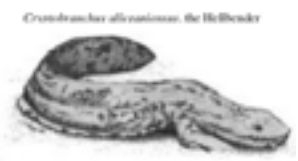

Allegheny Defense Project

Protecting and Restoring the Allegheny's Wild Rivers and Forests

The Allegheny Defense Project is committed to creating an inclusive environment where the individual differences among us are understood, respected, appreciated, and recognized as a source of strength for the environmental movement, and valued as qualities that enrich the world in which we live.

January 17, 2016

Rich Hatfield, District Ranger, USFS
Allegheny National Forest, Bradford Ranger District
29 Forest Service Drive
Bradford, PA 16701

Dear Rich Hatfield:

We are writing to provide comments on the Bradford Emerald Ash Borer Remediation [sic] Project. These comments are being submitted on behalf of the Allegheny Defense Project and ourselves as American citizens. Please consider our comments carefully and with proper jurisprudence. We want to give extra emphasis on a few points:

- The project as proposed lacks any remediation and this needs to be addressed as part of a full blown environmental impact statement.
- Logging and herbicide treatments immediately adjacent to a nationally designated Wilderness Area are not acceptable under any circumstances.
- There is no provision for a blanket approval of applying herbicides on possibly up to one fifth of the forest to treat non-native species.

The comments are attached to this cover letter. Thank you for taking the time to consider our timely public comments on the Emerald Ash Borer Remediation [sic] Project.

Sincerely,

Bill Belitskus Ryan Talbot Matt Peters Jim Kleissler

Bradford Emerald Ash Borer Remediation [sic] Project Public Comments

I. THIS IS NOT A REMEDIATION PROJECT

Although this project has the alleged formal title as the "Bradford Emerald Ash Borer Remediation Project", there is a factual error within that statement. We assume this is in error and therefore the project will correctly be titled the Bradford Emerald Ash Borer Remediation [sic] Project herein.

A. Why is this called a remediation project?

To begin with, I will look at the project title as it seems to reflect the alleged goal of the project and the rather ineffective attempt at Orwellian project naming by the US Forest Service. I do not dispute the existence of the Emerald Ash Borer or the Hemlock Woolly Adelgid themselves or that they along with Beech Bark disease cause damage to trees. Therefore, let's discuss the definition of "Remediation."

1. The definition of "Remediation"

The definition of "Remediation" is "The correction of something bad or defective." Therefore it's important, for this to be a remediation project for the "something bad or defective" component to be defined. But also, to be truthfully a remediation project, there would need to be some sort of action that is "The correction of" that "something bad or defective." This information is sorely lacking in this project.

"Something bad or defective"

Based on the scoping notice, it would appear that the "something bad or defective" would have to be the pests (aka. Emerald Ash Borer, Woolly Adelgid, Beech Bark disease scale insect and associated fungi) or the damage caused by the Emerald Ash Borer to the trees of the Allegheny National Forest.

"The correction of"

However, when looking for "the correction of" the "something bad or defective", it doesn't appear to exist within this scoping notice. The project proposes ONLY silvicutural activities. Therefore, it neither results in:

- the correction of the Emerald Ash Borer (what would this be anyhow?), Hemlock Woolly Adelgid (where there actually is a biological control), or Beech scale insect or fungi (where genetic resistance appears to be the best long term solution); nor
- the correction of the damage caused by the borer (the project chooses to kill the trees, rather than save them).

I will delve more into this later, but since nothing is proposed that will actually correct the listed pests or the damage caused by these pests we are forced to qualify that the "Emerald Ash Borer Remediation [sic] Project" is not factually a remediation project.

2. The British Definition

The British definition is "the action of remedying something, esp the reversal or stopping of damage to the environment." We do not need to delve too deeply here to see that since the proposal neither reverses nor stops damage to the environment caused by the pests[1], but rather expedites it that it fails to factually support the defined project mission. We do have these questions though. Please provide answers so we can understand the Orwellian logic behind this project.

- How exactly does the project reverse the damage to the environment?
- Does the Emerald Ash Borer literally puke the leaves back on the trees?
- Does the silvicultural methods proposed actually put the leaves back on the trees?
- How exactly does the project stop the damage to the environment?
- Does the Emerald Ash Borer stop existing or stop causing damage as a result of this project?
- Does the project actually, demonstrably result in the reversal or stopping of damage to the environment?

3. Salvage logging depletes the forest resources needed to stop the damage to the environment

When forest stands are stressed, the most essential resources to encourage survival are reserves of water and nutrients combined with appropriate microclimate conditions. The proposed action intentionally depletes all of these resources.

Trees killed by infestations actually help adjacent live trees survive by provide a source of moisture as well as soil nutrients and even limited shade. Trees logged and removed from the site deplete soil nutrients while exposing the site to excessive solar exposure. This results in many negative impacts such as dryer microclimates and shade intolerant species overtopping shade tolerant species. Further, the remaining tops are bleached by the sun and release nitrogen in a sort of immediate flush. This exacerbates the leaching of essential elements from soils.

4. Salvage logging results in less healthy and dead biomass

The statement that the silvicultural methods deployed will result in greater forest health is not supported by the US Forest Service's own research. We've discussed this many times

[1] there are options such as biological controls for the Hemlock Woolly Adelgid

with the agency over the years and the agency has never presented any contradictory evidence. Initially the agency tried to cite research completed by it's Northeastern Research Station. However, it was proven that the research was faulty. It failed to acknowledged that the unlogged stands had more healthy biomass (trees) AND more dead biomass (dead trees) than the logged stands which simply were lacking in biomass (trees).

The project proposes logging in some areas where past logging has occurred. That past logging clearly did not result in a healthier forest. The logging did not prepare the forest for an Emerald Ash Borer or Hemlock Woolly Adelgid infestation and clearly did nothing to remediate against the infestation. The science simply does not support the suggestion that the proposed logging will mediate the impacts of the infestations at all. The Forest Service has done thousands of acres of logging under the purported purpose of stopping the beech infestation and none of it has stopped or remediated the beech infestation. The infestation persists. Beech trees continue to be affected throughout the forest. Years of work and thousands upon thousands of dollars were wasted where actual meaningful efforts could have been made to control the American Beech pests.

Instead, this project proposes to "address forest health concerns on approximately 4,134 acres."[2] Of these 4,134 acres of proposals, 3,819 or 92.3% will be affected by "Timber Harvest activities."[3] There are no listed remediation activities within the scoping notice. There are no activities being implemented that are documented to remediate against any of the 3 pest issues documented in the scoping document. There is simply no documented rationale for the proposed action.

II. THE ALLEGHENY NATIONAL FOREST AND ADP

"I think the screaming wind said my name,
significance found in rocks
then the mountain slowly blowing
and the river,
lost wisdom returns.
And the sound of the river sighing,
'Here's your home.'"

- *Mount Eerie*

Let's be clear. The Allegheny National Forest ("The Allegheny") is a vital public forest that belongs to the American people. Our supporters have been visiting the Allegheny for over 30 years and we are intimately familiar with it's ecology and with what the forest needs for actual remediation. The Allegheny National Forest serves as a unique transitional forest between the

[2] Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 1

[3] Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 5

forests of the northeastern United States and those of the mid-west and the central and southeastern Appalachian forests.

We had hoped that the U.S. Forest Service would have become more educated on the ecology of the Allegheny National Forest over the past 20 years. However, this project, which does nothing to remediate against the damage caused by the Emerald Ash Borer, Hemlock Woolly Adelgid, or Beech disease complex, is proof positive that the agency remains stuck under the influence of timber industry developed management practices.

The Allegheny National Forest was established in 1923 explicitly because "…the public good will be promoted by reserving and setting apart said lands as a public forest reservation."[4] In adopting the Allegheny National Forest by resolution, U.S. President Calvin Coolidge expressly and exclusively referred to the provision of the Weeks Act that provides for national forests "for the protection of the watersheds of navigable streams". While the Weeks Act provided for the creation of national forests for other purposes, those purposes were not cited or related during the creation of the Allegheny National Forest.

Unfortunately, the management of the Allegheny National Forest has flipped this directive on its head, managing the forest primarily for purposes of timber production (and allowing for extensive private oil & gas development as well) rather than for the entire purpose of watershed protection. We have documented this in hundreds of public comment filings (on behalf of ourselves as well as the Allegheny Defense Project organization) with the US Forest Service on a wide variety of projects and we hereby include those comments by reference.

Most importantly, the Allegheny National Forest is being faced with a severe combination of infestations that could cause significant ecological damage. But the actual presence of these infestations in the forest is new and a proper Allegheny National Forest level plan for managing the Hemlock Woolly Adelgid and Emerald Ash Borer on the landscape level has not been developed in accordance with either the National Forest Management Act (NFMA) or the National Environmental Policy Act (NEPA). Even where the Forest Plan EIS considered these infestations, most of the research on domestic infestations is more recent than the Land and Resource Management Plan and accompanying EIS which are now scientific relics.

There is only one legally correct action that can take place when a combination of infestations with potentially significant forest wide magnitude have newly encroached on the Allegheny National Forest. The Land and Resource Management Plan must be fully amended with a wide range of alternatives to address these infestations properly. A hack, one off site specific project fails to meet these legal obligations.

In fact, the US Forest Service on the Allegheny National Forest has initiated a project they call the "Hemlock Woolly Adelgid Suppression Project." This proves that the Forest Service recognize's that a new project with "a landscape approach" is necessary.

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[4] See Appendix A for a copy of the proclamation establishing the Allegheny National Forest.

> The ANF is working with surrounding public and private landowners to develop a landscape approach to reduce the impacts of the HWA to important hemlock areas.[5]

But they have not followed the legally mandated requirements of the National Forest Management Act (NFMA) or the National Environmental Policy Act (NEPA) to amend or revise the Land and Resource Management Plan and accompanying Environmental Impact Statement as is required under such circumstances. Instead the agency seems to have segmented this project out from the landscape planning project that is ongoing. But that's not how NFMA or NEPA work. That landscape planning project (which does acknowledge the importance of chemical and biological controls) must be completed and provide direction for site specific projects to address the Hemlock Woolly Adelgid.[6] And it is not insignificant that this landscape planning project proposes approaches such as biological controls that are completely absent from the proposed project. In fact, the landscape planning project that appears to propose actual solutions that could help with this infestation isn't even listed on the Schedule of Proposed Action (SOPA) just released. What is odd is that there is a separate Forest Wide Environmental Assessment listed (with no scoping notice posted)[7] but no Forest Plan amendment is listed. The projects have been segmented and lack proper legal planning direction. This will inevitably result in the proposal of short-sighted, poorly thought out projects. And indeed, that is what we have before us.

III. THE PROJECT, INFESTATIONS, AND ALTERNATIVES

Exotic pests, non-native plants and insects, and emerging forest diseases are an increasingly significant problem on our national forests and private forest lands alike. Site-specific stresses such as prior logging or other historic uses inevitably combine with regional stresses such as air pollution and climate change. This sets up our forests in a weakened condition, as wave after wave of new invaders arrive in packing crates, shipping materials, logging skidders, and oil rigs.

The project as proposed treats three different forest invasives with the same old brush of cut and spray, cut and spray. This unsophisticated broadform approach is unsupported by the most current science, some done by your own agency, and unjustified by best management practices that begin with minimizing necessary disturbance of the forest landscape.

There are important lessons to be learned from the loss of the American Chestnut, when it comes to salvage logging ahead of an infestation in an attempt to save the species. Widespread salvage logging precludes the very natural resilience that the project claims to be achieving. If indeed there is a population of *Fraxinus* within the gene pool that is somehow resistant to EAB infestation, these individual trees would not survive the chainsaw "treatment" prescribed to save them and that genetic potential would be lost.

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[5] http://www.fs.usda.gov/projectdetail/allegheny/landmanagement/projects/?cid=STELPRD3844777

[6] Managing Hemlock Woolly Adelgid on the Allegheny National Forest. http://usfs.maps.arcgis.com/apps/MapJournal/index.html?appid=2cf57d8d42b749efbf5fc753d0364a2f

[7] http://www.fs.usda.gov/projectdetail/allegheny/landmanagement/projects/?cid=STELPRD3844777

Other management strategies exist, and must be considered. Consider the National Parks Traveler which has observed the importance of native predators, woodpeckers and nuthatch, may come to control the invasive insect. [8]

The USDA has recognized the role of biocontrols in dealing with the EAB and other invasive insects[9]. Yet these are nowhere to be found in the proposal as presented. The Forest Service should utilize the least toxic, least invasive alternative to management activity. The proposal as presented in the Scoping letter calls for landscape-scale application of chemical pesticides and herbicides over 3,652 acres. Surely the intelligent and strategic application of such biocontrols as outlined here in the USDA's own web publications can reduce or eliminate the need for these toxic chemicals.

The emphasis on early stage successional forest habitat on a landscape scale is in itself a contributing factor to insect and disease outbreak. By continually furthering the fragmentation and disruption of the natural forest cycle of developing resistance and resilience to these new stresses, agency management activity is repeating the damage that weakened the forest in the first place. Public lands are uniquely necessary to establishing contiguous, mature forest habitat, an opportunity which cannot (and arguably should not) be met or matched by private landowners. All of the problems identified in the Project Need (invasive insects, non-native plants, habitat degradation) are the result or symptom of prior over-management and resource extraction; prescribing additional such treatment as the cure for these symptoms of past mismanagement is at best illogical and at worse, counterproductive to the point of species extinction or extirpation, irretrievable loss of quality habitat, and localized ecological catastrophe. A full review of the most current scientific literature must be conducted to ensure that the Agency is acting in the interest of actual ecological integrity and resilience, not merely exploiting this unfortunate opportunity with a wholesale economic salvage. The scale and scope of the proposed activities requires that a full EIS is conducted, and possibly even requiring an amendment to the Forest Plan.

The consequences of this proposed action must be considered in the context of other ongoing forest activity. A proposal on such a landscape scale, covering some 20% of the half-million acre national forest, surely would have measurable impact on regional meteorological conditions, and may even be a measurable incremental contribution to the phenomenon variously known as global warming or climate change. The most current findings in the field of Forestry show that as forests grow older, their role in storing atmospheric carbon becomes more significant than previously thought. A forested landscape provides a number of climate related benefits, from regulating atmospheric humidity to regulating rainfall and surface air temperature. Other ecological services like

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[8] http://www.nationalparkstraveler.com/2013/12/nature-could-have-solution-emerald-ash-borer-problem-national-parks24425

[9] https://www.aphis.usda.gov/publications/plant_health/2014/faq_eab_biocontrol.pdf

flood mitigation, for which indeed the ANF was originally created, will be impacted, and these impacts must be evaluated before an endeavor of this scale can be commenced.

IV. ENVIRONMENTAL IMPACT STATEMENT

This project is massive in scope and yet the U.S. Forest Service has not published a notice of intent to prepare an Environmental Impact Statement (EIS).

A. Scope of project

Consider the massive scope of this project as summarized within the scoping notice. The impacts of this project will be broad and absolutely under all circumstances require a full blown Environmental Impact Statement with a broad range of alternatives to silviculture.

1. 50 Affected Watersheds

> "The project area is located primarily within 50 level-six watersheds: Allegheny Reservoir, Beers Hollow, Boat Road Run, Bobbs Creek, Brothwell Run, Buck Lick Run, Bullis Hollow, Camp Run, Chander Run, Chappel Fork, Conover Hollow, Coon Run, Dark Hollow, Davis Run, East Hickory Creek, Fuller Brook, Hammond Run, Holmes Hollow, Indian Run, Kettle Run, Kinzua Branch of Allegheny Reservoir, Kinzua Creek, Linn Brook, Little Meade Run, Markham Run, Meade Run, Middle Hickory Creek, North Branch Sugar Run, North Fork, Otter Creek, Pickett Run, Pine Run, Piney Run, Porter Hollow, Prue Hollow, Quaker Run, Queen Creek, Railroad Run, Root Run, Schoolhouse Hollow, Shingle Mill Hollow, South Branch, Sugar Run, Trail Hollow, Troutman Run, Turnup Run, Whitney Run, Willow Creek, Windfall Run, and Wolf Run."
>
> - Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 1

2. 64 Affected Land Warrants

> "The project is located in Warrants 2, 3, 4, 8, 19, 20, 21, 22, 2244, 2245, 2550, 2560, 2569, 3014, 3017, 3064, 3085, 3086, 3103, 3134, 3399, 3402, 3404, 3422, 3423, 3431, 3699, 3700, 3701, 3703, 3707, 3708, 3709, 3710, 3712, 3713, 3714, 3717, 3718, 3719, 3722, 3724, 3732, 3733, 4871, 4872, 4873, 4874, 4875, 4876, 4907, 4908, 4909, 4917, 5209, 5210, 5219, 5220, 5221, 5231, 5571, 5572, 5573, 5574"
>
> - Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 1

3. 10 Townships in 3 Counties

> "The project is located … within the following townships: Limestone, Mead, and Watson, Warren County; Bradford, Corydon, Foster, Hamilton, Hamlin, and Lafayette, McKean County; and Hickory, Forest County."
>
> - Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 1

B. The Proposed Actions

Besides the full scope of the project occurring on one fifth of the forest, there are significant direct impacts to the forest proposed by this project.

1. Total silviculture practices

This project proposes to "address forest health concerns on approximately 4,134 acres."[10] There are no listed remediation activities within the scoping notice. Only "Timber Harvest" and "Reforestation" activities. Of these 4,134 acres of proposals, 3,819 or 92.3% will be affected by "Timber Harvest activities."[11] The Appendix further notes that there are a combined 3,834 acres of "Proposed silvicultural and reforestation treatments." This is a massive amount of activity and indicates significant effects requiring the preparation of an EIS.

However, we do need some clarification. Timber Harvest and Reforestation activities are the only listed proposed activities. The project area is identified as being one fifth of the forest. But where does the 4,134 acres figure come from? It appears to be 300 acres of "Non-native Invasive Plant Treatments." We have some questions about this "Plant Treatment" proposal.

- What does this have to do with the Emerald Ash Borer, Woolly Adelgid or the Beech scale complex?
- Where are these treatments occurring?
- Why is there no indication within the scoping notice or on scoping notice maps or appendices where these treatments are occurring?
- The project area for this project is allegedly along the lines of one fifth of the forest, but there are only 300 acres of non-native plants that the Forest Service wants to manage?
- How is mowing an appropriate forest management tool on these sites?

Not only that, but the scoping document includes a completely non-descript, non-specific clause to allegedly apply non-native species treatments (which includes the use of toxic herbicides and mechanical techniques such as mowing) on an undeclared acreage of the forest. It provides no cap to how many acres could be impacted. An uncapped free-for-all of treating non-native plant species with herbicides on a fifth of the forest is clearly something way beyond the stated scope of the project and something that would, on it's own, have significant impacts on the environment requiring the preparation of an EIS.

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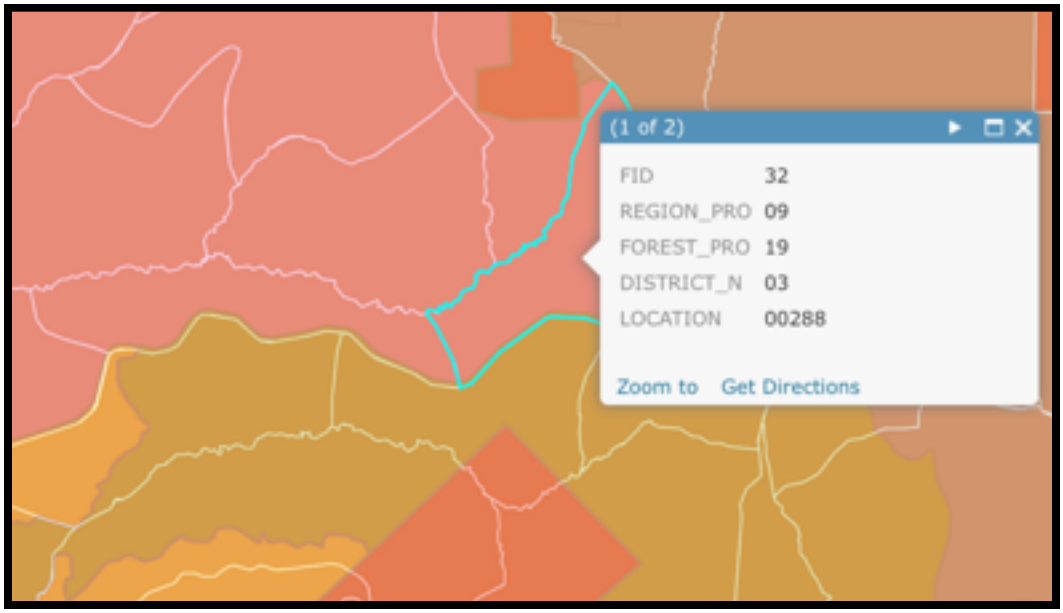
[10] Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 1

[11] Bradford Emerald Ash Borer Remediation [sic] Project Scoping Document, p. 5

2. Logging and Herbicides adjacent to Hickory Creek Wilderness Area

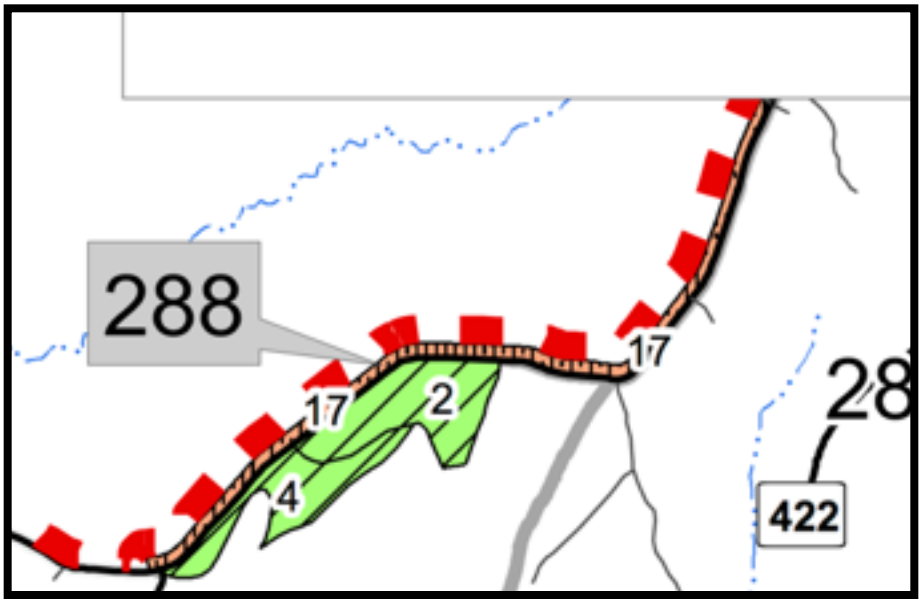
It appears that the US Forest Service has proposed logging and herbicide treatments immediately adjacent to the Hickory Creek Wilderness Area. This is a terrible idea obviously. But it's also indicative of another significant affect on the ecology of the Allegheny National Forest.



Highlighted in the above image is Compartment 288. As can be seen, nearly the entire compartment lies within the Hickory Creek Wilderness Area. There is a sole stretch that according to these maps lies along the road that isn't apparently considered to be Wilderness.

Verify the original documentation of the establishment of the Hickory Creek Wilderness. This was a federally established Wilderness Area designated by Congress. Please provide documentation that supports the boundaries as drawn within this project.

The image below shows the proposed logging stand with the project boundary shown in red. This allegedly corresponds to the Wilderness Area boundary but this needs to be verified.



3. Proposed Road Construction

In addition to the massive amount of silvicultural activities, the U.S. Forest Service is planning construction of 3.24 miles of new permanent roads in the forest. This project alleges to combat invasive species and yet promotes the development of new permanent roads when roads have long been documented as a primary means for the spread of invasive species.

Given the long history of road construction in the Allegheny National Forest, and the subsequent infestation of the forest with invasive species, including but not limited to the Emerald Ash Borer, how do new roads remediate against the Emerald Ash Borer infestation? Logging roads certainly didn't stop the infestation so how will new ones help at all?

That's not all. 2.77 miles of old logging roads are being "re-constructed" into permanent system logging roads. These old corridors are being moved from corridors that are being overgrown into active forest roads. How does this remediate against invasive species infestations when we know that roads contribute towards the invasion of non-native pests?

How is the addition of 6.01 miles of roads to the Allegheny National Forest remediate against the impacts of invasive species? How does this not, on it's own, contribute towards having significant impacts on the environment? It clearly does and requires a detailed EIS be developed.

But the actual construction and re-construction are not the end of it. The U.S. Forest Service also proposed significant changes to the status of existing roads. First, here is a summary of what the designations mean:

Open – road is typically open for public traffic.
Closed – road is typically closed for public traffic.
Restricted – road may be open or closed to public traffic or types of public traffic depending on the time of year and resource needs. [12]

Open roads have the greatest impact. Closed roads have the least impact (where roads are present since having no roads in an area has the least impact on the environment). Restricted roads are in between. So it was a bit surprising to see that this project would result in the following shifts in road classifications:

Road Classification	Change in Road Designations
Open	-1.07
Restricted	+29.46
Closed	-28.39

The most disturbing aspect of this is that none of this is disclosed in the body of the scoping document. It's buried in the last page of the appendix tables. This is a significant shift in road classifications. Keep in mind that roads are a major vehicle for the introduction and spread of non-native species. This project alleges to "remediate" against invasive species but proposes moving nearly 30 miles of roads from closed status to being open seasonally. That move alone will have major affects. But more importantly, how does this remediate against the Emerald Ash Borer, Hemlock Woolly Adelgid, Beech scale insect, or any other invasive species.

According to our calculations, this would be approximately an 8% increase on the number of "restricted" roads on **the entire forest** with a 7% decline in closed roads (which would be fine if they were being obliterated as they should be, but they aren't proposed for remediation). This will have wide sweeping ecological impacts, particularly in the fore-mentioned spread of invasive species. This will have the kind of significant ecological affects, but it's an action that has no correlation to the stated goals of this project. In fact, as with the silvicultural practices this will have negative impacts on the environment of the forest - including through the facilitating of the spread of the invasive species that the project alleges to "remediate."

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[12] Forest-wide Road Analysis for the Allegheny National Forest, p. 12.http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5048405.pdf

4. Time lengths

The length of this project is a serious concern. According to the scoping notice, "some activities are anticipated to occur over a 20 year period." In fact, it also states that "initial activities would occur in one to five years following the decision."

- What specific activities will be implemented in 20 years?
- How does a proposed logging that won't even be initiated for 5 years meet the stated goals of the project?
- How does a project which has parts that won't be implemented for 20 years meet the needs of responding to a current insect infestation?
- How is it viable to determine now that trees that will be cut in 1 to 20 years will somehow help against a new insect infestation that has only been documented in the Allegheny National Forest for 3 years?
- How does the U.S. Forest Service claim to know that the proposed activities will remediate the affects of this infestation when logging practices that take 5 to 20 years to complete simply have never been documented in the Allegheny National Forest in response to Emerald Ash Borer? The insect wasn't even documented in the forest before 2013.
- How does a project that will take 20 years to implement meet the requirements of the National Forest Management Act (NFMA) that "timber will be harvested from National Forest System lands only where there is assurance that such lands can be adequately restocked within five years after harvest"? The scoping document strongly suggests that it will take 20 years to ensure adequate restocking across the proposed actions.

5. Non-native Plant Treatments

The language within the scoping document that calls for possibly unlimited applications of herbicides within the project area is disturbing:

> Due to the nature of non-native invasive plants, additional infestations and species from the Allegheny National Forest Invasive Plant Species of Concern list could be treated if found within the project area, consistent with applicable Forest Plan direction.

The only way that we can interpret this is that the agency wants to give itself permission to treat anywhere from 300 to 102,832 acres (the project area) of the forest with herbicides. That's absurd and highly illegal on many counts. Regardless, if the U.S. Forest Service intends to apply such a clause they need to evaluate the worst case scenario which would be treatment of herbicides on

102,832 acres within the Allegheny National Forest. This includes cumulative effects as well as site specific affects for all forest stands.

6. Large-scale Clearcutting

83% of the logging proposed in this project proposal are clearcutting[13]. That is 3,171 acres of clearcutting in total. This is large-scale clearcutting for a national forest that should be prioritizing mitigation against the damage caused by the oil & gas boom and insect infestations.

In fact, the NFMA cautions against clearcuts larger than 40 acres in size:

> (4) Where plan components will allow clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber, the plan must include standards limiting the maximize size for openings that may be cut in one harvest operation, according to geographic areas, forest types, or other suitable classifications. Except as provided in paragraphs (d)(4)(i) through (iii) of this section, this limit may not exceed 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-Sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types.[14]

This proposed project introduces at least 21 clearcuts greater than 40 acres. That is astounding. The largest is 86 acres. And this does not account for clearcut stands that are adjacent to each other which combined are also greater than 40 acres (or much larger). For example, a clearcutting complex in Compartment 347, just south of Hickory Creek Wilderness Area, combines 11 adjacent forest stands and would result in a single clearcut totaling 253 acres. That is almost 200 adjacent football fields (including the end zones). Consider these other proposed clearcutting complexes (and recall that there is no relationship between clearcutting and mediation of the the cited invasive species and disease complex):

- **Compartment 347:** 11 adjacent stands totaling 253 acres
- **Compartment 346/347:** 6 adjacent stands totaling 179 acres. These stands are also immediately adjacent to 3 stands totaling 63 acres that are being subjected to two-age cutting. And these are adjacent to additional stands

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[13] The US Forest Service prefers to avoid the term clearcutting. But Shelterwood Removal and Final Harvest cuts are simply clearcuts by any other name where <90% of the forest canopy is removed from a forest stand. The handful of remaining trees typically suffer from over-exposure to the sun and wind that results in their decline in the subsequent 5 to 10 years.

[14] 36 CFR § 219.11(4)

being clearcut (27 acres) and commercially thinned (21 acres). That is a massive contiguous even-aged logging block totaling 290 acres.

- **Compartments 463/464:** 2 forest stands totaling 91 acres are proposed for clearcutting. On one side they have a 47 acre 2-age cut. On the other side a 19 acre Commercial Thinning. On the other side of that thinning there are adjacent clearcuts totaling 37 acres and even another nearby 10 acre clearcut as well. This is an area already suffering intensely from oil & gas development. The cumulative effects are most likely incalculable.
- **Compartments 482/484:** These two forest stands will make for a single large 93 acre clearcut. And it's adjacent to a 22-acre stand of group cutting.[15]
- **Compartment 453:** Two forest stands totaling 121 acres of contiguous clearcutting. Unbelievable.
- **Compartment 456:** Four forest stands totaling a contiguous 143 acres of clearcutting.
- **Compartments 458/476:** Three forest stands making for one massive 67 acre clearcut.
- **Compartment 431:**Another ridiculous proposal where 5 adjacent stands totaling 144 acres will be clearcut. And they are adjacent to 142 acres of thinning and near another 15 acres of clearcutting. And that's just the stuff that is adjacent or near adjacent as there is more cutting close by.
- **Compartment 434:** Another large clearcut totaling 66 acres.
- **Compartments 434/435:** Very close to the above clearcut, this one is made up of 5 forest stands that combined are 157 contiguous acres.
- **Compartments 432/436:** 4 more forest stands combine for a single 90 acre contiguous clearcut.
- **Compartments 436/437:** There are two stands that together form a contiguous clearcut of 43 acres. And these do just barely touch with another 4 stands that make up a single 189 acre clearcut.
- **Compartment 406:** This three stand clearcut is made up of 3 adjacent stands totaling 73 acres. Another couple of clearcuts are very close by.
- **Compartment 408:** Three stands totaling 52 acres.
- **Compartment 404:** Two stands combining to 46 acres.
- **Compartment 404:** Three stands combine for a contiguous 44 acres.
- **Compartments 403/404:** Three stands combining for 103 contiguous acres.

This scale of clearcutting is astonishing. Unfortunately, it's not just limited to the Management Area 3.0 which is explicitly a forest sacrifice zone. Consider the following sections which discuss how this project prioritizes clearcutting in areas intended for late successional forest habitat.

7. Large-scale Clearcutting In a Late Successional Forest Area

Management Area 2.2, as noted in the scoping notice, is supposed to be managed for "Late Structural Linkages" where the goal is to "…emphasize older, late structural forests that link relatively large areas of older forests (core areas) across the landscape." But that's not what is proposed here. All of the proposed activities for Management Area 2.2, not even just some of them, are clearcuts. That's 387 acres of clearcutting.

The scoping document claims that "Vegetation management is directed to restoring late structural forest conditions with an emphasis on forest structure and forest continuity." But again, the only action being taken here is a clearcut where the late structural forest conditions are going to be removed. Further, forest continuity will be broken.

There isn't a Management Area map for the proposed action, so a comparison of adjacent stands isn't currently feasible, but three of these stands individually exceed the 40 acre clearcutting limit and combine for a total of 185 acres. In an area designated for Late successional forest, that is hard to comprehend.

This mis-direction of U.S. Forest Service resources intended for late successional forest management is not limited to Management Area 2.2. In management Area 6.1, also managed for "Late Structural Habitat", clearcutting is also being prioritized in this proposal. Over 72%, 488 acres, of the logging proposed for Management Area 6.1 is clearcutting. Three of these stands where clearcutting is proposed exceed 40 acres in size. That's not consistent with the management direction for this area.

C. Scope of Emerald Ash Borer Infestation

The U.S. Forest Service, when considering management actions and associated environmental impacts has to consider the full scope of the Emerald Ash Borer infestation. It is not only the affects of management actions that have to be considered, but the cumulative impacts of the infestation combined with management actions. Even if the U.S. Forest Service concludes (incorrectly) that the proposed actions are beneficial, those do not take away from the determination of the need for an Environmental Impact Statement, but add to it. That's the law.

D. Cumulative Effects

"Private landowners around the forest have already cut their ash or are cutting it. "

- District Ranger Rich Hatfield, U.S. Forest Service, Allegheny National Forest

Besides this project being massive in scope, the silvicultural response to the Emerald Ash Borer is also massive in scale as indicated in the quote above.

Cumulative effects are those impacts on the environment that result from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. "Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." *Id*. "Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment." 40 C.F.R. § 1508.27(b)(7). "Significance cannot be avoided by terming an action temporary or by breaking it down in to small component parts." *Id*. The Council on Environmental Quality (CEQ) provides further guidance on the proper scope of a cumulative effects analysis. For example, CEQ states that:

> *For a project-specific analysis, it is often sufficient to analyze effects within the immediate area of the proposed action. When analyzing the contribution of this proposed action to cumulative effects, however, the geographic boundaries of the analysis almost always should be expanded.*
>
> - CEQ, Considering Cumulative Effects Under the National Environmental Policy Act, p. 12 (Jan. 1997) ("CEQ Guidance").

1. The infestation isn't over

Remarkably, this infestation has only recently reached the Allegheny National Forest. But the U.S. Forest Service is already proposing a massive response. This is the equivalent of nearly 3,000 football fields being logged. But the Hemlock Wooly Adelgid and the Emerald Ash Borer have only recently arrived in the Allegheny National Forest so the scope of potential salvage logging proposals that could follow overwhelm even this massive proposal. The future impacts of likely dieback and associated commercial timber proposals like this one needs to be considered.

2. Timber Industry Pressure

It's odd that this aggressive approach to logging within the Allegheny National Forest followed quickly on the heels of pressure being initiated by the timber industry - two weeks before the project was announced.[16] It's odd that this issue would crop up now. Please provide a detailed timeline for the planning of this project. We need to ensure that there is no undue influence occurring because of the monied interests of the timber industry.

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[16] http://www.bradfordera.com/news/timber-industry-officials-rebut-anf-timber-figures/article_d9a22ea4-9895-11e5-b2e3-db4db3ab229c.html

3. Private and State Forest Lands

"Private landowners around the forest have already cut their ash or are cutting it. "
- Rich Hatfield, District Ranger, Allegheny National Forest

The facts are simple. The US Forest Service has to consider the cumulative effects that commercial logging of Ash, Hemlock, and Beech trees would have when considered in conjunction with private and state forest lands. We already know that last year the Governor of Pennsylvania pushed for more logging in response to an "insect and disease treatment area."[17] And now we know, and the District Ranger knows, that the private landowners within the Allegheny National Forest region (largely timber companies) have amplified their logging of these trees. They certainly have the right to log on their own property (if done consistently with applicable laws), but what this means is that the proposed actions herein are going to exacerbate the environmental effects of this action.

4. Threatened and Endangered Species

Within the Salmon Creek EA, and other environmental analyses, the US Forest Service has consistently narrowed the scope of review for considering cumulative effects to threatened and endangered species. They have relied, for example, exclusively on the cumulative effects analysis within the Biological Assessment. But, the biological assessment (BA) was prepared pursuant to the Endangered Species Act (ESA) while the EA was prepared pursuant to NEPA. The definition of cumulative effects is narrower in the ESA context than it is in the NEPA context. *Compare* 40 C.F.R. § 1508.7 *with* 50 C.F.R. § 402.02; *see also Conservation Congress v. U.S. Forest Service*, 720 F.3d 1048, 1054-55 (9th Cir. 2013) (explaining how CEQ's NEPA regulations define cumulative effects more broadly than 50 C.F.R. § 402.02). Therefore, the Forest Service cannot rely on the BA as a substitute for its cumulative effects analysis under NEPA.

The Project Area here is massive. It cover one fifth of the Allegheny National Forest and absolutely contains viable habitat for each of the threatened, endangered, and sensitive species of concern. The US Forest Service knows that the proposed action has deleterious negative effects to the northern long-eared bat and the Indiana bat and their habitats, yet proposes no activities to enhance their habitat. Instead, much of the logging is allegedly targeting forest stands that they think will be affected by decline due to invasive species. Well, the conditions of declining forest stands of standing dead trees (within larger forested stands) happen to be habitat needs for these species.

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[17] http://www.post-gazette.com/news/state/2014/06/15/Corbetts-designation-of-forest-as-insect-area-questioned/stories/201406150173

The Forest Service must consider the "degree to which the action may adversely affect an endangered or threatened species" or designated critical habitat. 40 C.F.R. § 1508.27(b)(9).

5. Cumulative Allegheny National Forest Logging

The US Forest Service has gotten particularly aggressive with proposed logging activity.

As the Forest Service knows, it approved the Salmon West Project, which is immediately west of the Salmon East Project, in September 2013. *See* Decision Notice and FONSI for Salmon West Project, Sept. 26, 2013 ("Salmon West DN"), *available at* http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/76694_FSPLT3_1458586.pdf. The eastern boundary for the Salmon West Project is the western boundary for the Salmon East Project. *Compare* Map 1 of Salmon East Project *with* Map 1 of Salmon West Project, *available at* http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/ 76694_FSPLT2_382041.pdf. The Forest Service authorized over 2,000 acres of logging in the Salmon West Project. *See* Salmon West DN at 2-3. Thus, when combined with the Salmon East Project, that is over 3,400 acres of logging just in the Salmon Creek watershed. Because the EA restricted the cumulative effects analysis to the project area boundary, the Forest Service discounts the over 2,000 acres of logging that were authorized in the Salmon West Project. This violates 40 C.F.R. § 1508.7 and 1508.27(b)(7) because it ignores the cumulatively significant impact of thousands of acres of even-aged logging in two project areas that are directly adjacent to each other.

In addition to Salmon West, there are other logging projects the Forest Service has recently proposed that must be included in the cumulative effects analysis. For example, the Forest Service recently scoped the Bradford Forest Restoration Project, which proposes over 5,500 acres of even- aged logging. *See* Bradford Forest Restoration Scoping Document at 3, *available at* http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/102383_FSPLT3_2569013.pdf. Of that, 1,670 acres are located in the "Duck Sheriff" part of the ANF, which is located just a few miles north of the Salmon East Project area. *Compare* Map 1 of Salmon East Project *with* Figure 2 of Bradford Forest Restoration Scoping Document. The Forest Service is also currently reviewing the Izenbrown Corners Project, which proposes over 2,000 acres of logging. *See* Izenbrown Corners Scoping Document at 5, *available at* http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/ 84371_FSPLT3_1407368.pdf. The Izenbrown Corners Project area is located northwest of the Salmon East/West Project areas. *See* Izenbrown Corners Vicinity Map, *available at* http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/

84371_FSPLT3_1407369.pdf. The Forest Service also recently approved the Greater Stickney Project, which authorizes "timber harvest on 3,841 acres" using even-aged and uneven-aged management. *See* Decision Notice for the Greater Stickney Project at 2, Dec. 11, 2015, *available at* http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/84377_FSPLT3_2619162.pdf. While this project is further in distance from the Salmon East Project area, it will similarly impact habitat for Indiana and northern long-eared bats. If the Forest Service restricts the cumulative effects analysis in each of these projects to just the project area boundary, it becomes quite evident that the Forest Service will never address the impacts to these species in any meaningful manner at the landscape or forest level.

As can be seen, there is extensive logging proposed in recent years for the Allegheny National Forest. The impacts of this logging are predictably devastating, but these have to be considered when looking at the need for an Environmental Impact Statement and in the environmental analysis itself.

6. Cumulative Effects Analysis is Broad

Based on recent EAs, it's important that we point out that the cumulative effects analysis is not supposed to be a copy and paste of the direct/indirect effects analysis. In considering the cumulative effects of logging on recreation, the Forest Service must look at these impacts at the forest level, at a minimum. By limiting its analysis of the cumulative effects of logging on recreation to just the project area, the Forest Service ignores the effects of logging on recreation elsewhere in the ANF.

7. Recreation impacts

Many of the areas proposed for logging are popular recreation locations for hiking, camping, etc.. Other popular recreation sites, such as the North Country National Scenic Trail, Hickory Creek Wilderness Area, Allegany State Park, and Minister Creek Wilderness Study Area, are close or adjacent to proposed logging and herbicide sites. The US Forest Service needs to consider alternatives that address this. But they also need to consider the cumulative effects that the proposal would have on recreation within the entire forest as well as the region. It's popularly stated that the Allegheny National Forest is within a days drive of 1/3 of the US Population. It's time to act like that matters.

The 2007 Forest Plan FEIS at 3-313 states that:

> Clearcutting and road building can create changes in the landscape, resulting in shifts from the less developed end of the ROS spectrum to a roaded modified setting. Studies have generally found that in terms of aesthetic preferences for forested landscapes, mature forest are preferred over young ones, "natural stands" over those with obvious human impact, and partial cutting techniques over clearcuts (RIBE 1989).

It further states that:

> Effects of timber harvest activities on recreation resources typically impact access (i.e., road construction or reconstruction) and scenery of the harvested area. The effects can have both positive and negative effects on the recreation experience. Direct and indirect negative effects from timber harvesting may involve increased noise and dust levels, altered landscapes (i.e., the presence of slash piles, denuded ground and tree stumps), additional roads constructed or reconstructed for timber sales, temporary closure of recreation facilities or trails due to health and safety concerns, disrupted travel routes due to any necessary road closures and conflicts and potential safety hazards associated with logging trucks on main roads. *Additionally, timber harvest can negatively impact those seeking a more remote, challenging experience due to additional access provided by roads. This would be more apparent in more undeveloped and unroaded areas*.
>
> - *Id*. at 3-313 – 3-314 (emphasis added).

E. Wilderness Impacts

"I got close enough to the river that I couldn't hear the trucks…"
- Mount Eerie

People from Henry David Thoreau to Phil Elverum have written about the importance of solitude in wild nature. Yet this project proposes logging immediately adjacent to the Hickory Creek Wilderness Area. What's more, this project further promotes logging close to the North Country Scenic Trail, National Recreation Areas, and other significant recreation and habitat areas within the Allegheny National Forest. This is unacceptable. The US Forest service should be working to find ways to provide more wild, solitude opportunities in the Allegheny National Forest, not proposing actions that compromise the limited opportunities that exist today.

F. Climate Change and Carbon Sequestration

"Lost wisdom by the edge of the stream at dusk is a quiet echo on loud wind"
- Mount Eerie

Logging within the Allegheny National Forest will contribute towards negative effects on climate change. Old, unlogged forests are particularly beneficial to carbon sequestration and storage. The effects of the proposed project need to be studied in depth to ensure that the range of alternatives addresses the need for actions that increase, rather than decrease, carbon sequestration.

V. MANAGEMENT OF INVASIVE SPECIES

A. Understanding Human Impacts

1. On-site logging related equipment

The spread of invasive species is a significant concern. Even minor impacts are important to consider. For example, consider this direction from the Pennsylvania Department of Conservation and Natural Resources directed at, of all people, backpackers:

> Clean clothing, shoes, pets and backpacks before going to a new area to remove hitch-hiking seeds and plant parts [18]

If backpackers are an area of concern for the spread of invasive species, how is it possible to conclude that the introduction of skidder machines, feller bunchers, chains, chainsaws, herbicide applicators, planting related equipment, hand tools and timber operators and their clothing into the forest is not a major concern? Does the US Forest Service personnel wash their clothes every time they leave the ranger station to do field work?

The impact of these items needs to be considered as these items will be introduced into the forest, stored in the forest, moved from logging site to logging site in our public forest (and possibly between the public forest sites and private forest sites or forest sites on other public forests). It is important that the environmental analysis delve into this area of site management.

How does the transportation of equipment used and stored at forest sites that are infested by invasive species, including but not limited to the Emerald Ash Borer, affect the spread of these invasive species?

How does the subsequent transportation of this same equipment to and from public and private forest sites and along local, state and federal roadways affects the spread of these invasive species?

What is the US Forest Service going to do to prevent the spread of invasive species, including but not limited to the Emerald Ash Borer, to other public and private forest sites?

What is the US Forest Service going to do to prevent the spread of invasive species, including but not limited to the Emerald Ash Borer, to rural, suburban and urban communities?

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[18] http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_014607.pdf

How does the spread of invasive species via the use, storage, and hauling of this equipment affect the environment within and outside the Allegheny National Forest in the short and long term?

2. Removal of trees

In addition to concerns about the movement of silvicultural equipment, the trees themselves will be felled, skidded to landings, loaded on trucks, hauled to processing facilities and, in many cases, squared and hauled oversees. This entire process lends itself to the spread of invasive species. For this reason, agencies such as the Pennsylvania DCNR specifically ask that even low impact users such as campers "Don't move Firewood."[19] But here, the agency intends to move millions of board feet of timber (measured in cords this is a LOT of wood) across forest, county, state, and even international borders.

These trees also provide essential habitat. In our review of the research, the only reason to remove affected Ash, Hemlock or Beech trees is for commercial timber purposes. We've noted this elsewhere in the comments but the Pennsylvania Cooperative Extension agrees:

> If your dead tree is located in a yard or along a street, it will likely pose a hazard over time and should be removed immediately. However, if one of your dead trees is within a woodlot, it is much less likely to pose a danger to you or your family. If left standing, these trees can provide valuable wildlife habitat. Standing dead trees are an integral component of a healthy ecosystem, creating nesting sites for birds, sheltered cavities for mammals and structure for a variety of other organisms.[20]

3. The Emerald Ash Borer

> *"Insanity is doing the same thing over and over again but expecting different results."*[21]

The Emerald Ash Borer spread to 3 of the Allegheny National Forest counties in 2013 but had not reached McKean county until 2015. Please provide answers for the following questions and study these concerns within the needed EIS.

- How is it that Elk county appears to be unaffected by this spread?
- McKean County was only recently affected. Why are so many silvicultural activities being proposed in McKean County?

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[19] http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_014607.pdf

[20] http://ento.psu.edu/extension/trees-shrubs/emerald-ash-borer/factsheets/EAB2940.pdf

[21] See for origins: https://answers.yahoo.com/question/index?qid=20110305112354AATF3zl

- What has the U.S. Forest Service within the Allegheny National Forest been doing the past 5 years to prevent the spread of this pest to the Allegheny National Forest?
- Why have the efforts of the U.S. Forest Service proved ineffective in stopping the spread of this invasive pest?
- How are these proposed actions going to be any more or less effective in stopping the spread of this non-native pest species?
- How does this project do anything different from what's been done in the rest of Pennsylvania and which has allowed for the spread of this invasive pest?
- Given that the proposed activities were undoubtedly used on timber industry lands and state forest lands outside of the Allegheny National Forest and these activities failed to prevent the spread of this infestation, how is it that the U.S. Forest Service by some miracle expects different results in the Allegheny National Forest?
- Is the U.S. Forest Service familiar with the oft quoted definition of insanity? We suggest that you familiarize yourself with it as it should prove quite instructive in developing a true and meaningful response to the Emerald Ash Borer infestation:

  "Insanity is doing the same thing over and over again but expecting different results."[22]

VI. THE SCOPING DOCUMENT

A. Unsupported claims

The scoping document makes a number of unsupported, and in fact, as stated, unsupportable claims. Here are some examples:

1. "Desired tree seedlings"

The scoping notice makes the following claim:

> Desired tree seedling species do not develop in sufficient quantities on the Allegheny National Forest without intensive forest management.

The problem with this claim is that it's either entirely untrue or it is entirely inconsistent with the stated purpose of the project. The stated purpose of the project is to "Maintain or improve ecological conditions … in stands to be affected by the emerald ash borer, beech bark disease and hemlock woolly adelgid." But the stated desired species in management area 3.0, where most of the proposed actions occur (69% of proposed silvicultural proposals), is for

[22] See for origins: https://answers.yahoo.com/question/index?qid=20110305112354AATF3zl

"Allegheny Hardwood" tree species - an artificial forest type solely defined by the majority presence of the commercially lucrative black cherry tree.

If the U.S. Forest Service is emphasizing the desired species consistent with the Forest Plan, then it is proposing to do the exact opposite of this stated goal in the Scoping Letter:

> Maintain or improve ecological conditions that will improve ecosystem resilience and sustain biological diversity in stands to be affected by the emerald ash borer, beech bark disease and hemlock woolly adelgid.

The problem with suggesting otherwise is that the techniques proposed do not result in anything remotely related to sustaining biological diversity. Instead they provide a forest where:

> Each forest stand generally consists of trees of approximately the same age and height, with a mosaic of stand ages present across the landscape.[23]

That is not a biologically diverse forest. Instead it is a forest that:

> … contributes to the desired condition by providing a mix of vegetative conditions and quality timber products that contribute to the local and regional economy.[24]

We understand the agency's love affair with Orwellian terminology. We don't agree with it of course, but we recognize it for what it is. Nevertheless, double speak does not change the fact that scientifically, the approach of even-aged management used to promote commercially viable species does nothing to remediate damage caused to less commercially viable, but naturally important, species such as Eastern Hemlock and American Beech.

The fact is, and this has been widely established, that the predominance of Allegheny Hardwoods has greatly diminished biodiversity within the Allegheny National Forest. It's an artificial forest type created for commercial timber production whose prominence results in forest stands dominated by interfering understory, declining amphibian populations, and decreased overall biodiversity.

2. The Trees are Dying Argument

For the Ash and Eastern Hemlock trees in the Allegheny National Forest, the scoping document makes zero arguments for why the proposal would address

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[23] Allegheny National Forest Land and Resource Management Plan, 2007, p. 113

[24] Allegheny National Forest Land and Resource Management Plan, 2007, p. 113

biological diversity and ecosystem resilience (alleged Primary Objective 1). The scoping document simply states that these trees are dying or in danger of dying as a result of non-native pest infestations. But there is zero case made that the proposed action would benefit the forest ecologically in any way, shape or form. Simply stating that trees are dying or might die doesn't provide any evidence towards the alleged Primary Objective of maintaining or sustaining ecological conditions or biodiversity.

This issue is further complicated by the fact that the Eastern Hemlock are NOT declining on this forest as of yet. The scoping notice acknowledges this:

> It is anticipated that mortality of hemlock trees on the Allegheny National Forest will occur.

The scoping notice tries to make it sound as though it's guaranteed that Eastern Hemlock are going to suffer sever dieback since, as the notice does acknowledge, the intensity of hemlock decline varies.

> Hemlock decline and mortality typically occur within four to ten years of infestation in the insect's northern range (USDA Forest Service, Northeastern Area State and Private Forestry 2005).

The Forest Service sites a research paper from their Northeastern State and Private Forestry branch. But this document does not support the project proposal. Regarding tree removal it only recommends tree removal where:

> Actions such as moving bird feeders away from hemlocks and removing isolated infested trees from a woodlot can help prevent further infestations.

Well that's interesting because single tree removal is not proposed in ANY of the proposed timber harvests. And timber harvests make up over 90% of the project. That's remarkable that over 90% of the project has no correlation to the cited research in the scoping document.

This same fact sheet goes on to note a variety of chemical and biological controls. It specifically notes that biological control is the best means of control.

> Chemical control options, such as foliar sprays using horticultural oils and insecticidal soaps, are effective when trees can be saturated to ensure that the insecticide comes in contact with the adelgid. Several systemic insecticides have also proven effective on large trees when applied to the soil around the base of the tree or injected directly into the stem (figure 3). Chemical control is limited to individual tree treatments in readily accessible, nonenvironmentally sensitive areas; it is not feasible in forests, particularly when large numbers of trees are infested. Chemical treatments offer a short-term solution, and applications may need to be repeated in subsequent years.

> The best option for managing hemlock woolly adelgid in forests is biological control. Although there are natural enemies native to Eastern North America that feed on hemlock woolly adelgid, they are not effective at reducing populations enough to prevent tree mortality. Therefore, biological control opportunities using natural enemies (predators and pathogens) from the adelgid's native environment are currently being investigated. Several predators known to feed exclusively on adelgids have been imported from China, Japan, and Western North America and are slowly becoming established throughout the infested region (fi gure 4). It will likely take a complex of natural enemies to maintain hemlock woolly adelgid populations below damaging levels. Efforts to locate, evaluate, and establish other natural enemies continue.

The document from the very agency proposing this project is clear: biological control is the best way to deal with the woolly adelgid. However, the U.S. Forest Service has proposed an action that involves no biological control and where 100% of the remaining proposed actions (since no insecticides are proposed either) are inconsistent with their own agency's guidance on the subject. The project doesn't achieve the primary objective with regard to the Hemlock Woolly Adelgid with ANY of it's proposals.

3. The Beech "thickets"

The U.S. Forest Service does make an argument for why the pest harming the American Beech trees affects biodiversity. Unfortunately, it's not an accurate argument and is inconsistent with the proposed action in any case.

The scoping notice declares:

> Locations where beech trees once existed are now covered with thickets of beech saplings, which will also eventually be infected and die. In its present interfering condition, no other tree species can grow on these beech thicket sites.

It is not a true statement to say that "no other tree species can grow on these beech thicket sites." In some cases it is true, but it's primarily true on sites where forest management takes place. Furthermore, it's not guaranteed that "thickets of beech saplings … will also eventually be infected and die." The reality is much more complex than this. We know for example, that a percentage of American Beech have a genetic resistance to the Beech disease complex.[25] To the best of our knowledge, there is no research that supports the idea that logging and the proposed "reforestation" activities can remediate against beech scale complex. In fact, the Allegheny National Forest, the US Forest Service has been attempting to use the logging and "reforestation" methods describes herein and have had zero success in slowing the progression of the Beech bark disease.

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[25] http://www.fs.fed.us/ne/newtown_square/publications/technical_reports/pdfs/2005/331papers/koch331.pdf

The beech thicket, as it is, is a problem primarily where past logging has occurred. In fact, in many cases on the Allegheny National Forest, it's timber harvesting that creates this problem. In no cases does timber harvesting solve the problem. As noted in the scoping letter:

> Herbicide treatments remove or reduce undesired understory vegetation in stands that lack adequate numbers of tree seedlings or contain a dense ground cover of grasses, fern, beech root suckers and striped maple that interfere with desired tree seedling establishment and growth.

The herbicide treatments are used to control the beech, not the logging. And the preponderance of beech "thickets" is a result of earlier harvesting (which precedes herbicides in most cases). Oh, but the techniques for promoting "Allegheny Hardwoods" over beech "thickets" also leads to fertilization. Simply review the "Timber Harvest Activities" section and you will see that none of the proposed logging actions result in a more diverse understory. The logging actions exist to produce commercial timber, but are entirely inconsistent with the stated primary objective 1 because they provide no remediation against the invasive species or their effects.

4. Site specific planting

The scoping notice appears to overstate the amount of planting intended for the project. According to Table 1, the project proposes 2,025 acres of planting. However, according to the data in Appendix A, there will only be 1,906 acres of planting. Why is there a discrepancy? Where is the additional planting to occur?

Regarding the planting, we also have these questions:

- What species of trees will be planted on each treatment site?
- When will these trees be planted?
- Why were these trees selected for each specific site?

The scoping notice goes on to declare that "Tree planting is prescribed in areas where planned natural regeneration has failed…." But it appears that tree planting is ONLY proposed in this project where logging is planned. Which means that silvicultural regeneration is where the US Forest Service anticipates failure, not natural regeneration. These are not the same thing.

5. Mid-story Trees

Mid-story trees are essential for forest biodiversity. They provide essential shading that helps provide for a more diverse array of micro-climates within a forest stand. However, the Scoping Document makes this statement, "Manual Site preparation is used when mid-story trees and brush interfere with the development of tree seedlings.

The presence of mid-story trees confirms that most likely natural regeneration has already occurred. Yet, this tool is used on 3,652 acres where logging management is planned (why are we logged sites with an existing healthy mid-story?). Only 15 acres are planned for sites where logging did not occur. The Forest Service can't have it both ways. If mid-story trees are present, and so present that site preparation techniques are necessary, then it follows that natural regeneration has occurred. The agency cannot then claim that natural regeneration has not occurred. There is a reason that these "regeneration" proposals only occur where logging is planned. It's silvicultural regeneration that most prominently fails and does so at a consistent rate.

6. Crop Release

The Scoping Document plays with a little bit of mis-direction involving "Release." The notice states that "Release involves the non-commercial, manual cutting of tall-growing woody vegetation that interferes with growth and survival of desired tree seedlings, saplings, or shrubs in young stands."

First, the cited young stands only exist because of planned clearcutting. That's why release almost exclusively occurs on sites where logging is planned.

Most importantly, however, while that quote uses the term "non-commercial" to describe the activity that's a misnomer. This is non-commercial only in the sense that the release activity does not produce a product for sale (now). The entire purpose, however, particularly in Management 3.0 where the US Forest Service defines "desired tree seedlings" as commercially valuable black cherry and oak, is to promote commercially valuable species over what the US Forest Service considers to be less valuable beech, birch and mountain laurel. Defining these native plant species as something that "interferes with growth" is odd. They are growth. They just aren't commercially valuable growth.

7. Fertilization

The use of fertilization is stated in the scoping document as being "used to accelerate the growth of natural seedling regeneration." This is an inaccurate statement. The US Forest Service on the Allegheny National Forest uses fertilization as outlined in Quantitative Silviculture for Allegheny Hardwoods[26]. This voluminous document details the process which is used to promote the unnatural development of the artificial forest type "Allegheny Hardwoods." This artificial forest type is defined as a stand of trees dominated by the commercially lucrative black cherry. Neither the forest type nor the processes used to induce it are natural, or ecologically desirable.

Fertilization is never used on naturally regenerating, other-wise unmanaged stands of the Allegheny National Forest. It is only used, as proposed in this project, where even-aged clearcutting occurs. And it is used in those stands because the attempts at silvicultural regeneration in these stands (even with herbicides and fencing, tree planting, release, and site preparation) have a high rate of failure. Such a high rate that it often takes 20 years, instead of the NFMA mandated 5 years, to silviculturally regenerate these forest stands. And even when these are successful, these methods produce a predominantly mono-crop of black cherry, aka "Allegheny Hardwoods".

B. The Project Does Not Meet the Stated Project Objectives

The most obvious, and unsettling, aspect of this scoping proposal is how inconsistent the stated proposals are with the stated Primary Project Objectives.

1. Primary Objective 1

The first stated primary objective is:

> Maintain or improve ecological conditions that will improve ecosystem resilience and sustain biological diversity in stands to be affected by the emerald ash borer, beech bark disease and hemlock woolly adelgid.

As discussed earlier, the proposals promote an even-aged forest where trees within given stands are generally all the same age and predominantly made up of a single species (black cherry in most cases), rather than a forest with biological diversity. The proposal and biological diversity are mutually exclusive in the Allegheny National Forest. They are simply incompatible.

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[26] http://www.fs.fed.us/nrs/pubs/gtr/gtr_ne183.pdf

2. Primary Objective 2

The project promotes even-aged management which does create early successional stands of trees. It does not, however, create early structural habitat since key components of early structural habitat are removed from the forest as part of the logging process.

Take special care to note that while the scoping document alleges a "vegetation structural imbalance across the Forest" that this is an inaccurate statement. There is, as the scoping notice notes, a difference between the Forest Plan desired condition and the current condition. However, that defined desired condition cannot be defined as a balanced vegetation structure under any meaningful definition for a forest. The vegetation structure, as defined for Management Area 3.0 is that of a silvicultural stand - a tree farm.

While we are aware of the problematic desired condition defined in Management Area 3.0, this resolves an unsettling lack of understanding of basic forest science by the agency and it's staff. A balanced vegetation structure and a forest with ecosystem resilience and biodiversity are knowable things and through research we know that they are contradictory elements to a forest of even-aged stands dominated by black cherry.

Consider "A balanced vegetation structure". We know what that is. We know from the research that scientists have done that for the Allegheny National Forest that means less than 5% of the forest is impacted by tree decline, and that of that 5% most is single scattered tree decline. The balanced vegetative structure of the Allegheny National Forest calls for a distribution of less than 5% of the forest in early successional stages (without boles and tops removed from the forest) whereas the Forest Plan and this project seek a state of "early successional habitat" [sic] that is double the current distribution of such "early successional habitat" [sic] and that would be woefully inconsistent with a balanced vegetation structure in the forest.

In fact, we welcome that the Forest Service is documenting that a balanced vegetation structure is important. And we hope that you will see that there is something significantly wrong here. There is no doubt that the stated primary objective is entirely inconsistent with the management direction provided for in the Land and Resource Management Plan and that the agency should revise the Plan to match the scientific concepts of biodiversity and ecological balance.

3. The Alleged Secondary Objective

It is interesting that the objective to "Recover the timber value of disease-related damaged or killed trees" is the only objective consistent with the overwhelming

majority of proposed actions. In fact, it's the only objective met by the timber harvesting proposals which make up 92.3% of the proposal. Even if one were to accept the contradictory argument in the second primary objective, that would only apply to "final harvests" and would have zero relationship with the proposed "commercial thinning" activities.

More troubling, the project is stating that the goal is to recover the commercial value of dying trees. But it also states that in many cases, initial logging treatments will not begin for 5 years and that others might not occur for 20 years. But the scoping notice alleges that infected ash trees die within 6 years of infestation and infected hemlock trees die within 4 years of infestation. The District Ranger has acknowledged that the Ash and Hemlock are not significantly declining as of yet. But under this project thousands of acres will be logged beyond the next 4 to 6 years. The facts simply are not consistent. The project purports to meet yet a purpose here that the proposed actions are simply not designed to meet.

So what is the purpose?

This issue gets even more complicated when we consider the District Ranger's public statements. Consider this one:

> "The whole point is that we know the ash is going to die, be it in one, three or five years," Mr. Hatfield said. "The emerald ash borer doesn't have a firm foothold in the forest yet, but it's all around us and it's coming our way. This project addresses that inevitability."

What is Mr. Hatfield saying here? He seems to be suggesting that the forest has not experienced actual decline as a result of the Emerald Ash Borer, only that it's on the way. So how is it that the U.S. Forest Service is proposing logging on nearly 4,000 acres of the forest, much of which will not occur within the next three to five years. What are we missing? Is the Borer here and killing trees, or is this speculative proposal developed on the basis that it might happen some day? How does the U.S. Forest Service know which silvicultural methods to employ if it doesn't even know where and when the borer is going to establish a "firm foothold"?

C. The Environmental Analysis

The recent environmental analyses completed by the US Forest Service fall short of using the best available science. We documented a number of these issues on the recent Salmon East Project. Please be sure to reference those comments enclosed here as Appendix B. We have gone into more detail on some of them below. Note that just because we didn't expand here on an issue raised in Appendix B doesn't mean it's less important. It solely reflects the time frame limitations provided.

1. Range of Alternatives

The US Forest Service needs to conduct a meaningful broad range of reasonable alternatives. This means:

- there is a need to develop alternatives that consider the needs of wildlife that depend upon roadless or late successional forest habitats.
- there is a need to develop alternatives that exclude even-aged logging techniques.
- there is a need to develop alternatives that do not use herbicides to kill trees and saplings that would otherwise survive the insect infestation.
- there is a need to develop alternatives that do not use site preparation to remove otherwise healthy mid- and under-stories.
- there is a need to consider alternatives that promote remediation, rather than the proposed logging, herbicide, fencing, site preparation, and release that further exacerbate the decline of Eastern Hemlock, American Beech and Ash.
- there is a need to consider alternatives that contribute to the conservation and enhancement of habitat integrity for species with viability concerns.[27]

Instead, the Forest Service, must "consider such alternatives to the proposed action as may *partially* or completely meet the proposal's goal." *City of New York v. U.S. Dep't of Transp.*, 715 F.2d 732, 742 (2d Cir. 1983) (*quoting NRDC v. Callaway*, 524 F.2d 79, 93 (2d Cir. 1975) (emphasis added). The Forest Service "will not be permitted to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered." *Id*. at 743 (*citing NRDC v. Callaway*, 524 F.2d 79, 93 (2d Cir. 1975)); *see also Nat'l Parks & Conservation Ass'n v. Bureau of Land Mgmt*., 606 F.3d 1058, 1070 (9th Cir. 2009) (*quoting City of Carmel-By-The-Sea v. U.S. Dep't of Transp*., 123 F.3d 1142, 1155 (9th Cir. 1997) ("An agency cannot define its objectives in unreasonably narrow terms").

[27] Note: within the Salmon East and other projects, the Forest Service has recognized this need but has failed to demonstrate an alternative that meets it.

2. Early Structural Habitat

The US Forest Service is a bit of a borken record declaring in every proposed project that they need to create more "Early Structural Habitat" [sic]. Yet, in claiming that the Allegheny National Forest doesn't meet Forest Plan guideline for this goal, the agency fails to consider the multitude of other project proposals it has already released for consideration within the last two years - all of which promote clearcutting and even-aged logging management over other management options.

As with the Salmon East EA and other proposals, the "need" to create early structural habitat is predicated on the perceived sharp decline of this habitat "within the project area and across the region." The Forest Service then asserts, based on recent monitoring, that about 3.8% of the ANF is in an early structural stage, which is below the Forest Plan's objective of 8% by 2020.[28]

According to the Salmon East EA, implementation of the proposed action would increase the amount of early structural habitat across the ANF by 0.3 percent (1,463 acres) over the next 20 years.[29] EA at 23. How many acres of "early structural habitat" have been created since publication of the most recent monitoring and evaluation report? How many acres of "early structural habitat" does the Forest Service expect to create through implementation of existing approved projects? The Forest Service must disclose this information and reconsider this "need" if recently completed projects and completion of existing projects will achieve the 8% threshold the Forest Service desires.

The US Forest Service also needs to consider this "need" in relation to the creation of this "early successional habitat" [sic] on adjacent and nearby state and private forest lands which, as the Direct Ranger has noted, are undergoing extensive salvage logging operations.

3. Context and Intensity

The context and intensity of the Emerald Ash Borer Remediation [sic] Project requires preparation of an EIS. See 40 C.F.R. § 1508.27(a)-(b). Regarding context, the Forest Service must consider the significance of an action in several contexts. 40 C.F.R. § 1508.27(a). Intensity "refers to the severity of the impact" and involves considering several factors. *Id*. at 1508.27(b). The Forest Service is

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[28] The US Forest Service attempts to cite to "recent monitoring" yet has not completed a monitoring report for 2014 or 2015. This information needs to be produced and publicly available before it can be assumed to be accurate or verifiable.

[29] Salmon Creek EA, p. 23

proposing to exceed the 40-acre size limitation for more than 21 different areas of the project area. *See* our earlier comments. In each of these cases, the Forest Service is not just exceeding the size limitation by a few acres but by large acreages, sometimes the proposed clearcuts are as large as 293 acres.

The Forest Service must also consider the "unique characteristics of the geographic area" including "ecologically critical areas." 40 C.F.R. § 1508.27(b)(3).

4. Highly Uncertain or Unknown Risks

The US Forest Service is required to consider uncertainties when preparing environmental analysis:

> The Forest Service must also consider the degree to which the effects on the environment are "highly uncertain or involve unique or unknown risks." 40 C.F.R. § 1508.27(b)(5).

As demonstrated earlier, at best, the US Forest Service proposed logging and "reforestation" activities do not remediate against the invasive pest infestations. Instead they exacerbate the conditions. Even if the agency silviculturists (who are trained primarily on logging techniques, not ecological considerations) were to disagree, the assertions that the proposed logging and "reforestation" would somehow remediate against the invasive pests and associated effects is at best highly uncertain or involves unique or unknown risks.

Consider the following:

- The US Forest Service has been using logging as a response to the American Beech disease complex for more than two decades. Yet, the beech disease complex has neither stopped spreading within the Allegheny National Forest nor has it stopped killing American Beech trees. At some point, the agency needs to acknowledge that this approach has never worked and is never going to work. The proposed approach has never slowed down the spread of Beech Scale complex and it has never resulted in the survival of American Beech trees that wouldn't have otherwise survived. It's only guaranteed that genetically resistant ones are also going to die, only this time because they were cut with a chainsaw.
- The Emerald Ash Borer has only recently arrived in the Allegheny National Forest. District Ranger Hatfield has publicly acknowledged that it doesn't even have a foothold yet. The only study cited in the scoping notice that discusses the effects of logging in relation to the Emerald Ash Borer was not conducted in this national forest - all forests have unique ecosystems and soil conditions. Furthermore, what that research found was that reduced

density of Ash in Emerald Ash Borer infected forest areas has resulted in faster decline. In fact, it only suggests that the removal of trees be considered to meet "yearly budget or personnel constraints" or where the agency needs to "get the maximum value for the timber."[30] This is a far cry from remediation and it's hardly evidence of anything beneficial happening here.

- The Hemlock Woolly Adelgid has been slowly approaching the Allegheny National Forest for a very long time but it has only recently reached the Forest. We've already discussed this in detail but there is no research that supports the idea that logging and herbicing forest areas infested with the Hemlock Woolly Adelgid are affective remediation. In fact, there are techniques that appear to work, but they are biological controls. Yet, the biological controls that the US Forest Service are using elsewhere, are not proposed as part of this project. There is no attempt at remediation.

5. "Reforestation"

The US Forest Service loves the term "reforestation" [sic]. In their eyes, this refers to the process of applying fencing, herbicides, site preparation, and planting to repopulate an area of forest with "desirable" growth. The whole desirable growth terminology has it's own problems, but here we are concerned with the term "reforestation".

Clearcutting in an area of forest with mid-story and understory and replaced it with a predominantly mono-crop of black cherry, aka "Allegheny Hardwoods", is not "reforestation." In fact, it is deforestation. A forest isn't just a stand of trees and it certainly isn't a stand of even-aged trees primarily made up primarily of a single shade intolerant tree species. Instead the techniques used in this proposal are part of a process that transitions an area of forest from forest-like conditions towards tree farm conditions. As such, the terminology needs to be accurate. The conversation of forest land to farmland is deforestation. It doesn't matter that the land is a farm for trees.

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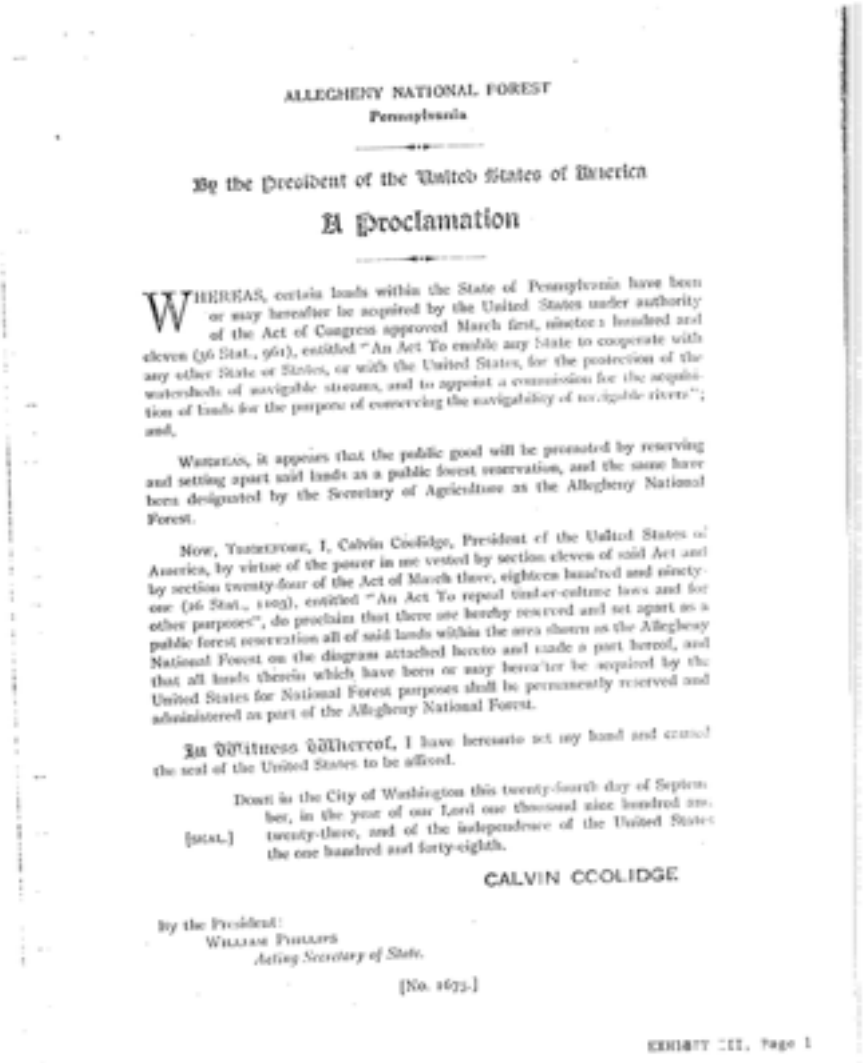
[30] Knight, Kathleen S. and John P. Brown, Robert P. Long, in Biol Invasions 2013. Factors affecting the survival of ash (Fraxinus spp.) trees infested by emerald ash borer (Agrilus planipennis) 15:371–383, DOI 10.1007/s10530-012-0292-z.

Appendix A

Allegheny National Forest Proclamation



ALLEGHENY NATIONAL FOREST
Pennsylvania

By the President of the United States of America

A Proclamation

WHEREAS, certain lands within the State of Pennsylvania have been or may hereafter be acquired by the United States under authority of the Act of Congress approved March first, nineteen hundred and eleven (36 Stat., 961), entitled "An Act To enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers"; and,

WHEREAS, it appears that the public good will be promoted by reserving and setting apart said lands as a public forest reservation, and the same have been designated by the Secretary of Agriculture as the Allegheny National Forest.

NOW, THEREFORE, I, Calvin Coolidge, President of the United States of America, by virtue of the power in me vested by section eleven of said Act and by section twenty-four of the Act of March three, eighteen hundred and ninety-one (26 Stat., 1095), entitled "An Act To repeal timber-culture laws and for other purposes", do proclaim that there are hereby reserved and set apart as a public forest reservation all of said lands within the area shown as the Allegheny National Forest on the diagram attached hereto and made a part hereof, and that all lands therein which have been or may hereafter be acquired by the United States for National Forest purposes shall be permanently reserved and administered as part of the Allegheny National Forest.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this twenty-fourth day of September, in the year of our Lord one thousand nine hundred and twenty-three, and of the independence of the United States the one hundred and forty-eighth.

[SEAL.]

CALVIN COOLIDGE

By the President:
WILLIAM PHILLIPS
Acting Secretary of State.

[No. 1673.]

EXHIBIT III, Page 1

Appendix B

Salmon East Comments

(complete copy is attached as a separate PDF)

Allegheny Defense Project

Protecting and Restoring the Forests of the Allegheny Bioregion

December 16, 2015

Re: Salmon East Project

Robert T. Fallon, District Ranger
USDA-Forest Service
Marienville Ranger District
131 Smokey Lane
Marienville, PA 16239
comments-eastern-allegheny-marienville@fs.fed.us

Dear Ranger Fallon:

The following comments are submitted on behalf of the Allegheny Defense Project and our supporters regarding the Salmon East Project Environmental Assessment ("EA") and Draft Finding of No Significant Impact ("FONSI").

1. **The purpose and need is too narrow and the Forest Service did not consider a broad range of reasonable alternatives.**

In our scoping comments, we suggested that the Forest Service "should also consider an alternative that meets wildlife, watershed, and recreation objectives without the use of logging and/or herbicides." Scoping Comments at 5. The Forest Service, however, only considered two alternatives in the EA, the proposed action (Alternative 1) and the no-action alternative (Alternative 2). *See* EA at 23-24. In other words, the only alternative the Forest Service considered besides its proposed action is the one that it is legally required to consider pursuant to the Council on Environmental Quality's (CEQ) regulations implementing the National Environmental Policy Act (NEPA).

In responding to our comment, the Forest Service stated that it is a "non-issue" and that it:

> . . . was not considered in detail because it does not meet the purpose and need of the project, which includes improving the spatial arrangement of age classes in MA 3.0, restoring and maintaining forest health throughout the project area, limiting the further introduction and spread of NNIP species, and enhancing wildlife habitat and improving habitat diversity by reducing NNIP species and establishing desired vegetation.

EA, App. A at 15. The Forest Service, however, must "consider such alternatives to the proposed action as may *partially* or completely meet the proposal's goal." *City of New York v. U.S. Dep't of Transp.*, 715 F.2d 732, 742 (2d Cir. 1983) (*quoting NRDC v. Callaway*, 524 F.2d 79, 93 (2d Cir. 1975) (emphasis added). The Forest Service "will not be permitted to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered." *Id.* at 743 (*citing NRDC v. Callaway*, 524 F.2d 79, 93 (2d Cir. 1975)); *see also Nat'l Parks &*