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Title: President

Comments: November 30, 2020

Ms. Cynthia Sandeno, District Ranger

Monongahela National Forest, Marlinton-White Sulphur Ranger District

1627 Cemetery Road

Marlinton, WV 24954

Re: Additional scoping comments of the West Virginia Highlands Conservancy on the proposed Upper Elk Ecological Restoration Project

Dear Ms. Sandeno:

On March 20, 2020, the West Virginia Highlands Conservancy provided scoping comments on the proposed Upper Elk Ecological Restoration Project. Those scoping comments are largely still valid, and we reiterate the need to ensure that all issues raised therein are addressed. With this letter, we are providing additional comments in response to the Forest Service's updated scoping document, which was issued on October 29, 2020.

WVHC promotes, encourages and works for the conservation - including both preservation and wise management - and appreciation of the natural resources of West Virginia and the Nation. We focus primarily on the Highlands Region of West Virginia, but our work is for the cultural, social, educational, physical health, spiritual and economic benefit of present and future generations of residents and visitors alike.

Thank you for the opportunity to participate in the scoping of this project. WVHC believes that early, frequent, and thorough public involvement is the key to designing a project that can achieve a consensus of support among the agency and the full spectrum of stakeholders. In that spirit, we have reviewed the supplemental scoping, and we have the following specific comments and suggestions to offer.

Purpose and Need

In general, we think that the Forest Service has accurately identified the general categories of actions that are necessary to move the project area toward the desired conditions identified in the Forest Plan. We support efforts to achieve the desired conditions. However, we do think one point needs to be clarified. The document calls for using vegetation management "to create and maintain young forests and early successional habitats throughout the project area." This bullet point is only appropriate for Management Prescription (MP) 3.0 areas and areas of MP 4.1 with no spruce restoration potential, where the Forest Plan calls for maintaining large acreages in the early seral stages. Such management is not needed in the areas of MP 4.1 with spruce restoration potential, or anywhere in MP 6.2 (remote backcountry). The Forest Plan calls for increasing late successional conditions in MP 4.1 spruce restoration areas, and it calls for late successional conditions and natural vegetation development throughout MP 6.2.

Changes to the Proposed Action

We are encouraged that the proposed amount of noncommercial spruce restoration in MP 4.1 has increased, while the proposed amount of all types of commercial harvest in MP 4.1 has decreased. We hope that these changes have addressed the concern we expressed in our earlier comments regarding compliance with Forest Plan limits on the total amount of harvest within the MP 4.1 prescription area units. However, visual inspection of the commercial timber harvest units shown on Map 2 suggests that a close review of the total amount of harvest

is still needed to ensure compliance with Forest Plan standard 4118.

We are interested in the newly added activities for beech treatment, hemlock treatment, and running buffalo clover habitat improvement. However, the scoping update does not provide enough information for us to give feedback on these activities. We request that the Forest Service publish descriptions of these activities.

We note that the proposed cutback borders and new openings have not changed. We reiterate our earlier scoping comments regarding the need for these activities to avoid stream channel buffers and maintain consistency with the MP 4.1 emphasis on late-successional conditions.

The maps provided with the scoping update do not provide enough landscape context to allow us to evaluate the locations of the proposed activities. We cannot tell whether activities are located appropriately with regard to sensitive resources. At a minimum, the maps should include stream channels and suitable habitat for the West Virginia northern flying squirrel. Therefore, we request that the Forest Service make the project's GIS shape files available to the public so that we can better evaluate potential resource management conflicts.

Forest Plan Amendment for West Virginia Northern Flying Squirrel

We understand the Forest Service's desire to move away from Forest Plan language that references Endangered Species Act (ESA) requirements for a species that is no longer listed under the ESA, but we think some of the proposed amendment wording goes too far in weakening protections for the WVNFS. We agree with the proposed changes to standard TE64 that would eliminate language relating to ESA Section 7 consultation and ESA Section 10 permitting for research. However, we disagree with the following proposed change to item c: "c) When project-level assessment results in a no effect or may affect, not likely to adversely affect a beneficial impact (without adverse impact) or a may adversely impact individuals, but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing determination..."

The current wording of item c disallows all adverse effects for activities that are not excepted by items a, b, and d. In contrast, the proposed new wording would only prohibit loss of Forest-wide viability and a trend toward federal listing for non-excepted activities. The proposed wording would substantially alter the intent of standard TE64, which is to protect the WVNFS from adverse impacts due to non-excepted activities. It would allow activities that have no benefit for the WVNFS to be evaluated on an equal footing with beneficial activities. This change could allow major site-specific adverse impacts to WVNFS populations, such as even-aged regeneration harvesting that is detrimental to the WVNFS both in the short term and long term. Furthermore, the change is not needed to facilitate spruce ecosystem restoration activities that could cause short-term adverse impacts in the pursuit of long-term habitat benefits for the WVNFS. Such long-term beneficial activities are already excepted by item b, which allows habitat restoration that has been demonstrated to be effective.

The rock-solid protection offered by standard TE64 was a key reason for the de-listing of the WVNFS. Changing the standard as proposed would mean the Forest Service is essentially reneging on its commitment to protect the WVNFS so it can pursue detrimental activities that have no long-term benefit for the WVNFS. Instead of the proposed wording, we suggest that item c be amended to read:

"c) When project-level assessment results in a no effect or may affect, not likely to adversely affect a beneficial impact (without adverse impact) or a no impact determination..."

Our suggested wording would eliminate ESA language from item c without changing the intent of the standard, and without opening up WVNFS habitat to harmful vegetation management activities that have no long-term benefit for the species.

Conclusion

Once again, we appreciate the opportunity to provide scoping comments on the proposed Upper Elk project. WVHC whole-heartedly supports spruce ecosystem restoration on the Monongahela National Forest. We think the project has the potential to move the project area toward desired conditions in the Forest Plan, but we urge the Forest Service to correct the problems we have identified in these comments and in our earlier scoping

comments. We look forward to working with you to help develop the project in a way that provides economic opportunities for the local economy while also protecting sensitive and important environmental resources.

Should you have questions or additional information to share, please feel free to contact me.