



United States  
Department of  
Agriculture

Forest  
Service

George Washington & Jefferson  
National Forests

5162 Valleypointe Parkway  
Roanoke, VA 24019-3050  
540/265-5100

---

**File Code:** 1950-1

**Date:** October 31, 2005

Ms. Tammy L Belinsky  
WildLaw  
9544 Pine Forest Road  
Copper Hill, VA 24079

Dear Ms. Belinsky:

Thank you for your June 22, 2005 letter requesting that I re-scope the Chestnut Oak timber sale on the Deerfield Ranger District, and in particular, drop unit 4 from this sale. I apologize for the late reply to your letter.

We have reviewed the information you provided. In response to the concerns raised in the informal disposition meeting, District Ranger Cindy Holland went back out to the field to review the conditions in unit #4. Her review as documented in the enclosed letter clearly concludes that unit #4 is not old growth. Thus, this information does not change the analysis or conclusions for this project. Likewise, in my appeal decision, the ARO's recommendation letter clearly discussed old growth at Issue #22.

When indiscriminant harvesting occurred in the late 1800's and early 1900's, trees were still left on the harvested areas. They are now old, but they do not represent stands or areas that were left untouched by harvesting activities at that time. The fundamental reason these National Forests exist today is because these lands were lands nobody wanted at that time because they had been exploited for charcoal, iron furnaces, and bark to extract tannins for tanneries. Thus, most of this land has been harvested in one way or another and some more than one time. It will be rare when the Forest Service finds an area truly left untouched that it doesn't already know about, and has already protected in one of several different Plan management prescriptions.

We are committed to protecting true areas of old growth. But old growth does not equate to old trees. Old growth is an ecological land condition encompassing the entire plant community of an area. We readily admit to harvesting individual old trees. The area in question contains old trees, but is not old growth.

We do an inventory at the project level using the RO guidance. Most importantly, in this instance we follow the direction in the 1993 George Washington Revised Forest Plan for old growth. While following the Regional Guidance is useful in addressing the criteria in the Forest Plan, the GW Plan is what we must use to guide our management.

The information collected by the Forest Service after the appeal resolution meeting confirmed that the area in question is not old growth as defined by the Regional Guidance. You are correct



that failure to meet Criteria 1, the number of trees per acre of a minimum old age, is the reason the stand is not designated as old growth. As the 5/12/05 Old Growth survey data and summary at the bottom of the tally sheet indicate, three out of three plots do not meet this criteria; 30 trees per acre greater than the minimum old age, which is 130 years for this community type. You are also correct in stating that there were 6-10 large trees per acre on many of the survey plots. However; a plot must meet all four operational criteria before that plot can be considered meeting the Regional Guidance (pg. 23). Since no plot met Criteria 1, then no plot met the Regional Guidance and the survey indicates that old growth, as defined by Region 8, is not present on that plot.

We do agree with you that every plot in a stand does not have to meet the old growth criteria for the stand to be old growth. But in this case, where all six plots in 2 different surveys fail to meet the criteria, there is no question that the stand or even a portion of the stand, does not meet the operational definition of old growth.

You also contend that Old Growth Forest Type 21 is the incorrect category because Type 21 “is for mesic conditions”. You argue that Type 22, which would require a younger minimum old age and therefore Criteria 1 would likely be met, would be more appropriate because it is for xeric conditions. You state that the presence of pine and large chestnut oak confirms this. While it is true that CISC Forest Type 52, which is the proper Forest Type for this stand, can be either Old Growth Forest Type 21 or 22, there’s a major structural difference between Type 21 and 22. Type 21 is typically a closed canopied forest with 60 to 100% closure while Type 22 is much more open with 25 to 60% canopy closure, hence the woodland description for Type 22. The stand in question here is clearly a Type 21 because of its existing canopy closure. I believe the photos of unit #4 submitted with your appeal, show the canopy closures are more in line with Type 21 than Type 22.

Additionally, the Regional Guidance gives a very good description of what a Community Type 21 stand is on page 60. Firstly, the title of this Community Type is “Dry-Mesic Oak Forest”, for dry to mesic conditions, not simply meant for mesic sites. The Regional Guidance goes on to state these types are usually found on dry, upland sites on southern and western aspects and ridgetops. The species composition begins with chestnut oak and includes a variety of other oaks, but also includes a small percentage of pine, up to 25%. Community Type 22, Dry and Xeric Oak Forests, Woodlands, and Savanna, is described on page 67 of the Regional Guidance. These sites are described as usually occurring on very dry infertile uplands, steep south facing slopes, or rock outcrops. The “southern subtype” is quickly eliminated from consideration as it is dominated by southern pines. The “wide spread” subtype is dominated by oak and does include chestnut oak, but black oak, post oak, and blackjack oak are listed in priority before chestnut oak. While unit 4 is not the most productive of sites, it is most certainly not “infertile”, nor would it be considered xeric. Unit 4 is a dry upland oak stand dominated by oaks, but also contains a scattering of pine, less than 25% and even a few poplars in the lower portions, which is wholly inconsistent with Type 22. The designation of Type 21 is, therefore, very appropriate.

As for the contention that no stand would ever reach 30 trees per acre surpassing the minimum old age, I do not share this concern. The survey of 5/12/05 found an average of 63 trees per acre on the three plots. The stand age is approximately 90 years old. This stand as a whole could achieve the minimum old age in 40 years, if it were not harvested. While some trees can be expected to die in that time period, we certainly would not expect more than half of the stand to die in the next 40 years (barring some catastrophic event). Thus, in 40 years it is very likely,

even probable, that more than 30 trees per acre would exist and exceed the minimum old age and Criteria 1 would be met.

While the Regional Criteria does refer to consideration of small areas of old growth down to 1 acre in size, this point simply does not relate to the area under discussion. Six plots were measured in two different surveys and no plot met the four operational criteria. I am told the survey of 5/12/05 was biased towards finding old growth; in that the Forest Silviculturalist and district personnel actively tried to find plots that met the operational definition and failed. No portion of this stand met the operational definition for old growth. Likewise, the EA considered and addressed impacts to small old growth patches on pages 25 and 26.

As to the differences between the 2004 and 2005 surveys, the 2005 survey personnel focused on the area as described by Mr. Krichbaum in the informal resolution meeting and where people saw the largest and apparently older trees. The 2004 survey was a standard systematic survey commonly used during stand examination. The plot locations in the 2004 survey were not selected to either exclude or focus on old growth conditions. As is common for silvicultural examinations, a starting point was selected and subsequent plots were installed along a transect at a predetermined spacing such that a representative sample of the stand was obtained. The sampling method is not random in the statistical sense, but systematic.

From a larger perspective, I believe your groups are concerned about old growth and how it was handled in the revised Forest Plan. For example, your groups continue to want us to designate, at the project level, small and medium old growth patches. I question the need to designate small and medium old growth patches when Forest direction on about 2/3 of the total GW Forest acreage puts strict limits or prohibits timber harvesting entirely. For example, the old growth forest type in unit #4 is "Dry Mesic Oak" forest (Type 21). In 1993, about 88,000 acres were estimated to be on the Forest with about 68% (about 60,000 acres) on land unsuitable for timber production (Plan Table 2-1, page 2-5, amendment #2). In 2004, Dry-Mesic Oak's estimate rose to a little over 120,000 acres (Forest's *Detailed Monitoring Report for Fiscal Years 2001 -2003*, Appendix G, page 58). Assuming the same percentage (68%), about 82,000 acres of Dry-Mesic Oak now occurs on land unsuitable for timber production. Therefore, the Forest Plan has effectively allocated a large amount of land to the development of old growth characteristics.

Thank you for your interest in the National Forest and Old Growth.

Sincerely,

/

/s/ Maureen T. Hyzer  
MAUREEN T. HYZER  
Forest Supervisor

Enclosure



Society of American Foresters

Growing better all the time

Virginia Division

CHAIR  
Michael J. Mortimer  
Virginia Tech  
Blacksburg, Virginia

CHAIR-ELECT  
Craig Sheerer  
MeadWestvaco  
Appomattox, Virginia

SECRETARY-TREASURER  
Scott Barrett  
Virginia Tech  
Blacksburg, Virginia

CHAPTER CHAIRS:

Stephen Delappe, CF  
MeadWestvaco  
Earlysville, Virginia

Sam/Dall Gilley  
Brown's Forest Products, Inc.  
Charlotte Courthouse, Virginia

Michael Hincer, CF  
The Forestland Group, LLC  
Lebanon, Virginia

John Kauffman  
Virginia Department of Forestry  
Chesapeake, Virginia

David Milby, CF  
Virginia Department of Forestry  
Sotade, Virginia

Scott Shallenberger, CF  
MeadWestvaco  
Wirtz, Virginia



May 1, 2006

Susan Yonts-Shepard  
U.S. Forest Service  
Yates Building, 201 14<sup>th</sup> Street  
Washington, DC 20250

RE: Virginia Roadless Petition

Dear Ms. Yonts-Shepard:

Please accept this comment letter on behalf of the Virginia Society of American Foresters in preparation for the upcoming meeting of the Roadless Area Conservation National Advisory Committee. **The Virginia Division of the Society of American foresters (VASAF), representing more than 500 professional forest managers, researchers, and consultants across Virginia opposes the petition as has been proposed by former Virginia governor Warner, and as now sponsored by Governor Kaine.**

Of foremost concern is the manner in which the petition was originally developed. The public participation process, though described in the petition, did not engage the forestry profession in Virginia to any real extent, nor did it ensure broad participation by interested stakeholders. Certainly, a proposal to dedicate the use and management of nearly a quarter million acres of national forest deserves greater analysis and public involvement than what has been provided to date.

Additionally, there are aspects of Virginia's roadless petition, and by reference the original Clinton proposal, that continue to present problems for the professional management of our public forests. Limitations on preventative fire and disease actions; habitat management for species other than threatened, endangered, or sensitive; and potential undesirable effects on forest recreational uses are all concerns that were problematic in 2001, and remain so today.

The VASAF are long-time proponents for the multiple-use management of Virginia's national forests, but only when science, public safety, forest health needs, and suitable public participation are part of that formula. For these reasons, we would urge this Committee to advise against accepting the petition as currently drafted, and instead urge its remand back to the Commonwealth of Virginia for further review.

As Judge Brimmer in Wyoming noted in striking down the original Clinton-era Roadless Rule in 2003, there should be no "mad rush" to see a roadless policy enacted on 55 million acres nationwide, nor now on some 250,000 acres in Virginia.

Thank you for your consideration.

Sincerely,

\_\_\_\_\_  
Michael J. Mortimer, JD, PhD  
Chair

# Forest Plan Revision Meeting Documentation

Date of Meeting: April 10, 2006

Purpose: Identify specific areas in need of change to the 1993 Revised GW Forest Plan. (To meet 36 CFR 219.9(a)(2) direction)

Meeting Location: Lee Ranger District Office at Edinburg, Va

<u>Attendees</u>	<u>Agency</u>	<u>Attendees</u>	<u>Agency</u>
Dave Plunkett	USFS, Planner	Gary Somers	NPS, Shenandoah NP
Jim Smalls	USFS, Lee RD	Chris Stubbs	NPS, Cedar Cr & Belle Grove NP

## Topics and Decisions

<u>Topic</u>	<u>Discussion or Decision</u>
Visuals From Parks	No problems from Shenandoah NP, Be cognizant of Signal Knob area as viewed from newly established Cedar Creek and Belle Grove National Historic Park Don't change allocation for Signal Knob. No Changes to Plan Needed
Prescribed Burning Program	Shenandoah NP also does prescribe burning within the Park. No changes to Plan needed
Law	NPS will send link to Law creating Cedar Creek and Belle Grove National Historic Park as "Signal Knob" could be explicitly stated in legislation (Review shows legislation just says views of mountains)
Other	-Keep both Parks on Mailing List -May want to contact Dr. Woodward Bousquet at Shenandoah University, he is doing analysis of Cedar Creek itself. -May want to contact Howard Kettell at Nat'l Battlefield Foundation (Quasi-gov) -At future public meetings near Strasburg, clearly differentiate between NPS and USFS roles and land
NPS Current Public Issues	Rock Climbing, Parking at Old Rag Continues

5/3/06  
RECEIVED, HAND  
DELIVERED by Wild  
VIRGINIA (Steve  
Krichbaum)

Discussion Topics for Meeting with GWNF Supervisor Hyzer

Plan Revision -

- What is the process to be used (new NEPA/NFMA regs)?
- What stage are they in now?
- What/when are opportunities for public involvement?
- How can we be involved now that will be most effective/helpful within FS?
- What information is available to us now (e.g., process papers, maps, drafts, etc.)?

Restoration -

- What does the FS consider to be 'restoration'?
- What restoration projects are priorities for the FS?
- What restoration projects are currently being implemented and which are in process?
- How will restoration be addressed in Plan revision?
- Our ideas for restoration (e.g., road decommissioning and obliteration combined with Chestnut recovery, stream LWD augmentation for Wood Turtles and Trout and other species, Hemlock protection and recovery, invasive species removal)
- What are the explicit opportunities for WV to collaborate with the FS on restoration?

Old Growth

- Continuing problems with site-specific inventory methods and findings (such as Chestnut Oak Knob, Signal Corp Knob, Sugar Tree, Maybe, Hoover Creek)
- Need to identify small- and medium-sized areas at project level analysis
- Need to implement Regional OG guidance at project- and Forest-level planning (e.g., identify linked network of different sized OG patches)
- Public desire for strict protection

Mountain Treasures

- Disposition of inventoried and uninventoried roadless areas in Forest Plan revision (show two maps of the 67 areas we are concerned with) - Big Schloss is bad example
- Significant increase in designated Wilderness Areas (currently only 4% of Forest)
- Ongoing harms to various MTs (e.g., Toms Knob, Walker Mtn.)

Shenandoah Mountain

- How to best address our special management concerns for the entire area in Plan revision?

Rare Species/Special Habitats

- Ongoing harms to Wood Turtle populations
- Need to strictly protect and designate more SBAs (e.g., Paddy/Cove Runs, Peters Mtn.)
- Need to strictly protect and buffer special habitats (such as rocky outcrops, seeps, and ephemeral streams) at project sites and address such in Plan revision

Road Construction

- Many 'temporary' roads built now - cumulative ecological and recreational degradation
- Road density Standards must be expanded and met - serious decommissioning efforts

**David Plunkett/R8/USDAFS**  
07/28/2006 07:49 AM

To John Bellemore/R8/USDAFS@FSNOTES, Richard D  
Patton/R8/USDAFS@FSNOTES, Dawn Kirk/R8/USDAFS@FSNOTES,  
Thomas Bailey/R8/USDAFS@FSNOTES, Thomas K  
Collins/R8/USDAFS@FSNOTES

cc  
bcc  
Subject Re: Bennetts Run Appeal Resolution summary-- High Water  
Events and GW Plan Revision

Folks: In a letter to Maureen, Sherman discusses high water events and the need to examine areas. See his concern below and you should do an analysis, and writeup for the Comprehensive Evaluation Report if u feel this is necessary for the Forest Leadership Team to consider. IF analysis and writeup is done, please send to me. I'll leave it to the FEG group to make the call.

Thanks

Mr. Bamford says:

This is an issue that needs to be considered, not only in this project area, but also forest-wide. In the upcoming George Washington National Forest plan revision, we urge the FS to examine areas that have been impacted by high water events (especially those that have occurred since the initial '80s era plan and the 1993 plan), to examine areas that are susceptible to high water events, to analyze the impacts of these types of events based on up-to-date science, to analyze what stream restoration activities may be needed to address high water events and logging infrastructure/logging job failures, and to determine what special mitigation measures may be needed to address high water events and to prevent logging infrastructure/logging job failures. These are not adequately addressed in the current plans.

---

Dave Plunkett Land Management Planning Specialist  
George Washington and Jefferson Nat'l Forest  
5162 Valleypointe Parkway  
Roanoke, VA 24019  
Phone (540) 265-5173 Fax (540) 265- 5145

---

----- Forwarded by David Plunkett/R8/USDAFS on 07/28/2006 07:44 AM -----

**Maureen Hyzer/R8/USDAFS**  
07/28/2006 06:50 AM

To Sherman Bamford <bamford@rev.net>  
Cc bamford@rev.net, loki4@rica.net, wildlaw@rev.net  
Bcc David Plunkett/R8/USDAFS  
Subject Re: Bennetts Run Appeal Resolution summary

Sherman, I regret that your appeal meeting did not go as well as you had hoped. We will continue with review of your appeal and should have a response soon. And thank you for sharing the specific issues that you recommend we consider in future project and forest planning efforts. I will share these with our planning team. Maureen

Maureen T. Hyzer  
Forest Supervisor  
George Washington & Jefferson NF's  
540-265-5118

"We must write not only so that our meaning can be understood, but so clearly that it cannot possibly be misunderstood."

**Sherman Bamford**  
<bamford@rev.net>  
07/26/2006 03:32 PM

To mhyzer@fs.fed.us  
Cc wildlaw@rev.net, loki4@rica.net, bamford@rev.net  
Subject Bennetts Run Appeal Resolution summary

Also sent to you via fax today.

Sherman Bamford  
Virginia Forest Watch  
P.O. Box 3102  
Roanoke, Va. 24015

July 26, 2006

Re. Bennetts Run Appeal  
Summary of Resolution

Maureen Hyzer, Forest Supervisor  
George Washington & Jefferson National Forests  
5162 Valleypointe Parkway  
Roanoke, Va. 24019

Supervisor Hyzer:

As a representative of Virginia Forest Watch, I met via phone with Kara Chadwick, Glenwood-Pedlar RD district ranger, and John Donahue, Glenwood-Pedlar RD NEPA coordinator, on July 18 to discuss our objections to the Bennetts Run project. The following is a summary of that call:

Before the meeting started, the FS representatives said they had read the appeal and were disinclined to do anything, but they were willing to let me discuss the issues in this call. Nevertheless, I see this as an unwillingness to genuinely listen to the public and it was reflected in the FS representatives' expressed attitudes throughout the appeal resolution session.

First, I talked about one of our most serious concerns, the three flash floods that have occurred in these watersheds, the FS's lack of monitoring for past/present effects, and the failure to consider the need for stream restoration at all. Local citizens, several VAFW members, VAFW member groups, and other conservation groups have visited the proposed Bennetts Run timber sale site and expressed concern about these issues. Despite this, there was virtually no information in the EA and project file that indicated that the FS had performed the needed surveys or had given these issues the "hard look" required by NEPA, given the past history of the area.

My concerns were further heightened in the meeting, when I asked the FS representatives if they believed that this was "just an ordinary timber sale, in an ordinary location" given the amount of damage from floods in the watershed. Amazingly, John Donahue merely stated that he believed it was. He went on to say: "It is on suitable land and there has been timber harvesting in there before." I asked the FS representatives what they would say to the residents living downstream if there were another high water event in there and the logging infrastructure from this project contributed to the flooding, or if the logging infrastructure contributed to downstream flooding in the absence of a high water event - given the fragility of the area following past events. Ranger Chadwick appeared unconcerned. She stated: "well, nature is just going to take its course. We feel like we've mitigated the impacts." But the FS's insistence that this is simply an ordinary timber sale in an ordinary location is a clear indicator that the FS has not taken a project in this location seriously from the beginning, and could not have possibly made an accurate determination of whether the mitigation measures are adequate. Also, I should note to you, Bennetts Run and its tributaries (including the tributaries within and adjacent to the cutting units) are class ii trout streams. These include "Bennetts Run Rockbridge County from its confluence with the Maury River upstream including all named and unnamed tributaries." See 9 VAC 25-260 Virginia Water Quality Standards. Statutory Authority: § 62.1-44.15 3a of the Code of Virginia.

Second, I discussed the FS's failure to properly consult downstream residents and residents adjacent to FS lands in the project area. In my appeal, I sent maps (and lists) I had photocopies and highlighted from the project file. As stated in my appeal, these highlighted materials show that several properties and property owners adjacent to national forest lands were likely not consulted about the project. To me it is not clear that all of them were consulted. I also discussed the FS's failure to consult residents in the short loop off of Rt 501 downstream from the project (in the Bennetts Run watershed). Donahue stated that all adjacent landowners were consulted but maps and lists of residents contacted in the project file do not clearly indicate that this happened. As to our latter concern, Donahue said the people in this loop were not contacted. The FS did not provide a satisfactory answer as to why these people were not informed of this project or given an opportunity to comment on it.

Third, I discussed our concerns regarding the FS's failure to protect old growth. I remarked that there were very few relatively old stands remaining in the compartment and project area as it is, and that the FS is cutting more than half of the acreage of the oldest age classes remaining. I also expressed our concern that for its vegetation analysis area (and old growth analysis area), the FS used an inflated Management Prescription Area 16 acreage that evidently

included MRxA 16 acreage below Big Levels, which are located many miles from the project area.

It is improper for the Forest Service to use arbitrary (and sometimes inflated and sometimes restricted) analysis areas for these resources and other resources on this and other projects. It is evident that the FS adjusted analysis areas for its own convenience or for unknown reasons in this ranger district. For example, compare the recent Arnold Valley EA (AV EA) and Bennetts Run EA (BR EA). These are projects under the same district office that were signed less than one month from one another. (BR - May 15, '06 & AV - Jun 7, '06):

Project area (for reference):

AV - 3878 ac (AV EA 16)  
BR - If the the actual acreage of the project area is disclosed anywhere in the SN, EA, or DN, it is hard to find in these documents. The compartment area where this project takes place has 1394 ac [SN 1 & PF, CISC data) The project area is not the same, but does not appear to be much bigger.

Vegetation analysis area:

AV- "immediate acres receiving a treatment" (AV EA 28)  
BR - "immediate areas receiving a treatment plus a 100 ft buffer" (BR EA 17)

Age Class:

AV - "the contiguous block of 10B of the project area." [3878 ac] (AV 28)  
BR - "the entire management area" [5939 ac] (BR EA 17)

Old Growth:

AV - "stands proposed for harvest by alternative, temporary road locations, and blocks of identified old growth management prescription areas adjacent to harvest units" [212 ac plus...] (AV EA 35)  
BR - "entire management area of MA 16" [5939 ac] (BR EA 17).

What was the reasoning behind an old growth analysis area of a little over 212 acre area in one project area (of 3878 ac) and an old growth analysis area of 5939 ac for a project area of probably less than 2000 acres? And other analysis areas for other resources?

Fourth, I asked the FS representatives about how they would prevent invasive species from proliferating in the cut-over areas and roadbeds, especially Ailanthus. I described several portions of the Glenwood-Pedlar RD that had been cut since the late 1980s where Ailanthus is proliferating. In response to this, Donahue said "we are not going to allow forest stands revert to tree of heaven." I asked him what would do to keep stands from reverting to Ailanthus and other non-natives. He talked about doing mechanical invasive species removal as discrete projects. Donahue seemed to be reassured that this type of invasive species removal was possible, but I would like to ask you, Supervisor Hyzer, have you assessed FS needs for this kind of work forest-wide, and what kind of budget to take to accomplish this, given the FS's slow progress over the last 20 years? We believe that, given the current budget situation, it is imprudent for the FS to conduct activities which provide the ideal environment for invasive species without a clear plan whatsoever for keeping invasive species from proliferating in past cutting units and roadbeds.

In summary, we are disappointed in the FS's unwillingness to deal with these issues in as serious a manner as they warrant. In 2001, I personally walked to the site where a landslide had originated from a Forest Service road in a Louisiana-Pacific clearcut in the Big Flat Timber Sale (Clinch RD), cut a few years prior. In 2004, I observed a past landslide that began at the site of a FS skid trail uphill from Rt. 710 (Clinch RD). And as you know, due to the poor logging jobs on timber sales in the George Washington National Forest, people and property in the Low Moor area and on the Wade Neely property were put at risk. Severe flooding has occurred on occasion in all of these areas, in Amherst and Rockbridge County, and other GWJNFs counties. It is not an unexpected occurrence. You should be aware that in in this Bennetts Run project and other past projects we have observed across the forest, the FS has put downstream resources at risk and merely "gambled" that a high water event would not occur. It is up to the FS to ensure the public that logging jobs and logging infrastructure will be designed in a manner that is likely to withstand these events and, more importantly, designed in a manner that will not exacerbate impacts (or cause soil movement, slumps, and large inputs of sediment). It is up to the FS to monitor for and analyze past/present effects, and to consider the need for stream restoration. The FS is ultimately accountable for anything that happens in the Bennetts Run area and other logging project areas after logging proceeds.

This is an issue that needs to be considered, not only in this project area, but also forest-wide. In the upcoming George Washington National Forest plan revision, we urge the FS to examine areas that have been impacted by high

water events (especially those that have occurred since the initial '80s era plan and the 1993 plan), to examine areas that are susceptible to high water events, to analyze the impacts of these types of events based on up-to-date science, to analyze what stream restoration activities may be needed to address high water events and logging infrastructure/logging job failures, and to determine what special mitigation measures may be needed to address high water events and to prevent logging infrastructure/logging job failures. These are not adequately addressed in the current plans.

Sincerely yours,

*/s/ Sherman Bamford*

Sherman Bamford  
VAFW



# WILD VIRGINIA

Protecting your favorite wild places

P.O. Box 1065 Charlottesville, Virginia 22902 434.971.1553 info@wildvirginia.org wildvirginia.org

October 9, 2006

Forest Supervisor Maureen Hyzer - USFS  
George Washington - Jefferson National Forests  
5162 Valleypointe Pkwy.  
Roanoke, VA 24019

**Re: Proposed Paddy/Cove Runs SIA-B**  
**Via: Certified Mail, Return Receipt Requested**

Dear Supervisor Hyzer:

I hope this finds you well.

Wild Virginia previously expressed concern for Wood Turtle populations and their protection with your predecessor Mr. Damon. We are writing to inform you of the issues and to modify our earlier proposal to establish a Special Interest Area. We are also writing to request that you, as the new Supervisor of the George Washington National Forest ("GWNF"), reexamine the management of the Paddy/Cove Run area on the Lee District and make formal decisions to fully protect the rare Wood Turtle.

The George Washington National Forest's 1993 Revised Land and Resource Management Plan (hereinafter "LRMP" or "Plan") designated thirty-eight Special Interest Areas - Biologic ("SIA-Bs"). These special biological areas are allocated to Management Area 4 ("MA 4"). These lands total about 26,000 acres (excluding the Shenandoah Crest area) and "are managed to protect and/or enhance their outstanding natural biological values." They are classified as "unsuitable for timber production" and "are generally protected against the activities of humans that directly or indirectly modify natural processes." (see LRMP at 3 - 4-6).

Recent scientific inventory has led to the discovery of new information about the native forests of the GWNF. Since the Revised Plan was adopted in 1993, scientists with the Division of Natural Heritage of the Virginia Department of Conservation and Recreation ("VDNH") as well as other individuals have identified additional areas on the GWNF with significant biological values (for example, the old-growth forest on Little Mountain in Allegheny County).

One additional place is the **Cove Run** area on the Lee Ranger District of the GWNF in Hardy County, West Virginia. The site is north of Waites Run Road and continues northeast along Cove Run approximately 2 miles to the Virginia state-line. A resident population of the **Wood Turtle** (*Glyptemys insculpta*) occurs in this area. We have observed approximately 30 individual adult Wood Turtles here in 2005 and 2006 (see Wild Virginia/Krichbaum letters to the USFS of January 23, 2006 and August 3, 2006). This site represents an outstanding occurrence of this rare and vulnerable species.

The Cove Run area is contiguous with the **Paddy Run** site on the GWNF in Frederick and Shenandoah Counties (VA) which we have previously written about in regards to the Wood Turtle (see Wild Virginia letters of March 17, 2004, May 21, 2004, and September 10, 2004). Only a low-lying

15

ridge (at the state-line) separates the two drainages. Cove Run and Paddy Run connects two major drainage basins with otherwise disparate Turtle populations. Wood Turtle genetic exchange across the state-line is probable, and thus the entire combined area around both Paddy and Cove Runs should be managed as a single SIA-B.

West Virginia considers the Wood Turtle an S2 species, meaning "very rare and imperiled". It is considered to be "declining" in the state and the WV DNR places it in "priority group 1" in the state's conservation strategy. In Virginia, it is officially listed as a "Threatened" species by the state. The Comprehensive Wildlife Conservation Strategy issued by the VDGIF regarding the protection of hundreds of imperiled wildlife species in Virginia considers it a "tier 1" species, meaning it is in the greatest need of conservation. The Turtle is listed in the 1993 GWNF Plan and Final Environmental Impact Statement as a "Sensitive" species. It is also on the current GWNF official list of "Locally Rare" species. As an Imperiled, Threatened, Sensitive, and/or Locally Rare species, the USFS has special obligations to the Wood Turtle to protect their habitat, distribution, and viability. Further, regardless of the species' administrative management category, the USFS must ensure the health and viability of populations of all native vertebrates on the GWNF.

Maintaining and restoring the health of Wood Turtle populations on the GWNF grows increasingly important. According to a 1991 report on Virginia's endangered species, "Rapid residential and commercial development in northern Virginia is destroying much of the available habitat of the wood turtle...As the human population of northern Virginia continues to spread westward, colonies of the wood turtle in the Shenandoah Valley may be threatened or eliminated."<sup>1</sup> This situation has only grown worse since 1991 and remains an important concern for the Wood Turtles' range in northern Virginia and West Virginia, including the Shenandoah Valley. The western populations of the species in Virginia and West Virginia are also far from secure. Development around Wardensville in Hardy County, WV has significantly increased and it is reasonable to presume this will intensify with the opening of Corridor H. With the increase in pressures on Wood Turtle habitat, sites on relatively undeveloped public lands grow increasingly crucial as refugia. Preserving Wood Turtle populations and habitat in our National Forests appears critical for ensuring their long-term survival in Virginia and West Virginia. It is sites such as Paddy/Cove Run that may serve as source populations in the future.

Turtle demography in general is unusual among vertebrates in that a slight increase in adult mortality or removal can lead to large declines in populations. Wood Turtle populations are especially vulnerable to increased mortality from anthropogenic impact due to life history characteristics such as: slow growth, late maturity, high natural mortality of eggs and juveniles, long lives, and low reproductive potential. As populations of this species are obviously small in number and very localized, site-specific management actions that directly result in mortality, or that disturb or degrade habitat causing indirect mortality or impeding interactions of reproductive individuals, can significantly impact the viability of Wood Turtles on the GWNF. This places special importance upon the management of the Paddy/Cove Run populations and area. Wood Turtle populations may become unstable if even a few adults are killed or are removed above natural attrition. For more detailed explication of the threats to and concerns involving the Turtle please see our "Issues and Concerns" letter of October 31, 2005 (attached).

The present management area allocations for the Cove Run/Paddy Run area (*i.e.*, MAs 15 and 18) permit human activities that may directly or indirectly modify the natural processes and/or harm the Wood Turtle. And currently this special area includes acreage that the Forest Service considers to be "suitable" for intensive commercial logging (see GWNF LRMP "Lands suitable for timber

---

<sup>1</sup> Ernst, C.H. and J.F. McBreen, 1991, pp. 456-57 in K. Terwilliger (coord.), Virginia's Endangered Species, McDonald and Woodward Publishing Co., Blacksburg, VA.

production by management area" map). Such management activities as currently allowed by the Plan may substantially impair the forest and native habitat in the area, specifically in regards to the health, distribution, and viability of the resident Wood Turtle populations. Giving priority here to the Wood Turtle population, instead of to commercial logging, would be fully compliant with the National Forest Management Act. The NFMA imposes an affirmative obligation on the USFS to "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area." 16 U.S.C. 1603(g)(3)(B). This specific site is highly suitable Wood Turtle habitat and it is important to manage this relatively intact area with a prescription that restricts activities that could harm the threatened Wood Turtles or their habitat.

Judging from information we received from the WVDNR, VDNH, VDGIF, and the Forest Service's responses to our FOIA requests regarding the Wood Turtle (incorporated by reference as such information is already in your possession), the Cove/Paddy colony may be the only population of Wood Turtles centered on the GWNF (and by extension the only one in the entire Southern Region of the USFS). The great majority of the other occurrence records for the Turtle on the Forest are on its periphery. Individuals of populations on private lands may enter the Forest, but this population appears unique in that it is centered on small relatively intact watersheds that are almost entirely composed of National Forest lands.

Steven Krichbaum of Wild Virginia has observed about 70 different adult Wood Turtles in the combined Paddy Run/Cove Run area of Virginia and West Virginia (see Wild Virginia/Krichbaum letters to the USFS of July 1, 2005, January 23, 2006, and August 3, 2006). Dr. Thomas Akre and others also observed and marked Wood Turtles in the area of the Cove Run tributary to Paddy Run in Virginia. Based upon specific stream surveys and known occurrence records, this area and associated Turtle populations could be considered the most important and robust on the entire GWNF. For this reason, the entire area (*i.e.*, the GWNF lands associated with Paddy and Cove Runs) should be designated a **Special Interest Area – Biologic** to ensure that the outstanding ecological values present at this site are protected from further degradation or destruction.

Wild Virginia previously proposed that the Paddy Run area (including lands associated with its Cove Run tributary) be formally designated an SIA-B (Management Area 4) by the USFS. The Paddy Run Special Area proposal needs to be expanded to include Cove Run in West Virginia and should be treated as one coherent management area. The entire SIA-B would encompass approximately 3,500 acres and include the stream segments and terrestrial buffers. The terrestrial buffer is necessary since Wood Turtles do not confine themselves to waterways or narrow "riparian" zones. The species typically wanders hundreds of meters from water in its terrestrial habitat. Studies show they can range up to 500-600 meters from streams<sup>2,3</sup>. Female Wood Turtles are known to travel up to 1.5 km from a stream (see notes of the January 22, 2004 VDGIF/USFS meeting contained in FOIA response from USFS). A Wood Turtle was observed ~200 meters from Paddy Run (see SEDG July 8, 2003 letter to Lee RD). The male Wood Turtle found by Krichbaum in June 2005 on road 23/10 at the Sandy timber sale project area (Lee RD in Hardy County, WV) was high on a hill approximately a third-of-a-mile from flowing water in Trout Run. The studies of Dr. Akre on Wood Turtles at Cove Run (Frederick County) on the GWNF provide further site-specific boundary justification. He found that the species regularly ranges 350m-600m from the stream.

<sup>2</sup> Foscarini, D.A. and R.J. Brooks, 1997. "A Proposal to Standardize Data Collection and Implications for Management of the Wood Turtle, *Clemmys insculpta*, and other Freshwater Turtles in Ontario, Canada", pp. 203-209 in J. Van Abbema(ed.), Proceedings: Conservation, Restoration, and Management of Tortoises and Turtles – An International Conference, New York Turtle and Tortoise Society, New York.

<sup>3</sup> Kaufmann, J.H., 1992. "Habitat use by wood turtles in central Pennsylvania", *Journal of Herpetology* 26(3):315-321). For further boundary justification see study of Dr. Thomas Akre on Wood Turtles at Cove Run (Frederick County) on the GWNF. The evidence in the record provided by VDGIF shows the species can range 350m-650m from streams.

For the above reasons, the boundaries for the SIA-B should generally encompass those areas of the GWNF within 350-600 meters of both sides of Paddy and Cove Runs (see enclosed map with original proposed Paddy Run boundary and proposed Paddy/Cove Run boundary).

**Therefore, pursuant to the Administrative Procedures Act at 5 USC 553(e): We formally request that you propose to amend the current GWNF LRMP (viz., the rescission of MA 15 allocation and reallocation to MA 4 as discussed above), analyze the effects of this proposal, and implement the proposal without delay.**

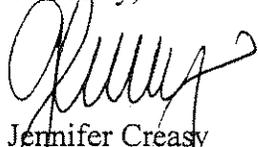
**We also ask that the Paddy/Cove site be fully protected as a Special Biological Area when the current Plan is revised.**

**Finally, until the Plan is so amended and/or revised, we also respectfully request that in the interim the Forest Service strictly protect and manage the entire area as if it is an SIA-B to maintain the site's integrity and ensure that all ground disturbing activities in the area are prohibited.**

Please contact us at the above address if you have any questions or desire additional information such as clarification of the rationale or the boundary. We look forward to cooperating with you to the fullest extent possible upon this matter.

Thank you and we anticipate your prompt attention to this concern.

Sincerely,



Jennifer Creasy  
President, Wild Virginia  
October 9, 2006

cc: GWNF Lee District Ranger Smalls;  
VDNH: Smith, Roble;  
VDGIF: Whitehead, Fernald, Kleopfer  
Congressman Frank Wolf  
Congressman Jim Moran  
Congressman Virgil Goode  
Congressman Bob Goodlatte

Enclosures: Map of proposed SIA-B  
"Issues and Concerns" letter of October 31, 2005