SPECIAL ALERT EDITION

How proposed rule changes threaten Georgia’s forests
and why YOUR VOICE is needed by August 12th!
This is a special issue of Forest News dedicated to the Forest Service's proposal to change their rules about applying the National Environmental Policy Act. They want to eliminate most public description of their projects and most of their environmental review. These changes could have such severe and far reaching effects that we believe they deserve all our attention right now.

We will continue in the future to have articles on Georgia's Mountain Treasures, invasive species, environmental books, and Forest Service activities from prescribed burns, to recreation events, to timber harvests. For now though, we need to speak up for government transparency and the public's right to be involved in how our public lands are managed.

These changes would also directly impact how Georgia ForestWatch does business. We interact with the Forest Service in many different ways, but the most basic one is by submitting analysis through the public comment process on every major project. The Forest Service's environmental reviews also provide critical information that helps us identify whether the Forest Service is underestimating their impacts and how projects can be improved. Losing these tools would make it harder for us and the general public to help the Forest Service, and would likely result in severe damage to many forests.

If you have been waiting for some especially important issue to limber up your fingers and write your first comment letter to the Forest Service, this is your chance. Comments are due August 12th. The simplest place to comment is OurForestOurVoice.org. Please read on for more details and more comment options. If you want to join others in learning how to speak more effectively against issues like this, sign up for ForestRoots at gafw.org/forestroots.

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Please note: Newsletter format will be changing to digital in 2020
• ForestNews will be provided to members online at GAFW.ORG and via email starting with our Winter issue.
• With upcoming changes, we are looking to offer content in a more timely manner while conserving resources.
• Articles can be printed from home, and a limited number of paper copies will be used for outreach purposes.
• You can update your email by calling us at 706-867-0051 or sending your info to info@gafw.org.

GOING DIGITAL

Jess Riddle
Executive Director
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FORESTWATCH RETREAT

Save the Date!
Annual Fall Retreat and membership meeting
October 12 at Vogel State Park

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Cover photo credit: Jess Riddle
Public involvement and environmental review saved this forest from being logged in the Brawley Mountain Project.
Perhaps the best way to understand the magnitude and gravity of the rule changes the Forest Service is proposing is to view them in the context of areas familiar to many Georgia ForestWatch members and volunteers. We’ve talked about the Cooper Creek project many times because it is a large and problematic project. But today let’s talk about it a different way. Not as a threat to magnificent forests, outstanding recreation opportunities, and sparkling streams – which it is – but as an example of why it’s important for the government to inform the public of its plans and give people an opportunity to participate in the management of the public lands that belong to all of us.

Cooper Creek was originally proposed in 2014. The project had many problems, one of which was that it contemplated commercial logging on slopes on the north side of Duncan Ridge that were far too steep to accommodate logging equipment. Georgia ForestWatch knows the area better than anyone, and the inoperability of the stands and erosion risk were immediately apparent to us. We pointed out the problem to the Forest Service, and the agency dropped the steepest stands from the project.

Cooper Creek remains a deeply problematic project, but preventing logging on the steepest stands was still an improvement from the initial proposal. Anyone at Georgia ForestWatch that has actively participated in the back-and-forth with the Forest Service as it develops and revises projects knows that projects change from the time they are proposed to the time they are implemented. These changes benefit all forest users and the agency itself. Instead of wasting money planning a timber sale on slopes that are too steep to log, the Forest Service can revise its plans and put its funding to better use.

Unfortunately, these vitally important opportunities to provide feedback to the agency are at risk. The Forest Service is revising its regulations implementing the 1970 National Environmental Policy Act (NEPA) by proposing to cut out public involvement in timber sales under 4,200 acres. The proposed rules would allow the Forest Service to log 4,200 acres without providing a single opportunity for public comment and with only minimal public notification. The entire Cooper Creek project is less than 4,200 acres.

LOOPHOLES
These proposed changes would also have allowed the worst parts of other projects to survive. Public involvement in the Brawley Mountain Project saved beautiful forests of large trees and fern-covered slopes (See cover). The new 4,200-acre loophole could have allowed that project to proceed without environmental review, and that valuable forest would have been lost to an ill-conceived attempt to create open woodlands in an area where they would never naturally occur. The same logging loophole could have led to the cutting of an old-growth stand in the Upper Warwoman Project, which Georgia ForestWatch identified with the help of details provided in the project’s environmental review.

The Upper Warwoman Project also originally included plans to reconstruct and extend a road to bypass another road. The Forest Service estimated how many tons of sediment that construction would have put into a stream, and carefully compared that plan against the option of improving and retaining the existing road. Under another part of the proposed new NEPA rules, the road could have been extended without any of that informative analysis. The proposed rule would allow the Forest Service to build up to five miles of new road and reconstruct up to 10 miles of existing road without environmental review or public input. This change is especially concerning when you consider the Forest Service does not have the resources to maintain all of their existing roads.

“SIMILAR” CONDITIONS
The proposed changes would also reinforce problems with current projects. One of the biggest issues with the Foothills Landscape Project is it describes only the kinds of places where the Forest Service would harvest timber but not the actual locations. The proposed changes would codify that approach as “condition based management,” ostensibly to allow the Forest Service to be more responsive to on-the-ground conditions. Ironically, in practice, this approach actually does the opposite because the unique characteristics of individual locations are not considered.

Even without those specific changes, the proposed new rules would allow the worst mistakes of the past to be repeated without the public being able to see and point out the problems. The Forest Service would be able to skip environmental analysis if they deemed a project “similar” to one they had analyzed in the past.

This approach would be particularly problematic because many of the issues ForestWatch raises with projects do not revolve around the particular type of timber harvest but instead concern the location. We recognize differences that the Forest Service misses, both large
and small. North Georgia is not the Ozarks and it is not the Coastal Plain. The Cooper Creek Wildlife Management Area is not the same as the Lake Russell Wildlife Management Area. Yet the Forest Service has repeatedly proposed ill-suited actions that ignore these differences. Under the proposed rules, the Forest Service could potentially repeat the Cooper Creek Project in an even more sensitive and inappropriate area without assessing the impacts.

CONCLUSIONS

The more you learn, the more you realize how much there still is to learn, but with these changes the Forest Service seems to be missing this lesson. The Forest Service wants to take a simpler, short-cut approach while the lands they are managing and the problems they are facing are only becoming more complex. Climate is changing, user groups are diversifying, and budgets are shrinking. And we are still learning to recognize the complexity that has always been there. Just in the past couple of decades have scientists started recognizing the “wood wide web,” the complex network of tree roots and fungi that passes nutrients and information between trees.

The Forest Service should meet this new complexity with more meaningful analysis, not less. They should describe projects with more transparency, not less. People outside the Forest Service have a wealth of varied expertise and experience with our precious public forests, and the Forest Service needs to listen to them more, not less.

Comments are due August 12th. Your comments on these rule changes will help improve not just one project but many. Your comments will also help protect forests not only in Georgia but also across the entire country. You can submit simple comments by going to OurForestOurVoice.org, or submit more impactful personal comments by going to https://www.regulations.gov/comment?D=FS-2019-0010-0001.

The Forest Service wants to change their rules to:

- Eliminate almost all public description and notice for most projects;
- Eliminate most science-based environmental review of their projects;
- Create a loophole to allow up to 4,200 acres of logging without environmental review;
- Create a loophole to allow up to five miles of new road construction without environmental review;
- Create several other new loopholes that would eliminate public comment and environmental review.

Write to the Forest Service and tell them to keep their rules as they are. By August 12th, submit simple comments at OurForestOurVoice.org.

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Basic information about the proposal:
The Forest Service is proposing to eliminate public participation and science-based analysis for nearly every decision affecting national forests, from timber sales to road construction to pipeline rights of way.

The Forest Service is required by law to take public comments on this proposal, but if we don’t speak up now, it could be our last chance. If the proposal moves forward, the public won’t receive notice or a chance to object to specific projects in the future. Comments are due August 12.

Public participation is essential for good decisions affecting public lands. When the Forest Service considers allowing logging, road-building, mining, or fracking on our national forests, it must balance those uses with impacts to wildlife, clean water, backcountry areas, recreation on rivers and trails, and other social and economic impacts. That balancing act is impossible without listening to the people who would be affected by its decisions.

Among other things, this proposal would cut the public out of:
• Commercially logging up to 4,200 acres (6.6 square miles!) at a time;
• Building up to 5 new miles of roads at a time;
• Adding illegally created roads and trails to the official roads and trails systems;
• Closing roads used by the public to access hunting areas, streams for fishing, and trails;
• Bulldozing new pipeline or utility rights of way up to 20 acres (e.g., 4 miles at 40’ across)

The logging loophole created by this proposal is so big that every single timber sale in the Southern Appalachians would fit through it – meaning no more public input or science-based analysis. To give a sense of scale, 4,200 acres of harvest would cover, in a single decision:
• 5 years’ worth of commercial logging at current levels on the Nantahala-Pisgah National Forest;
• Almost 3 years’ worth of commercial logging at current levels on the Chattahoochee National Forest;
• Over 2 years’ worth of commercial logging on the George Washington National Forest, even at maximum production levels;

Not only would these decisions be made without public input; they would also be made without environmental review and without considering whether there are less harmful ways to meet the same needs.

Digging deeper:
What the Forest Service is arguing
The Forest Service says they need these changes to cut red tape on routine work like re-paving parking lots.
• That’s not true. The Forest Service already has those kinds of authorities (including re-paving). Most routine Forest Service decisions (about 80% of all decisions) are already approved without additional analysis. The remaining decisions are potentially the most harmful and most controversial. These are the decisions at issue in the proposal, and they’re the decisions that need public input and analysis the most.
• Under the proposal, between 93% and 94% of all Forest Service projects will have no public input whatsoever. (See further explanation below.)

The Forest Service also claims they need these loopholes so that they can do more good work faster.
• That’s not true either. The Forest Service already has the authority to do collaborative, broadly supported work without additional documentation or analysis, including logging to remove hazardous fuels or to improve forest
health. Despite having the authority to do those kinds of projects, the Forest Service often proposes bad ideas – like logging old growth, rare habitats, and steep, erosive slopes. This proposal would allow them to do the controversial, unneeded work without being held accountable by the public.

The Forest Service argues that it needs to cut red tape because it takes, on average, 687 days to make a decision that requires public input and analysis.

- This only tells half the story. Of those 687 days, only 30 to 75 days are required for public comment and objection. These projects take a long time because the Forest Service lacks the budgetary and staffing resources to go any faster.
- Furthermore, the Forest Service isn’t doing just one project at a time. They’re making almost 2,000 decisions per year, only 370 of which require any additional analysis or public comment.

Some of this proposal’s supporters in the timber industry claim that the Forest Service has to gut NEPA because it’s being abused by anti-logging environmentalists looking for a way to sue.

- Just 2 percent of USFS decisions are challenged. Less than 1% in Region 8.

The Forest Service also claims that its projects will be harmless because they will be consistent with broad forest management plans.

- The agency often proposes work that violates its management plans; these problems get fixed only because of public participation and environmental review.
- Forest plans don’t prevent harmful impacts. They defer hard questions about whether to allow harmful actions, saving them until there’s a concrete project proposal to consider. Now those questions will never get asked.

**Further explanation – 93.3% of projects will lose all public participation requirements:**

Currently, the Forest Service uses environmental assessments (EAs) to approve 277 projects per year on average. [84 Fed. Reg. 27,544, 27,550 (Jun 13, 2019)]. EAs are intended to be short and focused, but they do require a science-based analysis and consideration of alternatives, subject to public comment and the right to file an informal objection.

If the proposed rule is finalized, the Forest Service estimates that up to 210 of its EAs will be “categorically excluded” from analysis and public participation. In other words, about ¾ of projects currently approved using EAs would in the future be exempt from any public participation requirements. This estimate is consistent with the Forest Service’s justification of its new “restoration” CE, which would allow up to 4,200 acres of commercial timber harvest under a single CE decision. Of the 68 projects relied on to support the 4,200-acre limitation, 50 of them (73.5%) had less than 4,200 acres of commercial harvest.

Categorical exclusions (CEs) have in the past required public notice through the “scoping” process and an opportunity for public comment. Under the proposed rule, however, CEs would no longer require advance public notice and opportunity to comment. CEs will continue to be listed on the “schedule of proposed actions,” but that list is often inaccurate, updated infrequently, and is not required to be updated before a project decision is finalized.

The Forest Service’s data, provided in response to a FOIA request, show that between 2006 and 2016 the agency completed almost 30,000 project decisions. 80.1% of all decisions were approved using CEs. Decisions approved under EAs accounted for 17.6% of the total. While the number of decisions approved under EAs is much lower, the acreage and extent included in each of these projects is typically larger. The remainder of projects (2.3%) was approved using environmental impact statements (EISs), which are reserved for the largest projects with the greatest potential for harm.

In summary, the Forest Service proposal would affect public participation as follows:

- 93.3% of all Forest Service decisions will lose all the advance notice and public comment requirements they currently provide for.
  - 80.1% of all Forest Service decisions, which are currently approved under CEs, will lose advance “scoping” and opportunity for comment. This is an important change because public comment is often critical in showing the Forest Service why a proposal would implicate “extraordinary circumstances” requiring additional analysis or mitigation.
  - 13.2% of all Forest Service decisions, which are currently approved under EAs, will now be approved under CEs. These projects will lose notice, opportunity to comment, and the opportunity to file an informal objection. This is an even more important change, because public participation has been key to improving these potentially harmful projects between proposal and decision.

- Only 6.7% of all Forest Service decisions will require any public comment whatsoever.
  - 4.4% of all Forest Service decisions, which are currently approved under EAs, will continue to be approved under EAs. The public will no longer be entitled to advance “scoping” for these projects, but they will provide at least 30 days for comment and an opportunity to object.
  - 2.3% of all Forest Service decisions, which are currently approved under EISs, will continue to be approved under EISs.

These figures are national averages, and the rulemaking’s effects will vary between Forests and Regions. For example, these changes will affect Region 8 more than other Regions, because Region 8 approves the most total decisions but the fewest EISs.
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