



## ENVIRONMENTAL LAW & POLICY CENTER

November 19, 2021

Council on Environmental Quality  
Office of Budget and Management

Re: Docket CEQ—2021—0003—0001

Dear officials of the Council on Environmental Quality and the Office of Budget and Management:

The Environmental Law & Policy Center (ELPC) submits these comments on the Federal Agency Climate Adaptation and Resilience Plans for the U.S. Forest Service. These comments, which relate to specific points with the Chequamegon-Nicolet National Forest (CNNF), are in addition to the coalition letter we signed, which was submitted separately by the Center for Biological Diversity.

We recognize that the USDA issued this Climate Adaptation and Resilience Plan pursuant to President Biden's strong executive order to federal agencies to "listen to science" and act to confront climate change, improve biodiversity, and protect water. This plan fails to reflect the President's central science and climate goals and would perpetuate USFS practices that often do not follow the science, or recognize the harmful impact of their practices that accelerate climate change.

Across the US government, ELPC encourages the Council on Environmental Quality (CEQ) to listen to the scientists telling us that slowing climate change requires that we protect remaining mature and old growth trees, which sequester and store large amounts of carbon. Logging such trees and forest stands results in additional carbon pollution while preserving them (a practice known as "proforestation") results in necessary rapid reductions in atmospheric carbon. The science presents to logging agencies a need for change in practices but the agency climate plans do not even acknowledge this looming challenge of agency reform.

Instead we see that the Forest Service rationalizes logging based on flawed climate analysis and fails to address these issues in the Climate Action and Resilience Plan. The USFS simply asserts that forest products themselves sequester carbon, ignoring carbon released in the logging and manufacturing process, and concluding that logging practices need not change. The USFS approach flouts the science and the President's goals and cannot continue to be used to justify logging.

In our direct experience, the US Forest Service does not now operate in accordance with the goals and values laid out in President Biden's executive orders on climate, public lands and biodiversity. Yet the plans do not reflect that the need for a new approach to forests and logging. Without facing the need for reform, the USDA and Forest Service are not doing their part to implement President Biden's executive orders.

In commenting on the agency's plans, we offer relevant experience and lessons from ELPC's efforts trying to persuade the US Forest Service to better consider environmental impacts in the management of the Chequamegon-Nicolet National Forest (CNNF). The CNNF is one of the most heavily logged national forests, which logging is based on very limited environmental review. The NEPA process now used inadequately considers environmental impacts such as to habitat, biodiversity and climate change. The most

recent experience comes from the Fourmile Vegetation Management Project, created and approved entirely under the Trump administration.

Earlier this year, ELPC and allies sent the attached request for suspension of the Fourmile project, specifically citing the criteria and actions in President Biden's climate Executive Orders. Fourmile reflects a broken system of environmental review at the USFS and logging practices at odds with the executive orders. In the Fourmile logging project, the USFS refused to conduct a full environmental impact statement, listen to the science or consider project impacts on climate change.

The Fourmile letter documents how the agency acted contrary to President Biden's orders in multiple ways:

- The USFS ignored scientific findings on forest carbon sequestration and storage from their own agency, the nearby USFS Northern Research Station<sup>1</sup>. These findings show that logging has led to less carbon sequestration and storage.
- The USFS openly refused to seriously consider climate change impacts of the Fourmile logging project, citing Trump policy.
- When the USFS addressed concerns about climate change, they ignored 12 years of science on forests and carbon change, even citing the Fourth Assessment Report from the Intergovernmental Panel on Climate Change (IPCC), issued in 2007, but not the (then) more current Fifth Assessment Report from 2014.
- The Fourmile logging project is likely to reduce biodiversity, such as by harming populations of wood turtle and American pine marten.

The agency Adaptation and Resilience Plans are silent on the question of whether or not the Biden Administration should proceed with implementation of Trump era projects, rather than suspend and review them based on the best science and climate goals. We renew our call for the Fourmile logging project to be suspended and reviewed as it fits the chronological criteria set in President Biden's Executive Order.

As many scientists - including USFS scientists - have observed, the agency's logging practices worsen global warming by felling mature and old growth trees that sequester and store large amounts of carbon. In the process they also harm biodiversity. For the US government to confront the climate crisis, we must confront and reform entrenched practices at the US Forest Service. The Federal Agency Climate Adaptation and Resilience Plans must be amended to reflect the need for agency reform and to ensure a science-based approach and to be consistent with President Biden's critical climate goals.

Thank you for your attention.

Andy Olsen  
Senior Policy Advocate

---

<sup>1</sup> Birdsey, Richard; Pan, Yude; Janowiak, Maria; Stewart, Susan; Hines, Sarah; Parker, Linda; Gower, Stith; Lichstein, Jeremy; McCullough, Kevin; Zhang, Fangmin; Chen, Jing; Mladenoff, David; Wayson, Craig; Swanston, Chris. 2014. [Past and prospective carbon stocks in forests of northern Wisconsin: a report from the Chequamegon-Nicolet National Forest Climate Change Response Framework](#). Gen. Tech. Rep. NRS-127. Newtown Square, PA: U.S. Department of Agriculture, Forest Service, Northern Research Station. 52 p.

**Center for Biological Diversity \* Clean Wisconsin  
Environmental Law & Policy Center \* Midwest Environmental Advocates  
Sierra Club – Wisconsin Chapter**

August 31, 2021

Chief Randy Moore  
United States Forest Service  
1400 Independence Ave SW  
Washington, D.C.

Re: Request to Suspend and Review Trump Administration’s Fourmile Vegetation Management Project

Dear Chief Moore:

Pursuant to several Executive Orders issued by President Biden, we request that the US Forest Service take immediate steps to suspend and review the Fourmile Vegetation Management Project in the Chequamegon-Nicolet National Forest in northern Wisconsin.

This request is fully in keeping with the President’s January 20, 2021 Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, requiring the heads of all agencies to “immediately review all existing regulations, orders, guidance documents, policies or any other similar agency actions (agency actions) promulgated, issued, or adopted between January 20, 2017 and January 20, 2021.” The President’s January 27<sup>th</sup> Executive Order, 14008, *Tackling the Climate Crisis at Home and Abroad*, provided that we must “listen to science” and act to confront the climate crisis and protect biodiversity.

### ***Fourmile Meets the President’s Chronological Criteria for Review***

The Fourmile logging project is an agency action that meets the criteria for review in Executive Order 13990: “actions during the last 4 years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.” Fourmile was developed entirely under Trump Administration policies to rapidly increase logging, by 72% in 5 years, with restricted environmental review and no requirement for analysis of greenhouse gas effects.

Consider the chronology of key actions, all during the prior four years:

- **May 30, 2019.** USFS issues the Fourmile Draft Environmental Assessment, claiming without analysis that the project would not create a “net increase in greenhouse gas emissions.”
- **March 23, 2020.** USFS issues “Draft Decision Notice and Finding of No Significant Impact” (FONSI). The USFS does not address climate, with one exception which claims no responsibility to analyze effects, citing Executive Order 13783.
- **May 13, 2020.** ELPC files a Notice of Objection to the Draft FONSI, citing scientific controversy based on a pattern of the USFS using inadequate methods and outdated science.
- **September 23, 2020.** USFS rejects the ELPC et al. objection to the draft FONSI.

- **November 13, 2020.** USFS issues final decision and FONSI on the Fourmile logging project.

Without action to suspend and review Fourmile, the Biden Forest Service may implement timber sales developed under Trump forest policies.

### ***Fourmile Conflicts with National Objectives on the Climate Crisis***

Fourmile was created under Trump Administration policies that did not consider climate change impacts. If allowed to stand, the Fourmile decision will allow timber cutting with harmful climate effects for many years to come. The 55,000-acre project calls for 12,000 acres of logging and over 1,000 acres of clearcutting. Consistent with the President’s executive orders, USFS should reconsider the Fourmile project with the best available science to consider climate, habitat and other ecological and public health consequences via a full Environmental Impact Study (EIS).

Northern temperate forests like the Chequamegon-Nicolet National Forest are critical carbon sinks and reservoirs. Remaining mature and older-growth tree stands maximize carbon sequestration and storage and should be protected to avoid increased carbon pollution. But the Fourmile Project would cut many of those stands.

#### **Fourmile Project**

##### **Stands by Management Area, Decade of origin**

| <b>Decade of Origin</b> | <b>Number of Stands</b> | <b>Total Acres</b> |
|-------------------------|-------------------------|--------------------|
| Undetermined            | 57                      | 1,714              |
| 1860                    | 2                       | 61                 |
| 1870                    | 1                       | 4                  |
| 1880                    | 4                       | 141                |
| 1890                    | 15                      | 221                |
| 1900                    | 33                      | 758                |
| 1910                    | 29                      | 958                |
| 1920                    | 66                      | 1,697              |
| 1930                    | 89                      | 2,520              |
| 1940                    | 67                      | 1,300              |
| 1950                    | 23                      | 304                |
| 1960                    | 32                      | 462                |
| 1970                    | 47                      | 874                |
| 1980                    | 35                      | 599                |
| 1990                    | 5                       | 84                 |
| <b>Grand Total</b>      | <b>505</b>              | <b>11,700</b>      |

The USFS failed to heed the best available climate change science in assessing and planning Fourmile, and even ignored their own research. In 2014 the USFS Northern Research Station, based in Wisconsin, released the authoritative and fully reviewed General Technical Report titled *Past and prospective carbon stocks in forests of northern Wisconsin: a report from the Chequamegon-Nicolet National Forest Climate Change Response Framework* (Birdsey et al. 2014). USFS staff and others have published clear findings on climate change impacts that contradict USFS claims that the proposed logging in

Fourmile is “not expected to result in a net increase in greenhouse gas emissions.” As the Birdsey report found:

- “Likely causes for the declining sequestration rate are continuing high rates of harvesting for wood products, which result in large areas of forest recovering from intensive disturbance”
- “For all forest types in northern Wisconsin, there is potential to increase (carbon) stocking by allowing more of the forest area to reach older age classes.”
- “Increasing the interval between harvests . . . can increase overall carbon storage. The no-management scenario had significantly higher mean carbon stocks than all other scenarios.”

While the USFS mentioned the Birdsey et al. study when they briefly discussed climate change in the environmental assessment, they ignored that report’s important findings on reduced carbon sequestration due to logging practices. The Birdsey study reflected other scientific findings in the forestry field that mature stands of trees sequester and store the most carbon<sup>1</sup>.

The USFS made their opposition to considering climate impacts very plain in their response to Fourmile public comments. In “Appendix C 30 Day Comments and Responses,” the USFS cites Executive Order 13783, issued **March 28, 2017**, as the reason they are not “required to address the effects of individual projects on climate change, such as a logging sale.” (p. 101)

The USFS comment response ignored 12 years of climate science developed prior to 2020. The latest forest climate study they cite was from 2009. The USFS cited the *Fourth* Assessment Report from the Intergovernmental Panel on Climate Change (IPCC), issued in 2007, but not the (then) more current *Fifth* Assessment Report from the IPCC issued in 2014. Climate and forest management has been the subject of much scientific investigation since 2009. It’s clear that the USFS did not use the most current and accurate scientific findings in their assessment.

### ***Fourmile Conflicts with National Objectives in Executive Orders***

Fourmile conflicts with other national objectives prioritized by President Biden in his January 27<sup>th</sup> Executive Order. The Fourmile logging project will reduce biodiversity, such as by harming populations of wood turtle and American pine marten. Creating large clearcuts will increase populations of deer that harm plant diversity by harming regeneration of forest tree species (northern white cedar, eastern hemlock, yellow birch, white pine, and northern red oak) and understory plant diversity. Harmful impacts on water resources from clearcutting, such as increased snowmelt and storm flow peaks, have been scientifically confirmed and appear likely to occur if the Fourmile project continues.

In his orders, President Biden addresses the impact of our actions on foreign relations. Importantly, how the U.S. manages public forests affects foreign policy related to climate change. To persuade other nations to reform forest stewardship practices, the U.S. should lead by example. Reversing Fourmile would also support the president’s 30x30 initiative to conserve 30% of public lands by 2030.

### ***Conclusion***

In conclusion, the Fourmile project meets criteria in the Biden executive orders for suspension and review based on the dates of key agency actions, actions on other Trump administration policies,

---

<sup>1</sup> Moomaw W.R, et al. 2019. [Intact Forests in the United States: Proforestation Mitigates Climate Change and Serves the Greatest Good](#). *Frontiers in Forests and Global Change*.

failure to “listen to the science,” and the significant harm to public objectives such as climate change, human health, biodiversity and foreign policy.

Confronting the climate crisis requires confronting and changing injurious forest management practices. We, the undersigned groups, call on the USFS to act promptly to suspend and fully review the Fourmile project, including undertaking an EIS and consideration of climate change, biodiversity and public health. The Forest Service should protect remaining mature and older growth stands.

We would greatly appreciate meeting with you or your staff as soon as possible to discuss in more detail. To follow up you may contact Andy Olsen, ELPC Senior Policy Advocate at 608-334-1456 or [AOLsen@elpc.org](mailto:AOLsen@elpc.org).

Signed,

Andy Olsen, Senior Policy Advocate  
Environmental Law & Policy Center

Marc Fink, Public Lands Legal Director  
Center for Biological Diversity

Elizabeth Ward, Chapter Director  
Sierra Club – Wisconsin Chapter

Tony Wilkin Gibart, Executive Director  
Midwest Environmental Advocates

David Tipson, VP, Programs & Government  
Relations  
Clean Wisconsin

Copy:

Brenda Mallory, Chair of the Council on Environmental Quality

Gina McCarthy, White House Office of Domestic Climate Policy

Meryl Harrell, Deputy Under Secretary for Natural Resources and Environment

Tom Vilsack, Secretary of US Department of Agriculture

Paul Strong, Forest Supervisor, Chequamegon-Nicolet National Forest