,000-acre old-growth network, a cap-and-trade approach for refining the network with better quality patches should they be encountered during projects, and a process for identifying old-growth during projects (Comments pp. 19-21). Unfortunately, Alternative E selected a 265,000-acre network, with no cap and trade, and no process for identifying old-growth at the project level (Final Plan pp. 84-86). Additionally, the process for deciding whether or not to harvest old-growth forest at the project level is left up to the subjective decision-making of district rangers (Final Plan pg. 85).

There has been generally strong consensus in the Partnership around protecting existing old growth as a way to smooth project implementation. A cogent strategy to protect old growth gives conservation stakeholders the freedom to support projects that otherwise might be seen as a threat. Because the forest is aging, however, there has also been a concern that a Standard allowing designation of newly found old growth may result in an ever-shrinking suitable timber base. The Partnership recommendations combine flexibility and certainty that benefit all interests. It reduces project level conflict and ensures project success and will also result in a higher quality old growth patch network (Comments pp. 20-21).

Therefore, the agency's approach fails to meet the purpose and need of the Plan, as well as stated Desired Conditions and Objectives, to the extent and with the efficiency of the Partnership proposed solutions (Final Plan pg. 1-2). As a remedy the Partnership recommended (Comments pp. 19-21):

? Using the 256,000-acre old growth patch network from Alternative C.

? Using a "cap" and "trade" approach for optimizing the old growth network. In order to add old growth to the patch network, a patch of lesser value elsewhere would be moved into the suitable base. Assuming that the old growth network is the same as described above, patches could be traded to improve the quality of the network (using the criteria of representativeness, distribution, and localized benefits to species).

? Including direction to identify whether a stand is old growth during the initial stand exam, using the George Washington National Forest protocols or a collaboratively developed protocol for our Forest.

### IV. Natural Heritage Natural Areas

The Partnership's 2020 recommendations to the Draft Plan were intended to address multiple issues that would decrease project-level conflict around Natural Heritage Natural Areas (NHNAs) (Comments pp. 22-24). These included:

? Addressing the concern that Natural Areas in Matrix or Interface could be deleteriously impacted by management actions without consideration for their rare or unique values

? If some current NHNA boundaries are inaccurate they could be re-mapped at the project level to identify current ecological values on the ground, if the Plan provided guidance on this.

? Clear Plan direction to inform coordination with the North Carolina Natural Heritage Program.

Alternative E is an improvement over previous alternatives in regard to NHNAs but has not done enough to resolve potential conflicts surrounding timber harvest and road building in those areas (Final Plan pp. 225-230). In Alternative E, more NHNAs were incorporated into Special Interest Areas (SIAs) and others NHNAs that were allocated to Matrix and Interface were placed in designated old growth patches. Over 54,000 acres of NHNAs,

however, were included in management areas in the suitable base, with over 44,000 acres rated as High, Very High, or Excellent in that situation (FEIS Appendix I: Map Series, Special Interest Areas). Further analysis shows that these areas provide habitat for 10 federally listed species, 173 State Listed Species and 129 Species of Conservation Concern. These Natural Areas and the species they contain do not have additional Plan content that is necessary to ensure that any management will maintain or enhance them (Final Plan pp. 214-216).

The Partnership did our best to identify a suitable timber base that would be broadly supported for scheduled timber harvest (Comments pp. 25-30). The timber production management areas identified in Alternative E do not meet that standard and are very likely to continue the current pattern of inefficient projects that stoke conflict. Therefore, the agency's approach fails to meet the purpose and need of the Plan, as well as stated Desired Conditions and Objectives, to the extent and with the efficiency of the Partnership proposed solutions (Final Plan pp. 1-2). As remedy the Partnership recommended the following solutions (Comments pp. 22-24):

NHNAs rated as "Exceptional" should be added to Special Interest Area MAs. Currently, over 7,000 acres are included in Matrix and Interface outside of designated old growth.

"Very High" and "High" NHNAs should not be mapped as "suitable": If within Matrix or Interface they should be moved to Ecological Interest Area.

Natural Area boundaries can be changed with field verification and administrative plan changes, but only if the reasons/criteria for doing so are spelled out in the Plan. This works if there is language in the Plan components that states that the natural values identified will be corrected within the new boundary. These strategies should be reflected as a Standard or Guideline in the Final Plan.

Clarify the Desired Condition to explain that the NHNA's "unique ecological characteristics" to be maintained or restored include not only element occurrences, but also exemplary natural communities as described by the North Carolina Natural Heritage Program (NHP).

Add standards (1) that coordination with NHP must occur before any stands in NHNAs are prescribed for treatment, (2) include field work to verify appropriate boundaries and (3) that coordination is intended to determine how best to maintain the rare and unique ecological characteristics of the NHNA. A coordination requirement without any further direction will result in differences of opinion regarding the relative importance of protecting disturbance-sensitive species and creation of young forest habitat, and these differences could continue to create conflict as they have under the old Plan.

#### V. Landscape-Level Progress Towards NRV + Reaffirming Open Woodland Objective

The Final Plan does not identify concrete ways of resolving conflict during implementation, nor does it go far enough within monitored Plan components to meet the ecological restoration needs identified in the Final EIS (FEIS Section 3.3). As the Partnership collaborated and stretched as far as possible to meet all interests' needs, we reached consensus that a significant portion of the silviculture Objectives would include priority treatments to meet the long-term ecological needs to restore ecological integrity across the Forest (Comments pp.14-18). This was a critical component to consensus agreement on the Tier 2 silvicultural Objectives.

The Partnership recommended revisions to the ECO-O-02 Objective to include very specific language to meet this unifying need (Comments pg. 14-18, Final Plan pg. 69-73), and it was not substantively addressed in the Record of Decision. A small portion of the Partnership's priority treatments were addressed as Management Approaches and this is insufficient as these are optional Plan content, therefore not tied to the monitoring program and therefore not adaptively managed. Priority treatments also represent solutions to high controversy issues, which are not advised to be in optional Plan components (Final Plan pg. 4, National Planning FACA Committee Recommendations pp. 36-38).



We recognize that project-level flexibility is needed to take advantage of commercially valuable opportunities that may be restoring structural diversity at the broad scale. We also recognize that the priority treatments identified may or may not be commercially viable, and therefore project-level incentives may tilt toward activities that are less likely to achieve our full range of restoration goals because they are less commercially attractive. In light of this we recommended adding a mechanism (i.e., revision of ECO-O-02 in Draft Plan) to ensure that the ecologically focused work gets accomplished in conjunction with other sales that can help pay for it (Comments pg. 17-18).

Additionally, a reduction in the utilization of timber harvest (including forest products of saw timber as well as non-saw timber products like pulp) will reduce the Forest Service's ability to achieve restoration goals and simultaneously decrease the contributions to local economies and industry (Final Plan Appendix B Table B-3, ROD pg. 51, FEIS pg. 3-544 Table 211). The Partnership proposed this blended strategy for ECO-O-02 (in the Draft Plan) due to the assumption that economics would favor restoration harvests at the higher timber volumes provided by Tier 2. Unfortunately, the Final Plan appears to rely on the reverse approach, where Tier 1 would offer lower volume/acre and Tier 2 would offer a higher volume (FEIS p. 3-544 Table 211). We believe this strategy is unrealistic and would be unsuccessful.

In addition to the mechanisms to meet ecological integrity, the Partnership recommended significant increases to the Open Forest Woodland Objective, to meet one of the largest forest structural needs across the Forest (FEIS pg.3-128). The Final Plan did take in collective feedback about clarifying the Open Forest Objective(s) and significantly increasing the use of prescribed fire to create the Desired Conditions, and the Partnership appreciates this. In addition, we also recommended that the amount of Open Forest Woodland targeted silviculturally (in conjunction with prescribed fire), be increased considerably. The Objective in the Final Plan regarding this work, even with partner assistance and resources (at Tier 2), does not come close to matching the need (Final Plan pg. 70). The Partnership's recommendation for an increased open forest woodland Objective should be considered along with the list of priority treatments, which indicate the degree of canopy removal appropriate in different ecozones (Comments pg. 8).

The agency's approach fails to meet the purpose and need of the Plan, as well as stated Desired Conditions and Objectives, to the extent and with the efficiency of the Partnership proposed solutions (Plan pg. 1-2). To remedy this situation, we recommended:

Priority treatments by ecozone be included in Objective Plan components (Comments pp. 14-16, Response to Comments pg. 35).

Revising the Integrated Ecosystem and Wildlife Habitat Objectives (ECO-O-02 thru 06), to include a reference to the collaboratively supported list of priority treatments. More specifically, "Include a Tier 1 Objective that 25% of regeneration harvest and 50% of thinning harvest would be listed priority treatments. At Tier 2, 50% of regeneration harvest and 75% of thinning harvest

would be priority treatments." Although individual projects would not be required to include priority treatments, half of the total regeneration harvest at Tier 2 would be priority treatments (Comments pg. 14, Final Plan pg. 70).

The Partnership also continues to support a greater Open Forest Woodland Objective to meet the structural need. "Tier 1: Provide a minimum of 1,350 new acres/year that are in progress towards restored open woodland condition. Tier 2: Provide a minimum of 3,100 new acres/year that are in progress towards restored open woodland condition (Comments pg. 7).

## CONCLUSION

Thank you very much for your consideration of the above objections and remedies. The Partnership values the Forests and the quality of life they support. We are working together toward a revised Forest Plan that sets the Forests up for low conflict within project planning and implementation as well as a sustainable future. Since 2013, more than 25 organizations with broad stakeholder interests have built trust and worked on these agreements. We share the belief that our Agreements chart the best path forward for the Nantahala and Pisgah National Forest. On behalf of the Nantahala-Pisgah Forest Partnership, I would appreciate the opportunity to meet with the Reviewing Officer to discuss our objections and proposed remedies. Please inform me in writing of any responses to these objections, opportunities to participate in an objection resolution meeting, or opportunities to submit additional comments.

DATED: March 22, 2022

/s/ Megan N. Sutton

Megan N. Sutton

Lead Objector

Nantahala Pisgah Forest Partnership