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Comments: To USDA, USFS, White Mountain National Forest, Pemigewasset Ranger District.

#### Tarleton Integrated Resource Project #56394

The Pemigewasset Ranger District of the White Mountain National Forest proposes recreation, transportation, vegetation, and wildlife habitat management activities within the Tarleton project area, Grafton County, New Hampshire

We are writing to provide formal comment on the recently released Environmental Assessment (EA) for the Tarleton Integrated Resource Project, April 2022. We recommend formal rescission of both the project and the EA and we explain reasons below.

#### Insufficient Public Outreach

The EA does not appear to be properly filed with CEQ or EPA or properly published, resulting in inadequate notification to the public of the proposed action. The NEPA analysis should be announced in the Federal Register to promote adequate public engagement.

The outreach by the USFS is only local to the project area. The project area includes the largest lake in the White Mountain National Forest, undocumented surviving forest remnants predating the 1938 hurricane that devastated the region, important cultural and historic resources, and a summer camp with campers and counselors from across the country and globe. These factors result in important bonds between this landscape and members of the public currently located all over the nation and the world. Therefore, local outreach is insufficient for adequate public engagement or adequate public disclosure.

The EA does not describe any outreach to affected Tribes. Whether Federally recognized or not, affected Tribes deserve advanced notification of the action, and we are unsure that our Tribal partners have been notified at all. Not only should the Tribes be included in NEPA outreach, they should be included in project development ahead of NEPA, so we strongly recommend a return to the planning phase with proper and complete engagement. We further recommend explaining this engagement as part of any future NEPA.

#### Required Analyses

The EA is clearly insufficient for numerous reasons. The EA fails to identify a specific purpose and need or affected environment. Both of these are essential for an adequate analysis of effects and are both absent from the EA. Additionally, the analyses are inaccurate and the cumulative effects analysis is severely incomplete. (please see subsequent sections of this letter for attention to inaccurate analyses).

The EA includes a Purpose and Need section that identifies a "purpose" of implementing the management direction in the Forest Plan, and which fails to demonstrate a need for the action at the current time. A properly crafted purpose and need statement would integrate the purpose of the Forest Plan with current executive orders (see below) to identify the best management approaches for current stand conditions. Instead, the EA inappropriately states the purpose of the proposed action is to implement the Forest Plan. This inherently structures the EA to presuppose that the Forest Plan could only be implemented by the proposed action and fails to explain the management context (i.e., is the management needed and is this the most appropriate management for the subject stands) to demonstrate the need component of the purpose and need statement. In order to demonstrate the need for the action, the USFS must do more than state a preference for open space, but actually must connect stand conditions, best science, and desired future conditions. Without this, the purpose and need statement in the EA is an insufficient approach to NEPA.

A more accurate purpose and need statement would promote exploration of other forest management prescriptions that could better implement the Forest Plan, better avoid significant impacts on cultural resources and mature forests, and better support wildlife. A more accurate purpose and need statement would also promote detailed evaluations of current natural and cultural resources lacking in the current EA, and other reasonable alternatives. Other alternatives to implementing the Forest Plan should include silviculture that protects and expands mature forests, redesignating the project area to a Scenic Area due to its unique features, and active management prescriptions with long-term management details beyond the next timber harvest. Thinning, group selection, single tree selection, patch cuts, and other selective harvest approaches could be managed for ecological goals, timber value improvement, recreation/hunting, or other objectives. But we do not know which goals the Forest Service hopes to achieve; furthermore, without greater knowledge of current stand composition, density, and age, and with no details provided of the criteria employed to make tree selections within these treatment areas, and with no statement provided about desired post-harvest composition, basal area, or trees per acre within the harvest units, we have woefully insufficient data to evaluate the need, process, and success of the proposed project.

The EA describes the project area, but does not describe the affected environment. A reasonable read of the analysis appears to suggest the environmental effects analyzed were considered only on the lands managed by the Pemigewasset Ranger District or the entire White Mountain National Forest. The analysis must take a broader context into consideration to provide an accurate analysis. For example, the USFS proposes to expand apple orchards, establish open wildlife areas, and otherwise promote young-seral forests to benefit "bear, deer, turkey, pollinators, and many other wildlife species." By evaluating the effects of the action at the territory-scale for any of the named wildlife, the EA would fully analyze the effects on the human environment. The resulting analysis would differ from the current EA by disclosing that these open-cover types are abundant in the range of the affected individual animals. There would be no measurable benefit to the identified wildlife species because these are not limiting factors for the species, when analyzed at a meaningful scale. The EA incorrectly concludes that these open-spaces and soft-mast sources are rare, which must indicate an irrationally narrow analysis area. Because the affected environment was not disclosed in the EA, we cannot replicate the USFS's analysis. We can only conclude that the USFS omitted supporting information from the EA or provided inaccurate analyses of the effects of the alternatives on bear, deer, turkey, pollinators, and many other wildlife species.

The cumulative effects analysis failed to consider effects of the action on climate change or effects of climate change on the action. This analysis also failed to consider the unauthorized access that will inevitably result during and after the proposed action as a result of improvements to Charleston Road. By excluding these important components of a cumulative effects analysis, the EA only considered the subset of trends and planned actions that support a finding of no significance.

By failing to provide an adequate Purpose and Need statement, a defined Affected Environment, or a complete cumulative effects analysis, the EA is out of compliance with NEPA regulations. The result is that an inadequate range of alternatives were identified and the public is prevented from reviewing meaningful analysis of reasonable alternatives. This is significantly damaging to us as local stakeholders who aim to trust the USFS as our neighbors.

#### Historic and Cultural Resources

The EA summarily explains that the Forest completed NHPA 106 consultation and no historic properties will be affected. We have significant concern that the 106 process described could only have reached this conclusion without knowledge of the significant historic and cultural resources present in the affected environment. There is widespread local knowledge of historic rock walls throughout the Charleston Road area and the greater project area that all merit preservation. Cellar holes, one known graveyard, and local speculation of a second as-yet unidentified graveyard would also be irretrievably and adversely impacted by the proposed action. Historic Tarleton Club trails are culturally significant and would be damaged directly and indirectly through the proposed action. Road improvements, timber harvest, increased public access, and unauthorized uses attracted by increased access all collectively threaten the historic properties directly and indirectly (e.g., Hedquist et al 2014, Esque et al 2018, and others). These historic properties also indicate a likelihood of previously unidentified historic and cultural resources (<https://lymecellarholes.wordpress.com/tag/lake-tarleton/>). To avoid significant

effects on historic and cultural resources, a complete archaeological analysis and inadvertent discovery plan should be developed, described in the NEPA analysis, and adequate public comment collected. These should be incorporated into a revised EA or EIS and evaluated through reinitiation of 106 consultation under NHPA, including on-site evaluation in coordination with the Warren Historical Society and the Piermont Historical Society.

## Silviculture

There is significant scientific controversy related to a number of the silvicultural prescriptions proposed in the Tarleton Integrated Resource Plan. In particular, the need for additional wildlife openings, orchards, open space, or young seral forests is a forest management practice supported by a narrow selection of literature resources focused on hunter recreation opportunities and not borne out through balanced literature reviews. There is extensive research indicating the rarity of mature forest systems in the White Mountain National Forest (e.g., Grybas et al 2020, D'Amato et al 2018, and others), which the Proposed Action and described alternatives entirely fail to consider. We remind the USFS of their mission, which is not to promote hunter entertainment. The mission is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations. There are state agencies and private lands dedicated to such missions as promoting hunter access. (The combination of wildlife clearings and road improvements appear to be an undisclosed substitution of the USFS' mission for easy and unnecessary hunter opportunities).

We consulted expert silviculturists who advised that the collective prescriptions described in this EA appear to be a preparation for larger future clearcuts across the project area. They identified a common theme among all prescriptions of removing currently mature trees, enhancing shrub growth, and clearing areas with well-stocked commercial timber. They recommended that these prescriptions appear to promote lower forest stocking across the project area, prevent growth of mature forests, expand young-seral conditions that require expensive non-commercial management, and is likely to be a precursor to a more extensive clearcut action that is not disclosed in the EA.

Overstory removal is not an accepted silvicultural practice (Dudney et al., 2021, Jacobs 1974, Metzger and Tubbs 1971, and others). It is notable that we had to dig back 50 years in the literature to find example research on this method in the subject ecosystem (Metzger and Tubbs 1971), and for all these years it's been known that there is no reliable ecosystem stewardship resulting from overstory removal treatments (see above referenced papers). We found no peer-reviewed literature promoting this method as responsible silviculture. If implemented, significant resources must be provided for ongoing restoration due to the significant scientific certainty that these prescriptions would result in damaged saplings, intense shrub competition delaying forest maturation, and invasive plant establishment. Ongoing invasive plant control, tree plantings, thinnings, and monitoring must be paired with high-risk silvicultural prescriptions, and we anticipate the USFS is not prepared to fund these actions.

Prescriptions for thinnings, patch cuts, and buffers are not described in sufficient detail in the EA, so we cannot review or provide detailed comment on the likely effectiveness of the prescriptions. However, we can easily identify the risk that any of these prescriptions can result in significant removal of all mature trees and damage to all saplings in the project area due to the lack of disclosure of management criteria. Our expert reviewers cautioned that they would use this language to greenwash selective harvests that the lay-person would call clearcuts or high-grading. We understand the stepwise process of developing timber sale harvest units and have heard that USFS staff would be on-site to mark harvest selections. However, it is appropriate for the NEPA analysis to disclose the criteria by which harvest selections would be made and not to defer Federal timber resources to the whim of an individual staff in lieu of public review. The Forest Service provides no explanation as to the methods by which these treatments would be administered. For instance, the only information the public is given regarding thinning is: "Commercial thinning would focus on the removal of poor quality and/or low vigor trees while providing adequate growing space for residual trees to increase growth rates. Reducing overstory density would also facilitate the harvest of timber that would otherwise be lost due to mortality associated with overstocked stand conditions and increase the amount of sawtimber in the residual stand." What objective standard does the Forest Service use to classify a tree as "poor quality" or "low vigor"? Does the Forest Service

intend to remove trees of a certain diameter, such as trees from the 20th-60th percentile in diameter? And what does the Forest Service mean by "adequate growing space"? Is there a mathematical calculation, such as the percentage of trees that would need to be removed to meet desired basal areas or trees per acre? And what does the Forest Service mean by "reducing overstory density"? Does that mean that the Forest Service is going to remove the largest and most mature trees - trees in the 80th-100th percentile in diameter? Is the Forest Service "thinning from above," "thinning from below," or both? And how does the Forest Service determine if a stand is "overstocked?" No where in the EA is the public given any information about current stand conditions (composition, age, density). The descriptions of silviculture treatments in the EA focuses solely on desired outcomes, with no information provided about the current stand conditions, the need of these prescriptions, or how these prescriptions will be implemented. With so little information, how can the public evaluate the Forest Service's plan?

The EA incorrectly emphasizes the value of clearings, open spaces, orchards, soft mast, and young seral forest for bear, deer, turkey, pollinators, and other wildlife. These are abundant and widespread species with wide-ranging individuals who select both open areas and forest areas. These species would not likely have differences in productivity, health, or distribution as a result of the proposed action or the no action. However, the EA leads readers to believe there would be benefits to these species from the proposed action. These species are able to access abundant resources of these types on lands adjacent to the Forest, and are not considered "habitat limited." It appears arbitrary to determine that the Forest should commit resources to benefit these species beyond their current condition. It appears capricious to determine the Proposed Action would have a different outcome for these species compared to no action. As a result, it would be arbitrary and capricious to carry out the proposed action to create more open space, orchards, or young seral forest on the Forest. In contrast to the EA, the meaningful difference for these species is that the proposed action would provide easy-access for hunters to reach areas with longer sight-distances (wildlife openings) where hunters could more conveniently shoot wildlife than in the No Action. Rather than being a benefit, this is a significant detriment to wildlife and to dedicated hunters, and an undisclosed effect.

#### Context and Intensity

An EIS is required for all "major federal actions significantly affecting the quality of the human environment." Under NEPA, the analysis of significance "requires consideration of both context and intensity." And while the EA claims that its FONSI is "based on consideration of the criteria for significance, both with regard to the context and intensity of impacts described in the EA," we respectfully disagree.

Establishing the proper setting and scale ("context") within which to evaluate the impact of an action is critical. It appears that the Forest Service has evaluated the impact of its actions on a scale far too big - the entire WMNF. Since the "project activities would occur over an area totaling less than about one percent of the total acreage within the WMNF," the Forest Service claims that its work within the Tarleton HMU will have no significant impact. But the CEQ's NEPA-implementing regulations provide that "the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality." Given these regulations, it seems as though the Forest Service failed to accurately or fully analyze the significance of its actions because it never evaluated the impacts of its proposed actions on the local area. Intensity refers to the "severity of impact." NEPA provides a list of 10 non-exclusive factors to consider when evaluating intensity. Because the Forest Service failed to define the context of its analysis for most project-area resources, its analysis of intensity, which is intrinsically linked to the context within which it is evaluated, is also necessarily inadequate.

We understand that the water quality of the entire White Mountain National Forest may not be impacted by this project, but will the water quality of Lake Tarleton (the local context)? We understand that 800 acres of timber harvest within the 700,000 acres of the White Mountain National Forest may be perceived as not significant, but it has a profound impact within the local context.

#### Integrated Plan

The proposed action is described in the EA as an "integrated resource plan." The USFS definition of an integrated resource plan is an "integrated approach to maintaining or restoring the ecological integrity of terrestrial and aquatic ecosystems and watersheds." The proposed action is a one-time timber harvest, not an integrated plan.

We do not understand why the actions would be characterized as an integrated plan, as there appears no particular funding or action proposed to achieve the outcomes described. For example, the EA describes actions to create open space around Lake Katherine to manage recreation, and speaks to risks of the recreationists moving invasive species from Lake Katherine to Lake Tarleton. An integrated plan would include actions to manage recreation, monitor invasive species, and remediate biological issues resulting from the recreation. However, the proposed action includes none of these elements. The EA discloses significant risks and no management actions to mitigate the outcomes. Yet, somehow the EA concludes the effects are insignificant (the lack of supporting information or analysis in every section of the EA is a tired strategy Federal agencies have long used to suggesting insignificance in lieu of analysis). Recreation non-management is a single example of how the proposed action is just a one-time harvest plan, not an integrated resource plan.

What forest management actions will be proposed in the future as a result of this plan? These actions should be disclosed in the EA both to provide for accurate and complete public disclosure, but also to serve as the "integrated plan" that this harvest plan is intended to be. By disclosing scant details of the currently proposed harvest without any information about the future harvest actions that would result here, it is misleading to treat the proposed action as an Integrated Resource Project.

## Executive Order

President Biden's executive order 14072 signed on April 22, 2022, directs the Secretary of Interior to within 1 year of the date of this order, define, identify, and complete an inventory of old-growth and mature forests on Federal lands, accounting for regional and ecological variations, as appropriate, and shall make such inventory publicly available; analyze the threats to mature and old-growth forests; and institutionalize climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal lands.

Instead of implementing the executive order, the Tarleton Integrated Resource Plan would foreclose the opportunity to protect mature and old growth forests in the project area. The proposed action would also increase indirect risks to mature and old growth forests in and around the project area by attracting timber poachers, recreation vehicles and the invasive species they carry, and unauthorized land uses as a result of Charleston Road improvements. USFS road improvements always result in these unauthorized uses (e.g., ITAG 2007, ITAG 2015 and others) that endanger mature and old growth forests. As a result, the proposed action must be viewed as a direct violation of EO 14072.

The proposed timber harvests and the EA fail to acknowledge the Secretary of Interior's obligation to implement EO 14072. By proceeding with the proposed action, which has no timely need to occur, the USFS would irretrievably commit resources against the direction of the executive order and in conflict with proper NEPA implementation. As a result, should the Forest reach a FONSI on this, we would be obliged to elevate the issue to the courts and USDA executives to direct appropriate alternatives for the Pemigewasset Ranger District.

## Timing

We are disappointed in the timing of the Proposed Action because it could irretrievably damage the forests while we are working on a proposal to collaborate with the Ranger District and the Forest related to a reasonable alternative action for the project area.

Our community appreciates the flexibility of the White Mountain National Forest Land Plan, and recognizes the opportunities for public engagement it creates. We are actively working on a proposal to the Forest to reclassify the project area to designate the area as a Scenic Area, which is the Land Plan designation that most accurately fits the subject lands due to the abundance of mature forest.

We began working on this proposal in response to the President's executive order 14072 for mature and old

growth forests. We have had insufficient time to coordinate with the Forest. The Proposed Action would remove significant amounts of the forest resources we are working to protect.

Likewise, the Proposed Action is untimely for the Secretary of Interior's compliance with the executive order. The proposed action would significantly damage the scenic integrity of an area that should be properly classified as a Scenic Area and managed accordingly. For the same reason, the EA is incorrect in concluding that the aesthetic effects are insignificant. Aesthetic impacts are significant to us and are significant in their damage to the potential to accurately reclassify the subject lands under the Land Plan as a Scenic Area.

## Conclusion

In this letter, we have identified insufficiencies in the NEPA and NHPA analyses, outreach shortcomings that leave the NEPA procedures inadequate, inaccuracies in the EA analysis that lead to incorrect conclusions, significant impacts that would result and cannot be dismissed through a FONSI, significant scientific controversies that are not identified in the EA and must be analyzed in an EIS, and inconsistency among the proposed action and current executive order.

Because the EA is the USFS's second attempt to analyze the project through an EA and the USFS has come far short of adequate public disclosure and engagement, we recommend abandoning the proposed action and rescission of the EA.

Upon development of an adequate NEPA analysis, please publish a notice of availability in the Federal Register and provide a minimum of 45 day comment period due to the complexity of resource planning in the project area. Due to the significance of the project area and the relationship to the Land Plan, this should be provided through an EIS or a supplemental EIS. EA is not an appropriate analysis for significant management and road improvements in the project area.

Please contact us for further engagement on the proper course of action to implement the Land Plan, which begins with properly classifying the project area. After that, the next step is to develop an alternative action that fully implements EO 14072.

Sincerely,  
Mike Wipfler  
Rob Wipfler

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