

May 3, 2023

Rhea Whalen
Area Supervisor
Land Between the Lakes National Recreation Area
100 Van Morgan Dr
Golden Pond, KY 42211

Dear Supervisor Whalen:

We the undersigned are writing in support of the recent letter sent to you by the Kentucky Resources Council (KRC) and the Center for Biological Diversity (CFBD) outlining several concerns with the North and South Path Tornado Salvage Sales at the Land Between the Lakes National Recreation Area (LBL). Their concerns reflect ours, and they are grounded in our support for ecological integrity, good land stewardship, and government transparency.

The Tennessee Chapter of the Sierra Club, Tennessee Heartwood, Kentucky Heartwood, Heartwood, Between the Rivers Inc, and Protect Our Woods use the LBL for many uses, including, but not limited to, camping, hiking, wildlife walking, solitude, research, fishing, hunting, cultural heritage, target shooting, and more. All of our organizations have a long history of participating and giving input in LBL policy processes. While the main focus of this letter is to support the legal issues raised by the KRC/CFBD letter, it is important that these issues also be addressed in the context of recent and long-term actions by the agency and how our groups and the public has addressed them. These further comments will also assist you in your recent appointment to the office of Supervisor. The issues raised in the initial letter are complex enough, and we hope that this supporting document will help flesh out some of the underlying concerns that animate them beyond purely statutory or regulatory language. Some of these concerns have been addressed in previous letters. As we have still not received answers to them, they are again addressed. Others reflect concerns that have developed from visits in the field or recent statements we have heard from the agency.

We hope that the agency will be willing to address the concerns in these letters in a resolution meeting, as well as in written documents.

A History of Communication Problems

As you may know, the history of the LBL is one that has involved poor communication between government agencies and locals since the forced removal of the inhabitants of what was historically called Between the Rivers by the Tennessee Valley Authority (TVA)- where a land grab for a planned “lakefront development” real estate deal was hidden under promises to

locals that the LBL be as a National Park or similar status. Many of the locals who are members of BTR and the LBL Coalition worked for decades to successfully stop the land selloff, and an embarrassed TVA handed the LBL to the Forest Service.

Since assuming management of the LBL in the 1990's, poor communications between the agency and locals has resulted in mistrust by many over both project -level and long-term agency plans, including timber projects, cultural heritage sites, the Core Areas, recreation, and the controversial Oak-Grassland Project, known often as "the 8600."

The Agency Needs to Pursue High Standards in NEPA Processes

We have been concerned about matters of protocol and public outreach at the Land Between the Lakes for some time. These concerns include procedures for promulgating NEPA processes, public meetings, access to information, and consistency in maintaining publicly available documents. The Tornado Salvage and Cleanup had several instances where these standards were not followed.

Our groups have interacted with the Forest Service across districts all over Regions 8 and 9 for over 25 years and can say that we have a basic understanding of agency standards. We have not seen a district that failed to do the following:

- Solicit and maintain a mailing list of interested individuals and organizations who wish to be kept informed of NEPA-level (National Environmental Policy Act) proposals, processes, and decisions- and to actively use that list.
- Promulgate a Schedule of Proposed Actions (SOPA) that is kept on their official website and sent upon publication to their mailing list.
- Publish and release to the public NEPA-level proposals *on the day that they enter record*.
- Have a public comment period for NEPA proposals that is of an adequate time frame.
- Have a Record of Decision (ROD) that appears after public comment that is consistent with its stated public comment period with the Scoping Notice.
- Have consistency in the publishing of notices and comment periods across its online platforms.
- Provide access to core management information and maps to aid the public in making informed, site-specific comments on NEPA-level actions.

Based on reviewing the LBL's website, its Facebook Page, and other publicly available sources, as well as in past interactions with our groups and individual group members, we can conclude that the LBL could work better at complying with these standards.

We wish to address some of the problems that are clearly happening with public communication and comments. Our concerns can be wrapped up in the statement *The Land*

Between the Lakes needs to be following the standard procedures of the Forest Service in the interests of professionalism and public accountability.

A corollary to this is that these agency standards have a very specific purpose, one that we have stressed over and over in meetings and public comment on both forest level and National level NEPA processes and rulemaking change: *these standards are to ensure that regular, nonprofessional citizens have access to timely information and the ability to review and comment on that information that informs and affects agency policy.*

“Regular, nonprofessional citizens” means people who have day jobs, who aren’t represented by credentialed professionals who know where to unearth this information on other sites, through backdoor channels, through closed stakeholder/collaborative meetings, or a FOIA. It means everyday people who aren’t part of approved “publics”/” stakeholders” who sometimes have vested financial interests in partnerships and stewardship contracts. This district’s manner of handling its disclosure and public comment goes against these principles. We will detail some of these concerns, often by referencing David Nickell’s correspondence with the LBL since last fall that he has shared with us. We have verified the online materials that he cites.

We have the same questions as the ones that Mr. Nickell asked Ranger Westbrook on January 10. They are worthy of an answer and future action:

- *Why does the LBL not have standard announcements of individual projects sent to those who are on their mailing list that other districts do, as in the examples I have sent in my earlier letter?*
- *Why did the two communications that I have been able to find about the Tornado Salvage Scoping Notice not get sent out in time for those who would see them to even comment?*
- *Why does your scoping notice give ten days to comment, while your decision memos say that 30 days was given?*
- *What is the purpose and legality of conducting public comment periods in this way?*
- *What public comments were received? Those comments should be a matter of public record, but I cannot find any. Were any even submitted?*

Mr. Nickell performed a valuable service here in bringing together the confusing, misplaced, and sometimes contradictory information issued by the district. He furthermore has helped demonstrate to the LBL how other districts across the country are able to accomplish the mundane tasks of simply putting up proposals, analyses, supporting documents, and records of decision in a timely, standardized manner that people can use by forwarding them to the district. Please review these examples- they are the minimum of what the LBL should be doing. We also await answers to these questions.

As Mr. Nickell has addressed, the LBL has not released a SOPA to its mailing list or on its official site in some time. Ranger Westbrook explained to him last year via phone that it was a case of “slipping through the cracks” due to COVID and changes in personnel, with nobody having yet “picked it up”. Nonetheless, COVID did not prevent other districts from doing their due diligence, and we all know that frequent personnel changes are a feature of this agency. What is curious is that one can go to National’s website, and a SOPA for the LBL has been promulgated there all along. We restate Mr. Nickell’s question: what’s going on here?

Posting a SOPA on the agency’s website on the standard resource management page and sending it out to an updated mailing list needs no explanation or justification. We are now entering four years since SOPA was put on the LBL’s site and being sent to the mailing list, and it needs to restart. We see that a SOPA was finally put up on the site last month. It should also go out to the mailing list.

Public comment period announcement and timeframe for the Tornado Salvage

As the screenshots Mr. Nickell has provided and we have verified show, the agency’s rollout of a scoping notice and comment for the Tornado Salvage is not to agency standards.

The LBL wrote a scoping notice on March 21 (shown below in Mr. Nickell’s correspondence, along with other notices we will reference), saying that the public had 10 days to comment. Of course, no announcement of this notice was sent to any of the public that day. This would put March 31 as the due date.

Then on the Facebook page, an announcement is posted March 30 about a public comment, which would give anyone reading it a single day to write and submit something meaningful.

Then on a “What’s Happening at the LBL” mailout that Mr. Nickell nor any of the local citizens and officials he knows received, there is a mention of a public comment buried below other announcements. Unfortunately, this email was sent on April 8, *after* the deadline mentioned in the scoping notice- thus, anyone who would have gone to your website would have been automatically discouraged from commenting, as the deadline clearly is set for 10 days after March 21.

Then to make things more concerning, your record of decision says that the public was given 30 days to comment- a contradiction of the 10 days cited in the scoping notice.

We must say that this timeline reflects a lack of seriousness about public comment on this district. We can restate that in a quarter century of reviewing and participating in NEPA processes we have never encountered anything even remotely like this.

Regarding the reply to Mr. Nickell’s concerns by invoking “public safety” to explain the lack of procedure, the tornados took place in December 2021. The most pressing safety measures of clearing roads and other high traffic/public use areas had taken place by March 21, as is typical for an agency where salvage sale conditions from wildfire, tornados, and other natural events

are unfortunate but quite common. The scoping notice of March 21 is a post-emergency document that is addressing what is a routine salvage sale that has largely devoted itself to going into the forest interior beyond high traffic areas to take out timber- which is a subject that we will address later.

Furthermore, regarding your statement to Mr. Nickell, *you, Jim Scheff and Davis Mo[u]nger were the top of my list of contacts. At your convenience can you clarify if the basis of your question in regard to the SOPA was satisfied above*, we cannot recall being contacted by the agency.

More Information Makes for Better Communication

We also second Mr. Nickell's repeated requests that LBL get more in line with other districts in providing key information about the agency's forest and transportation systems. For example, Mr. Nickell has requested from the agency physical and electronic versions (Shapefile/KMZ/KML) of its roads system, its FSVEG database, and some of its special areas- in particular the "Core Areas" (another topic in itself that deserves its own discussion) designated a couple of decades ago. We and many of our colleagues in the conservation community have had little to no trouble getting all of these from forests as diverse as the Cherokee, Pisgah, Shawnee, Hoosier, and Chattahoochee and more. All these districts assume at least to some degree that the members of the public take seriously the agency's request for relevant, site-specific public comment. Thus, these districts have no problem in making these important documents available to improve not only official public comment, but general formal and informal conversation. We and countless other organizations make use of these kinds of documents all the time and have on more than one occasion received thanks from land managers for pointing out important on the ground issues and opportunities that might otherwise have been missed. The LBL should do the same.

Why These Actions Matter

- Failure to have a consistent venue of outreach leaves people confused.
- Failure to have a full comment period with a coherent time frame prohibits people from making public comments.
- Failure to make available core information on forest composition, roads, special areas, etc., keeps the public in the dark, and it often contributes to a district getting out of the habit of addressing key parts of its own mission due to the public acting as a sounding board and feedback source.
- Failure to gather public comment cuts off the agency from valuable long-term and up to date, site-specific information that it otherwise may have difficulty gathering on its own as an under- resourced agency.
- Failure to gather this information can result in ineffective policies or decisions that can have unintended consequences that later require expensive, time-consuming mitigation.
- Failure to follow the above invites cynicism and mistrust from the public and the media.

- Selective “outreach” that favors “approved” groups at the expense of the general public invites further mistrust.

Failure to Prepare an EIS or EA

The NEPA famously has “twin aims”:¹ the statute commands each federal agency (1) to consider the environmental impacts of its proposed actions; and (2) to ensure that “the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision.”² Environmental analysis and public scrutiny are intended to produce “better decisions,”³ and, indeed, are “almost certain to affect [an] agency’s substantive decision.”⁴ “Simply by focusing [an] agency’s attention on the environmental consequences of a proposed project, NEPA ensures that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast.”⁵

NEPA requires agencies to determine to what extent major federal actions will have significant impacts on the environment.⁶ Agencies must prepare Environmental Impact Statements (“EIS”) for actions that they determine are “likely to have significant effects.”⁷ Where actions are determined “not likely” to have significant effects, or where the extent of environmental effects is unknown, agencies must conduct and publish an Environmental Assessment (“EA”).⁸

Plenty of forests that have salvage sales undertake EAs or EIS’s. There is certainly enough of an analysis area to warrant one. There was no reason to separate projects that had the exact same dates of official release, a common Biological Assessment (BA) and simultaneous implementation. The only apparent purpose to do this was to attempt to reach an acreage

¹ Cf. *Marsh v. Oregon Nat. Res. Council*, 490 U.S. 360, 374 (1989) (holding that a supplemental EIS is required whenever the passage of time or subsequent events might “‘affec[t] the quality of the human environment’ in a significant manner or to a significant extent not already considered”) (quoting 42 U.S.C. § 4332(2)(C)); *Oregon Nat. Desert Ass’n v. Bureau of Land Mgmt.*, WL 5830435, at *6 (D. Or. 2011) (finding that “the regulatory definition of ‘significantly’ requires the BLM to consider the context and intensity of the proposed project and its impacts.”).

² *Oregon Nat. Desert Ass’n v. Jewell*, 840 F.3d 562, 568 (9th Cir. 2016) (holding that an accurate baseline is a “practical requirement” of NEPA, and that environmental data must be made “available to public officials and citizens *before* decisions are made and *before* actions are taken.”) (emphasis in original) (internal citations omitted).

³ See *Nat’l Audubon Soc’y v. Dep’t of Navy*, 422 F.3d 174, 206 (quoting 40 C.F.R. § 1500.1(c) (1978)).

⁴ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

⁵ *Id.* at 349.

⁶ 42 U.S.C. § 4332(2)(C).

⁷ 40 C.F.R. § 1501.3(3) (2020).

⁸ 40 C.F.R. § 1501.3(2) (2020); 40 C.F.R. § 1501.5.

threshold to trigger a CE (Categorical Exclusion).

A responsible analysis would have at minimum addressed things such as:

- Mitigation of logging and machinery
- The Core areas
- Snag retention
- The standards for acceptable tree harvest in the direct path and in the forest interior
- Monitoring for invasives and loblolly spread
- A defined burn plan if burning is going to happen
- A regeneration plan
- Streamside management protection, with clearly defined standards
- Design criteria for assessing and halting progress of a cut if certain factors such as rutting, erosion, presence of TES, faulty skid roads, poor logging practices come into play
- TES monitoring, along with a clear Monitoring and Evaluation (M and E) plan
- Roads: current use, decommissioning, obliteration, revegetation
- A lot of pit and mound topography was created by knocked over trees. This serves many ecological functions.

We second the KRC/CFBD's call for halting this project and undertaking a new analysis that addresses concerns found in both of these letters.

Some Recommended Steps for Public Involvement and NEPA Implementation

- The mailing list for those who have requested specifically to be informed about NEPA (National Environmental Policy Act) projects and analyses- whether they are at the EIS, EA, or CE level, as well as other significant analyses such as Watershed and Rapid Assessments- should be restored.
- These notices should be announced ***on the day that the formal comment period opens, if not ahead of time.*** This is because a comment period has no meaning if the period has not been announced when the clock starts.
- As there has been a significant amount of time since the SOPA and project list has been used, there needs to be announcements through all the LBL's communication outlets to encourage new sign ups.

- If other means of communication continue, such as the Facebook and “What’s Happening at the LBL” mailouts, project announcements need to be published at least by the day that comment periods open there as well. Consistency matters.
- The restarting of the SOPA as a part of the LBL website, as well as its announcement and publication to those on its mailing list and other media outlets needs to happen.
- It is time to honor requests for key agency information, including, but not limited to, the FSVEG maps, maps of the roads/transportation system, the designated “Core Areas” of the LBL, and Fire/Wildfire history.
- It is time for public meetings on agency actions that take place at times convenient for regular people who are otherwise constrained by their employment that isn’t that of an interest group. The agency used to take this seriously as a whole- offering both day and evening sessions so people with different timeframes would have an opportunity to participate.
- Significant NEPA actions should have field trips that allow people to talk to the agency on the ground- a weekend time frame is important if the agency is serious about engaging regular people who aren’t paid to come. The example a few years back of then-Regional Supervisor Tooke’s spending two days in the field with a single person from one interest group-followed by telling a room full of locals and elected officials that he only had an hour for them- is not a good exemplar.
- Informal phone conversations have some utility, but they are not a substitute for written record.
- Public comment is an opportunity to engage. Our last comments to the district when it was worried about a supposed “oak decline” after an ordinary late frost in 2021 reflected on-the ground walk and analyses of the areas of concern. We did not receive a response.

Extent of Logging

There are numerous problems with the implementation of the project on the ground level that need to be addressed:

- There is logging in some ephemeral washes and stream corridors. Example here: <https://www.youtube.com/watch?v=6soRVVKEKiM>
- There is rutting from mechanical equipment happening on some sites. High water retention sites like these should be left alone. Example here: <https://www.youtube.com/watch?v=AewobcAEdkU>
- There is significant evidence of unnecessary logging in lower impact areas that amounts to high grading of timber. Two areas where this seems particularly notable include portions of the JP and Gatlin sales. Here <https://www.youtube.com/watch?v=-XHq2of2yjY> and here <https://www.youtube.com/watch?v=taTdRoBn02I>
- There are several problems with the Clay Bay sale, as a significant portion of the area received relatively light damage. Also, there is the confluence of lowland areas that

approach wetland conditions that are also designated Core area. The entire portion of the sale should be excluded. <https://www.youtube.com/watch?v=pXZQ8KNR92I>

Roads

The Forest Service has for two decades acknowledged the seriousness of a bloated transportation system that it cannot afford to upkeep. Beginning with the original Roads Rule of 2001 and affirmed by later directives, the agency has required forests to significantly reduce roads volumes.

Obliteration and revegetation of unnecessary roads are likely to result in a beneficial cumulative impact to overall watershed health. If such roads went through a one-time road obliteration and rewilding, there would be no future need for regrading and other maintenance. Adding roads to the system perpetuates problems beyond that of the life of the project. Keeping unneeded roads does as well. These problems are well-known and have an extensive literature:

- The expense of maintaining these roads is a common budgetary problem for the agency.
- High road volumes tax the time and resources of law enforcement.
- Road blowouts, erosion, stream siltation, and culvert replacement are typical soil and hydrology issues.
- Roads become vectors for invasive and nuisance species.
- Roads contribute to forest fragmentation.

Forest Service directives such as the Roads Rule of 2001 recognize the need to curb runaway road proliferation and to better serve and maintain its core inventory. The agency currently is concerned about the ability to maintain road volumes: "Current funding is inadequate to manage the forest road system. Less than 20 percent of forest roads are fully maintained to planned safety and environmental standards. The backlog of reconstruction on forest roads is estimated to be more than \$8.4 billion due to inadequate regular maintenance."⁹ This is reaffirmed in *36 CFR 212.5(b)(2)*:

Identification of unneeded roads. Responsible officials must review the road system on each National Forest and Grassland and identify the roads on lands under Forest Service jurisdiction that are no longer needed to meet forest resource management objectives and that, therefore, should be decommissioned or considered for other uses, such as for trails. Decommissioning roads involves restoring roads to a more natural state. Activities used to decommission a road include, but are not limited to, the following: reestablishing former drainage patterns, stabilizing slopes, restoring vegetation, blocking the entrance to the road, installing water bars, removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, scattering slash on the roadbed, completely eliminating the roadbed by restoring natural

⁹ Forest Service website. http://www.fs.fed.us/eng/road_mgt/overview.shtml. Date accessed: November 30, 2022

contours and slopes, or other methods designed to meet the specific conditions associated with the unneeded road. Forest officials should give priority to decommissioning those unneeded roads that pose the greatest risk to public safety or to environmental degradation.

We call upon the agency to halt any further road building for this project, including “temporary” roads and ensure that not only will the roads built or “restored” from legacy roads that are not of its core transportation (roads levels 4 and 5 and through roads that fall under category 3) system will not only be “decommissioned” but obliterated and revegetated.

Streams

Even basic standards for stream protection would have greatly improved this project. Instead, not only are there no protections standards for streams where high impact logging will occur, the BA recommends going into streams to pull trees: *Downed trees within stream corridors will be considered for removal using equipment that will allow reach access to merchantable trees within and adjacent to the stream channel.*

While there appear to be stream buffer zones in some of the maps provided by the agency, those seem largely to affect the parts of the sale where there are still partial or nearly complete tree canopies, other areas where there are more significant tornado effects appear to be given less consideration. We have seen evidence of mechanical equipment running down the steep slopes along Panther Creek into the stream corridor, with rutting and some erosion already occurring. This is especially unfortunate in light of Panther Creek’s listing on the Tennessee Exceptional Waters list for having the state threatened Fen Orchis. Other sites like the Gatlin sale and Mammoth show evidence of equipment running into ephemeral washes. This is yet another example of using supposed emergency provisions to not uphold basic agency standards.

Soils

No soils analysis was undertaken for this project. This is particularly concerning in the South Tornado Path area, where the terrain is overall steeper and with more sensitive soils. Soil Surveys from 1953 for Stewart County, TN show significant portions of the tornado salvage area to contain the sensitive Bodine series of soils- described as typically eroded, with low fertility, unsuitable for agriculture, and requiring mulching and perhaps fertilization to even support tree farming.¹⁰

Though we were unable to find a more current analysis that has a comprehensive discussion of these soils, the Web Soil Survey for this area recategorizes these soils as Saffeld- Bodine series,

¹⁰ Soil Survey, Stewart County, Tennessee. Morris E. Austin, United States. Soil Conservation Service, University of Tennessee, Knoxville. Agricultural Experiment Station, Tennessee Valley Authority. U.S. Government Printing Office, 1953.

with some sites in the project area containing soils categorized with 40+% slopes.¹¹ (User generated report attached) Even lacking the more detailed and overall conservation-focused analysis found in latter day soil surveys that we would hope that the agency has access to, this points to a significant need for caution. Other districts have adopted soils and slope analysis in their project designs in recognition that some sites present a high ecological risk, implementing criteria such as no-logging or lower logging levels in high-sensitivity site, no-mechanical equipment zones, restrictions on soil moisture levels, and more. It is unfortunate that not even a cursory look at soils and slopes were taken. We call on the district to make soils and slopes analysis a significant part of its “best available science” mission.¹²

The Core Areas

The LRMP is clear about the purpose of the Core Areas:

Core Areas and Deferred Core Areas (as defined in the 1994 Plan), comprising approximately 45,600 acres of forested land, provide a baseline control for long-term ecological research. These areas are protected and managed to perpetuate their rare or unique attributes. Seven Core Area blocks range in size from approximately 2,500 to 11,000 acres, totaling more than 35,200 acres. Most of these larger tracts encompass entire watersheds. The remaining Core Areas fall in smaller blocks throughout LBL....

Old growth forests, now currently rare or missing from LBL, will develop over time and become much more common. Forest Core Areas will typically receive minimal active management. These areas will provide large blocks of undisturbed forest for old growth development, habitat for mature forest wildlife, opportunities for semi-primitive recreational experiences, and settings for environmental education. Two Tennessee State Natural Areas, located within Core Areas, will be managed in cooperation with the State of Tennessee. Core Areas may also serve as gauges or benchmarks in the monitoring and evaluation of ongoing ecosystem management practices at LBL and in the region. In addition to Core Areas, smaller patches within the general forest will also be managed for development of old growth forest characteristics.

The Core Areas comprise approximately 42,000 acres designed to facilitate greater understanding of forest environments through collaborative research, administrative studies, and other working relationships. These areas serve as controls in comparative management Land, in most cases.... And have little to no management disturbance. Core Areas provide remote, semi-primitive recreational opportunities that have minimal impacts to ecological systems.

¹¹ Web Soil Survey. National Resources Conservation Service. <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx> . Date accessed: April 15, 2023.

¹² National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq. <https://www.federalregister.gov/documents/2022/04/20/2022-08288/national-environmental-policy-act-implementing-regulations-revisions>

The Core Areas should be a part of the forest that is celebrated and promoted by the agency. Unfortunately, not only are they barely acknowledged by the LBL, but locals have also had difficulty for years getting even access to maps of them, as attested by David Nickell and members of Between the Rivers and the LBL Coalition.

Whether one likes it or not, tornados are a common forest structure and regeneration driver in this part of the country, significant on a level with fire, windthrows, and ice storms. If anything, the Core Areas would provide an excellent example of ecological baselines where researchers could see how both stand replacement and canopy gap disturbance plays out over time, as things like pit-and-mound topography from blowdowns, higher scale snag creation, create habitat and structural dynamics quite differently than areas with controlled fire intervals. Indeed, as is mentioned elsewhere in this letter, there may be an underrepresentation of ephemeral riparian habitat- and having some post tornado sites that remain undisturbed would make for fascinating study for how species diversity could be affected by exponential pit and mound creation and an increase in stream meandering in both ephemeral and permanent streams. This is a perhaps unique research opportunity, in that it would shine a light on one of the most important, but little acknowledged drivers of forest development in the deep South. Treefall pits and mounds, formed when trees are uprooted by wind, influence an exceptionally broad range of phenomena in forests, having impacts on vegetation composition, soil formation, erosion, and soil respiration, among other processes.¹³

Ranger Westbrook remarked in the March 11 meeting that President Trump's revoking of the Biosphere programs essentially rendered the status of the Core Areas as null and void. We request that the ranger recognize that that has no bearing on the Core Area's designation, mission, and management in the LRMP. We certainly hope that this statement is not the rationale for the LBL running needlessly roughshod over the portions of the Core Areas found in the project areas.

Snags and Denning Trees

The importance of snags and denning trees needs no introduction. They are long and widely recognized as key components of a forest community, as countless species use them for habitat. The LRMP recognizes this as well, mandating an average of 6 denning/snag trees per acre in projects, with an exception for controlling insect or disease infestations, **not** for "resilience" against the possibility of such infestations. We have been asking for months for research, evidence, or field work showing evidence of insect infestations and have not received any. The LRMP standard for snags and denning trees needs to be restored now.

¹³ "Robust Prediction of Treefall Pit and Mound Sizes from Tree Size Across 10 Forest Blowdowns in Eastern North America". Vafa M. Sobhani, Meredith Barrett and Chris J. Peterson. *Ecosystems*, August 2014, Vol. 17, No. 5 (August 2014), pp. 837-850. <http://www.istor.com/stable/43677637>

Plans to Regenerate the Area to a Grassland

The Plans to the Logged Areas of the Tornado Salvage to Undergo Transition to an Oak-Grassland or Similar Grassland-dominated Landscape Are Ill-Advised and Not Legal Without a Separate and Comprehensive Analysis

In two recent meetings (the March 11 informal meeting and the advisory board meeting on April 10), Ranger Westbrook has stated the intention of the LBL to turn treated areas of the Tornado Salvage into a “grassland”. We can only assume that this means the mix of wildlife openings, oak-grasslands, oak-hickory barrens, savannahs, and woodlands that the agency lists as desired communities in their management plan, much of which is currently being attempted in the Oak-Grassland Demonstration Area, commonly known as “the 8600” [acres], along with wildlife opening and leased farmland.

Regardless of whatever matrix of habitats is planned, the conversion of a forest community of this scope is a major undertaking, the challenges of which become even clearer when we take into consideration the history of this district’s attempts to promote these habitats. While restoration projects of the size of this analysis area may typically have an EA, the district’s continued struggles with attaining desired conditions on much of the existing 8600 all but demand that if the agency truly plans to do this to the salvage area, an EIS be undertaken to address the district’s commitments forest wide to these open habitats- particularly in light of what in hindsight was inadequate analysis, research, and training to reach the desired conditions at the 8600. We recommend that the forest not attempt this conversion of the Tornado Salvage at all.

Ecological Modeling

The Oak-Grassland Demonstration Area has been controversial from the outset. The claim that the LBL historically is of primarily woodland, grassland, and quasi- prairie habitats is not based on rigorous science but appears to in part extrapolate historical accounts of nearby areas like the Pennyroyal Prairie and the presence of some conservative open habitat forbs (such as Price’s Potato Bean) as indicative of a scale of open lands occurrence past legitimate occurrence. It is beyond the scope of this letter to write an academic monograph on historic forest and open lands composition of the LBL, but many would argue that the science behind such claims is by no means comprehensive or robust. Naturalists have identified locations in the LBL, particularly high-drainage, low fertility xeric outcrops, that are appropriate places for grasslands restoration, but these are not large-scale swaths of forestland.

The LBL struggles to bring a significant acreage of what is already a tremendous land allocation into a forb-dominant landscape and to maintain it. This would be hard to accomplish in what is already an under resourced district, but it is particularly so when it is likely that much of these lands lack the structural characteristics to reach and maintain these desired conditions, even with perpetual inputs that imply long-term fiscal commitments.

Even if only several hundred acres of the Tornado Salvage area were slated for such conversion, it would stretch an already thin budget that already is supposed to support similar work on thousands of other acres. Has the agency thought this out? What is evidence that it has a real handle on the scope of its existing commitments?

Particularly telling is the district's most recent available Monitoring and Evaluation report for FY 2017-2021 (https://landbetweenthe lakes.us/wp-content/uploads/2022/12/LBL_BMER_FinalDraft-Dec2022.pdf), where there is no significant discussion of the progress of the 8600 (or much else). That such a brief report is meant to serve for *five years* of management on this forest points to many things- in particular an under resourced forest being tasked by the agency to take on projects that they may not be able to analyze, monitor, or bring to fruition at the level mandated by NEPA, NFMA, and other directives. Monitoring and Evaluation is a core mission of the agency, and while what is supposed to be an annual work is becoming more typically biannual in the agency, we are not familiar with a district fail to report less frequently than that. This is not an accusation against the LBL itself, but rather to underscore how it is not getting the resources it needs from higher levels.

The LBL and the Southern Region Need to Exercise Restraint in Planning for Land Type Conversion

Nor is the 8600 an isolated case of poor site selection, planning, and execution. The notorious Brawley project in the Chattahoochee has become quite well-known in the region as another case of agency overreach, where well after a decade, the forest has tried a suite of silvicultural "tools" ranging from logging to burning to herbicide treatments on hundreds of acres that cannot seem to produce a significant acreage of desired conditions, at tremendous ecological and financial costs(details [here](#) and [here](#), with more documentation on request). Brawley is also a prime example of the need for the agency to have quality control if it is going to undertake stewardship contracting. The issues of the Wild Turkey Federation's contracting struggles there are well documented. In light of these projects and the countless other stands in other forests where restoration logging for shortleaf pine and upland oaks have had great difficulty, Region 8 needs to rein in unproven theories and methodologies. Restoration and silvicultural goals are battles that are hard to win when done at inappropriate scales and sites.

Public Opposition

It would be useful to recall that one of the main reasons Ranger Westbrook was brought to the LBL was to help "bring change" and a "new day" to the district after a series of sustained protests against both the problems of the Oak Grassland demonstration area, the plans to expand it, and the overall narrative rationale for logging projects as places like Pisgah Bay.

We must also request that the LBL clarify its overall management goals in light of comments made by Ranger Westbrook at the March 11 meeting that he would "get rid of all of them if he could" in response to a question posed about his attitude about maples and poplars.

Regardless of whether the ranger was being flippant, this is an alarming and irresponsible statement to make.

First, it requires no formal expertise in forest ecology to realize that those and other so-called “mesic” species have a role to play in the composition of the Land Between the Lakes. They are native species.

Secondly, the agency got thoroughly embarrassed in 2015 when the public rightfully opposed the Pisgah Bay sale on spurious “oak decline” justifications. Oak decline is a complex theory that goes far beyond 20th century fire suppression (see “Multiple Interacting Ecosystem Drivers: Toward an Encompassing Hypothesis of Oak Forest Dynamics Across Eastern North America” by McEwan et al)¹⁴ Oak decline may be a common justification for logging on many forests in the region, but the LBL is vastly different than forests like the Cherokee or the Pisgah. The sheer representation of oaks and hickories in the landscape at the LBL outstrips many other forests in the region.

Indeed, poplars and maples may actually be underrepresented at the LBL, due to the flooding of many of the lowland and riparian habitats in the creation of Kentucky and Barkley Lakes. This was pointed out during the release of the scoping for Pisgah Bay by many locals, and it contributed much to the agency’s rethinking of the project.

Factors like the problems at the 8600 and an attempt use boilerplate arguments from other forests in its timber sales are what drove public opposition culminating in the Tour of the 8600 by over 200 vehicles- a public that felt that nobody was listening to them or acknowledging realities on the ground. This climate of mistrust is what precipitating members of Congress intervening, with Senator McConnell helping bring about a moratorium on timber sales and Rep. Comer working with locals (including several signatories to this letter) to pass revisions to the Land Between the Lakes Protection Act.

It was in this climate that Ranger Westbrook was brought in and that is what makes recent statements and actions by this district so distressing. We are now seeing a repeat of poor communication, lack of transparency, and questionable management goals. We are also concerned that the LBL is continuing its misguided “stop the mesics” philosophy based on Ranger Westbrook’s comments.

Mistrust

Citizens have been asked again and again for decades to trust an agency that continues to fulfil basic public transparency, outreach, and participation mandates. We ask the agency to recall a few years ago when rangers were telling local media that there were no plans to expand the 8600, while Freedom of Information Act requests revealed that indeed the agency was planning

¹⁴ ["Multiple interacting ecosystem drivers: toward an encompassing hypothesis of oak forest dynamics across eastern North America". Ryan W. McEwan, James M. Dyer and Neil Pederson. *Ecography* 33: 113, 2010.](#)

that very thing. We hope that the forest will recall that this intersection of public accountability problems and forest management goals is a long-standing one that will bring a great deal of public scrutiny.

Stability

The LBL has had a series of short-term and interim Supervisors over the last year. We are hoping that your tenure at the forest, regardless of its duration, will help provide some stability to project level and long-term management, communications with the public, access to key information, monitoring and evaluations, and other agency standards. This letter is an attempt to provide context to assist with this. We recognize that you are just getting established at the forest and are happy to reach out beyond the concerns outlined in this letter. We have seen in other forests where a new Supervisor quickly addressed issues that predated their tenure and were able to bring both immediate and long-term reforms, earning the goodwill of the public, reduced conflicts, and brought praise from within and without the agency. This is an excellent opportunity for the same to happen at the LBL. We look forward to meeting you and discussing not only the problems, but the many opportunities that the LBL offers.

Sincerely,

Davis Mounger, co-Director
Tennessee Heartwood

Cris Corley, Chair
Tennessee Chapter of the Sierra Club

David Nickell, Chair
Between the Rivers Inc. and Heartwood Inc.

Lauren Kallmeyer, Director
Kentucky Heartwood

Andy Mahler
Protect Our Woods

