



National Headquarters

1130 17th Street, N.W. | Washington, D.C. 20036-4604 | tel 202.682.9400 | fax 202.682.1331
www.defenders.org

Submitted electronically to ron_hollis@fws.gov

September 11, 2018

Ron Hollis
Refuge Manager
Canaan Valley National Wildlife Refuge
6263 Appalachian Highway
Davis, WV 26260

RE: Draft Compatibility Determination on Commercial Forestry Management in Canaan Valley National Wildlife Refuge

Dear Mr. Hollis:

Defenders of Wildlife (Defenders) appreciates the opportunity to comment on the U.S. Fish and Wildlife Service's (Service) draft Compatibility Determination (CD) to authorize commercial logging as a means of habitat management in Canaan Valley National Wildlife Refuge in West Virginia. We are concerned that the proposed commercial logging program is not consistent with the Comprehensive Conservation Plan (CCP), and that no combination of the CCP, its accompanying Environmental Assessment (CCP EA), 2017 Habitat Management Plan (HMP) and the CD fully consider the impacts of this new refuge use on sensitive species and habitats. The Service has not demonstrated that the proposal for commercial forest management is compatible with the purposes of Canaan Valley Refuge and the mission of the National Wildlife Refuge System, even with the stipulations in the CD.

Given the potential significant direct, indirect and cumulative effects of implementing a commercial logging program on the refuge, and the fact that such a program has not been evaluated under the National Environmental Policy Act (NEPA), we urge the Service to conduct an environmental assessment (EA) in accordance with NEPA prior to finalizing the CD.

In addition, it is necessary for the Service to consult under Section 7 of the Endangered Species Act (ESA) regarding the impacts of the proposed program on the imperiled Cheat Mountain salamander, Indiana bat, and northern long-eared bat. Although the Service consulted on the CCP in 2010, the CCP management direction did not include a commercial logging program and the effects of that program on listed species have not been determined. Moreover, the northern long-eared bat was federally protected in 2015 so was not included in consultation on the CCP. Given the 2015 listing, the refuge should consider whether it is necessary to reinitiate consultation on the CCP.

Conducting adequate NEPA analysis and consultation under the ESA will likely lead to a revised forest management proposal that may be compatible with wildlife conservation. We offer recommendations for performing the required environmental analyses and strengthening the CD to benefit the long-term management of the exceptional wildlife resources of Canaan Valley Refuge.

Founded in 1947, Defenders of Wildlife is a national non-profit conservation organization focused on wildlife and habitat conservation across the country. Based in Washington, DC, the organization also maintains six regional field offices and represents more than 1.8 million members and supporters in the United States and around the world, including approximately 8,400 in West Virginia. Defenders is deeply involved in management of public lands, waters and wildlife conservation, including the protection and recovery of flora and fauna in the southern Appalachians.

Our priorities include ensuring proper management of the National Wildlife Refuge System, the only network of federal lands and waters dedicated to fish and wildlife conservation. The System is essential for preserving America's astounding diversity of fish and wildlife, while also providing innumerable recreational and educational opportunities for wildlife watchers, sportsmen, scientists and outdoor enthusiasts; supporting more than 35,000 jobs nationwide; and generating billions of dollars in local, sustainable economic revenue.

The compatibility mandate in the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act (Refuge Improvement Act; 16 U.S.C. §§ 668dd-668ee), is fundamental to refuge management and implementing the wildlife conservation mission of the Refuge System. Congress directed that "the refuge manager will not initiate or permit a new use of a national wildlife refuge or expand, renew, or extend an existing use of a national wildlife refuge unless the refuge manager has determined that the use is a compatible use." (50 CFR § 25.41; 603 FW 2.3; 16 U.S.C. § 668dd(d)(3)(A)(i)). A compatible use is "a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge." (50 CFR § 25.12(a); 16 U.S.C. § 668ee(1)). In determining whether a use is compatible, the refuge manager must closely consider the purposes for which the refuge was established and ensure the use will not undermine the management, conservation, and restoration of species and habitats specific to the refuge or degrade the ecological integrity of the Refuge System.

Established in 1994 to ensure the ecological integrity of Canaan Valley, the purposes of Canaan Valley Refuge include "conservation and protection of fish and wildlife resources," "conservation of the wetlands of the Nation," and "use as an inviolate sanctuary, or for any other management purpose, for migratory birds" (16 U.S.C. § 742f(a)(4); 16 U.S.C. § 3901(b); 16 U.S.C. § 715d). The refuge preserves unique, high elevation wetlands of regional significance, and a mosaic of forest and grassland ecosystems that support a diversity of wildlife. The refuge's forests provide habitat for the endangered Indiana bat, threatened Cheat Mountain salamander and threatened northern long-eared bat, which are federally protected under the Endangered Species Act (CCP, p. 3-36; HMP, p. 36). Forest habitats also support sensitive species like the rare West Virginia northern flying squirrel, a variety of migratory birds such as the bald eagle and interior-dwelling forest birds including the wood thrush and black-throated blue warbler (CCP, p. 3-36; HMP, p. 36, 46).

The concerns identified below are relevant to development of a robust CD for forest management on Canaan Valley Refuge, and your duty to prepare the required evaluations of the proposed commercial logging program prior to authorizing this refuge management economic activity.

The Canaan Valley Refuge CCP, and its accompanying EA, did not consider a commercial logging program as proposed in the draft CD. The CCP does describe silvicultural management to achieve ecological goals and objectives. Defenders does not dispute the fact that ecologically-based

silviculture can be used to achieve desired structural and compositional characteristics and enhance habitat values. The issue is whether the commercial logging program proposed in the CD is consistent with the restoration activities described in the CCP and analyzed in the CCP EA.

Defenders does not disagree that commercial logging may help attain desired ecological outcomes described in the CCP. However, the complicating factor, and one that should be addressed in an environmental analysis of the proposed program, is whether use of a commercial timber sale contract will ensure that ecological objectives do not become secondary to economic primacy. Our experience with federal timber sale contracting suggests that prescriptions must be developed to allow sales to “pencil out” for the purchaser. This is a primary reason why federal agencies like the Forest Service have introduced alternative contracting procedures, such as “stewardship contracting” to alleviate incentives to offer timber sales that are not compatible with ecological objectives. What happens if the refuge is not able to provide a timber sale that makes economic sense for logging contractors? What if the revenue is insufficient to cover road maintenance costs associated with timber hauling? Shifts in timber markets can have a major influence on the economic feasibility of timber sales. To ensure conservation goals are achieved, further evaluation of these key questions is appropriate and necessary before proceeding with a commercial logging program.

Goal 2 of the CCP envisions selective, low-volume logging that involves girdling, single tree or group selection cuts with small openings. It is difficult to envision much positive commercial value from these sorts of small-scale restoration activities, but an economic analysis would shed light on that question. Goal 3, however, envisions the creation of larger openings to benefit early seral species. The draft Appropriate Use Finding, which accompanies the CD, notes in its justification that commercial forest management may contribute to CCP Goals 2 and 3, and we presume these are the actions that may attract commercial logging interests.

The CCP EA notes that converting existing forests to an early successional stage will result in a loss in extent of overall forest habitat and a reduction in the extent of forest interior habitat (CCP EA, p. 3-70). The CCP EA also states that risks of adverse impacts are dependent on the scale of silvicultural operations (CCP EA, p. 4-47). There is a legitimate concern that the realities of commercial logging economics may influence the scale of the silvicultural operations. These issues should be fully evaluated within an environmental analysis of the proposed commercial logging program.

The Service must also examine and disclose the effects of heavy equipment use, skid trails and road construction on refuge resources. The draft CD anticipates environmental impacts (including to soils and aquatic resources) from road construction, maintenance, construction of landings, skid trails, and the operation of heavy equipment. The CCP EA did not assess the effects of these actions, and in fact concluded that adverse effects would be *avoided* by “hand-carrying in chainsaws to forest stands rather than using heavy equipment and leaving cut plant material in place to increase course (sic) woody debris for forest amphibians, invertebrates, and small mammals” (CCP EA, p. 4-47). In fact, the CCP EA claims benefits to Cheat Mountain salamander populations (and many other refuge values) by *reforesting* logging roads, rather than evaluating negative effects associated with maintaining existing roads and/or creating new roads (CCP EA, p. 4-76).

The CCP EA does not assess the effects of road construction as proposed in the CD. In fact, it supports the case against road construction and maintenance of existing roads, for example at page 3-55, stating:

Fragmentation as a result of road construction can decrease soil moisture and humidity, increase average soil temperatures and increase wind penetration as well as affect the predation and competition rates among forest dwelling species (Marsh and Beckman 2004). Salamander species such as red backed salamanders are known to be tolerant of disturbance and less sensitive to landscape scale disturbances such as logging road fragmentation (Gibbs 1998).

And at page B-29:

Bartgis and Berdine (1991) note that roads and trails can divert water from their original drainage patterns in Canaan Valley. This can result in some drainages becoming dry while others accelerate erosion by being forced to carrying more water. Zeedyk (2002) documented many instances in Canaan Valley where existing trails were channeling water away from historic wetlands and, in some cases, causing erosion and sedimentation of bog and other wetland communities. These problems have profoundly if not irreversibly altered the extent, depths, characteristics and function of the wetlands on the Main Tract (Zeedyk 2002).

And at page B-51:

Sedimentation can directly kill aquatic invertebrates, which impacts the success of amphibian larvae and adults (Sadoway 1981). Observations by refuge staff in 2002 documented numerous occurrences of amphibian egg masses that failed after becoming coated in sediment from eroding trails and roads used by vehicles nearby. Bartgis and Berdine (1991) reported that sedimentation was damaging habitat in Canaan Valley and could cause impacts to the rare plants, water quality, and possibly affect habitat of the southern water shrew (*Sorex palustris punctulatus*), a state species of concern.

The CD also contemplates salvage logging. Under “Description of Use,” the CD states that “salvage cuts performed as a result of storms, insect, or disease damage could yield any or all of the above-mentioned forest products.” Post-disturbance logging was not contemplated in the CCP EA, and must be addressed in a new EA. We are not aware of any science supporting ecological benefits of post-disturbance logging for commercial purposes. It is extremely disconcerting to see the Service contemplating commercial salvage logging operations on a national wildlife refuge, particularly given the Refuge Improvement Act mandate to “ensure that the biological integrity, diversity and environmental health of the System are maintained” (16 U.S.C. 668dd(a)(4)(B)). Interfering with natural ecological processes defies this requirement. It is completely off-base to desire early-successional characteristics and then salvage log the habitat that is created by such a disturbance.

In fact, an EA must evaluate the effects of the paradigm being expressed in the commercial logging program: that the refuge ecosystems and resources must not be “left to nature”, to use an expression from the CD. We find the refuge’s approach to managing for commercial timber harvest rather than natural ecological processes concerning. While restoration (i.e. one-time entry) of uncharacteristic forest stands to enhance resiliency to disturbance is a legitimate undertaking in certain cases, a commercial logging program that contemplates substituting continuous commercial harvest (rotations, as noted in the CD) for natural disturbance is ecologically suspect. The Service has the burden to demonstrate why “natural processes to improve late-successional sere habitat” are inferior

to commercial logging operations, disclose all the attendant risks the proposed program poses to refuge species, and explain how refuge law and policy mandates are met (CCP EA, p. 3-97). We do not feel the Service has effectively made that case in the CD.

Thank you for the opportunity to comment on the draft CD for commercial forest management on Canaan Valley Refuge. We look forward to working with you to ensure ecologically sound, science-based habitat management on the refuge.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Keatinge".

Jenny Keatinge
Senior Federal Lands Policy Analyst

A handwritten signature in black ink, appearing to read "Peter Nelson".

Peter Nelson
Director of Federal Lands