



FOREST NEWS

The Newsletter of Forest Service Employees For Environmental Ethics

Summer 2024

Preserving


Old-

Growth

Forests

Inside

ILLEGAL LOGGING HALTED / THE IMPORTANCE OF FENS /
RETARDANT IN WINE COUNTRY / NATIONAL WHISTLEBLOWER DAY



For the sailor, a “safe harbor” provides refuge from the storm. In the law, a “safe harbor” gives legal immunity from a broad prohibition to accommodate certain narrow, desirable conduct. For example, when a landowner voluntarily agrees to protect habitat for an endangered species, the U.S. Fish and Wildlife Service can offer the landowner “safe harbor” from future, more burdensome regulations. This incentive expands the scope of species protection to private land that does not otherwise receive the higher level of species protection afforded federal land.

House Republican leadership has added a section (No. 10213) to the Farm Bill (H.R. 8467) that would give polluters “safe harbor” from violating the Clean Water Act when they dump toxic aerial fire retardant into rivers, streams, lakes, and municipal water supplies. Setting aside the irony that this provision would make our harbors (and rivers and lakes) less safe from toxic pollution, this is legislative malpractice of the worst kind.

The House Agriculture Committee explains that Section 10213 “would provide covered entities – like the Forest Service and Interior Department – with judicial relief to continue using covered fire retardant and water enhancers for wildfire suppression, control, or prevention activities while they work toward obtaining a Clean Water Act permit.” Judicial relief from what? There is no court order that bars retardant dumps into water. Although a federal judge has ruled such dumps are illegal, he has allowed the Forest Service to continue using the stuff while the EPA writes the upcoming Clean Water Act permit’s rules, which will ensure that retardant pollution does not violate existing water quality standards.

If fire retardant actually made a difference in wildfire outcomes, polluting our drinking water to stop a forest fire might make some kind of perverted sense; no matter that combustion comes naturally to forests. The truth is that there is no evidence that retardant makes any difference in fighting fires. Not to homes, not to communities, not to fire size, nor to the success of initial attack. Ask Paradise, California, if retardant, which was deployed profligately, saved that community from the 2018 Camp Fire – the deadliest and most destructive in the state’s history. If 85 deaths and 19,000 buildings destroyed is an argument for retardant use (as the City of Paradise asserted when it intervened in our latest retardant lawsuit), well ... I’m at a loss for words.

We don’t need a “safe harbor” for water polluters; we need to keep our water safe from polluters.

Now is a fine time to let your state’s two U.S. senators know that the Clean Water Act should not be diluted. Don’t let wildfire hysteria and the Forest Service’s public relations gimmick (that red stuff falling out of airplanes looks rad on Fox News) poison your water. If you live in California, where half the nation’s toxic retardant is dumped, make a special effort to call Senator Padilla (202-224-3553), who sits on relevant committees. He needs to know that the aerial fire retardant emperor has no clothes.

You can reach each of your U.S. senators by calling the Capitol Switchboard at (202) 224-3121. Sincerely,



Andy Stahl

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Forest News is published by Forest Service Employees for Environmental Ethics, a 501(c)(3) nonprofit organization. www.nationalforestadvocates.org

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Natural Arch, a family-friendly feature on the Daniel Boone National Forest, spans nearly 100 feet (Forest Service photo).

Featured Forest

Daniel Boone National Forest

Encompassing a section of the Cumberland Mountains in eastern Kentucky, the 708,000-acre Daniel Boone National Forest features some of the most rugged terrain between the nearby Appalachian Mountains and the Rocky Mountains on the far side of the Great Plains. Established in 1937 as the Cumberland National Forest, it is characterized by steep forested slopes, sandstone cliffs and narrow ravines. The Forest still bears the scars of coal mining and commercial logging, which occurred before the national forest designation.

Popular activities on the Forest include camping, hiking, fishing, mountain biking, rock climbing, horseback riding, canoeing, and hunting various game animals, including elk, which were re-introduced between 1997 and 2002. Iconic features include natural sandstone arches, the **Red River Gorge**, two wilderness areas, **Cliff Palace Pond**, **historic ironworks furnaces**, and the **Barren Fork Accessible Heritage Trail**.

Red River Gorge is designated as a national geological area. It features many sandstone arches, the Wild and Scenic Red River, and the Clifty Wildernes Area. Cliff Palace Pond is a small, nondescript pond on Keener Point Knob, but the pond and nearby stone shelters contain a 10,000-year record of human habitation.

By the 1830s, Kentucky was the third largest iron producer in the country. Remnants of iron furnaces remain on the Forest, including Fitchburg, the world's largest charcoal furnace at 81 feet tall. Constructed in 1868, it was the last charcoal-fired iron-smelting furnace built in the U.S. It is recognized for its intricate architectural design and dry-stone masonry construction.

The 0.75-mile Barren Fork Trail is located in an area that was once a coal mining town and is paved for wheelchair accessibility. The community was home to more than 100 coal-mining families, and the mine produced some of the highest quality

The Jellico Vegetation Management Project

Citing outdated management objectives in the 20-year-old *Land and Resource Management Plan for the Daniel Boone National Forest*, officials are proposing to log mature and old-growth trees in the 16,969-acre Jellico project area. According to the Forest Service's environmental assessment (EA), this area "is transitioning to mature (81 years and older) forest" with "approximately 72 percent of the project area" consisting of mature forest. **Nearly 1,300 acres is secondary old-growth forest**, much of which is slated for clear-cutting.

Resource extraction has already taken a heavy toll on the Forest. Nearly 2,700 acres were logged in the 1980s and '90s. In 2011 the Bureau of Land Management leased almost 4,000 acres for oil and gas development, and the region continues to experience impacts from legacy coal mining. In spite of past exploitation, the area provides critical habitat for several threatened and endangered species.

Most of the trees targeted for logging are white oak, **a species in**

continued on page 4

coal in the region until it closed in 1935 as a result of labor disputes.

The Forest also features two scenic byways, the **Zilpo National Forest Scenic Byway** and the **Red River Gorge Scenic Byway**.

Analysis Recommends Limits on Old-Growth Logging

The Biden administration recommends restricting — but not eliminating — old-growth logging on our national forests, in the [Forest Service old-growth analysis](#) released in June. This draft environmental impact statement (EIS) proposes amending all national forest management plans to “institutionalize climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal lands.”

After more than a century of over-logging and misguided wildfire policy, “climate-smart management” implies the Forest Service will draw upon the best available science to ensure that old-growth forests have the protections needed to retain maximum resilience. [Forest Service Deputy Chief Chris French’s statement to the Associated Press](#) suggests otherwise. French said tree-thinning on old-growth forests is needed to avoid losing more trees.

“To ensure the longevity of old-growth forests, we’re going to have to take proactive management to protect against wildfire and insects and disease.”

French’s statement reflects the findings of the Forest Service [old-growth threat assessment](#), also published in June: “Currently, wildfire, exacerbated by climate change and fire exclusion, is the leading threat to mature and old-growth forests, followed by insects and disease in the West. ... Tree cutting (any removal of trees) is currently a relatively minor threat despite having been a major disturbance historically, as from 1950 to 1990 these practices were the primary reason for loss of old-growth forests.”

While the Forest Service now acknowledges that logging decimated old-growth forests, its recommendations sidestep the leading role that logging played in creating the current ecological imbalances that foster catastrophic



Old-growth trees thrive in Deschutes National Forest (Forest Service photo).

Jellico continued from page 3

decline that happens to be the preferred wood for making bourbon barrels. [Federal law requires](#) that bourbon be aged in “charred new oak containers.” The barrel industry must build about 2-3 million barrels a year just for Kentucky bourbon, and one 80-100 year-old white oak tree provides enough wood for about two barrels, partly because knots and splits compromise barrel integrity. That means a million mature trees are getting cut each year to make Bourbon barrels.

According to the EA, “Harvests would be accomplished using ... skidders, dozers, cable yarders, tractors, knuckle booms, log trucks and ... alternative methods such as cable, tethered, or helicopter logging. Log landings and temporary roads for hauling timber would be constructed.” In addition to eliminating important mature and old-growth forest, this kind of industrial logging and road construction will exacerbate existing problems in an erosion-prone landscape already damaged by coal mining.

The Jellico EA justifies this cut by claiming it will increase biodiversity:

“The biodiversity provided by young (0-30 years old) and mid-aged (31-80 years old) forest is being lost.... Disturbance dictates structure. When human disturbances are removed from the project area, natural disturbances of unpredictable frequency, severity, and spatial extent cause changes in structure.”

In other words, the Forest Service wants to “restore” early successional forest habitat. [As Andy Kerr has explained](#), The forests of the American East already “have early successional habitat far in excess of what was natural and is desirable.”

wildfire and outbreaks of insects and disease. To counter these threats, the Forest Service now recommends “proactive management,” a euphemism for logging, as the preferred option for improving the resilience of old-growth forests, according to the EIS. The [threat assessment](#) explains that, when Forest Service employees use the term “management,” they are talking about cutting trees, while almost everyone else, including timber-industry workers, uses the term “logging” (page A.78).

The proposed plan for old-growth forests not only dismisses the harms of logging but promotes logging as the “proactive management” practice needed to save old-growth trees from the conditions largely created by logging. Moving beyond the irony to the science, more and more studies are showing the vital importance of old, unmanaged forests.

A 2022 paper authored by [DellaSala et al.](#) reports that unmanaged mature and old-growth (MOG) forests “provide superior values compared to logged forests.” The authors conclude, “There are climate, biodiversity, and drinking water benefits for choosing the upper bound 100% target for MOG [protections] on federal lands.”

The forest management recommendations in the EIS fall well short of the 100% protection recommended by DellaSala and other scientists. Full protection would require a widespread ban on logging mature and old-growth forests on federal lands. Conservationists urged the Forest Service to recommend a full logging ban; instead, the EIS recommends a prohibition only on “proactive stewardship” – logging – “for the purpose of timber production.”

A more restrictive management alternative described in the EIS would prohibit all commercial

timber harvest in old-growth forests. This alternative would still allow “vegetation management” and is, therefore, not a complete logging ban. Still, the Forest Service discounts this alternative “from an ecological perspective” because of “anticipated negative effects” created by “limiting vegetation management tools – and thereby accepting avoidable loss of old-growth....” Consequently, the rate of restoration of old-growth will be slowest under this alternative.”

If the more restrictive alternative were adopted, it still would not apply to mature forests, even though the stated purpose of the “proposed action” is to improve and expand “abundance and distribution” of old-growth forests and protect them from “the increasing threats posed by climate change, wildfire, insects and disease.” [As Blaine McFeeley of EarthJustice pointed out](#), “If you don’t have protections for mature trees, there will never be a new cohort of old-growth” – i.e., no increased “abundance and distribution” of old-growth forests.

With the role of historical logging discounted as a contributing factor in wildfire, insect and disease severity, climate change takes center stage as the instigator behind all of these threats, according to the EIS. For many old-growth forests in the West, the current climate is not unprecedented, and forests have managed to survive for millennia without the proactive management practices of commercial logging.

Instead of trying to protect and expand old-growth forests by “proactive” logging, scientists like [William Moomaw are calling for increased proforestation](#) – growing existing forests intact to their full ecological potential. Moomaw and his colleagues believe proforestation provides “a more effective, immediate, and



Mature and old-growth redwoods tower above the California landscape, creating a cooler, more hospitable micro-climate than exists outside the redwood grove (photo by George Erwin Turner).

low-cost approach that could be mobilized across suitable forests of all types.” Proforestation maximizes “co-benefits such as nature-based biological carbon sequestration and unparalleled ecosystem services such as biodiversity enhancement, water and air quality, flood and erosion control, public health benefits, low impact recreation, and scenic beauty.”

In announcing the Forest Service’s proposed plan for old-growth forests, Agriculture Department Secretary Tom Vilsack claims, “Recent scientific analysis shows us that many old-growth forests are under significant threat from climate change.” Yet this overriding concern about climate change has produced a plan that will increase carbon emissions while killing trees that are actively sequestering carbon.

Kristina Bartowitz, a researcher with the Department of Forest, Rangeland, and Fire Sciences at the University of Idaho, led a research group that disagrees with Vilsack’s claims. “Harvest of mature trees,” *they write*, releases “a higher density of carbon emissions” than wildfire by as much as 800%. “Our results demonstrate that reducing fossil fuel emissions will do more for climate mitigation potential (and subsequent reduction of fire) than increasing extractive harvest to prevent fire emissions.”

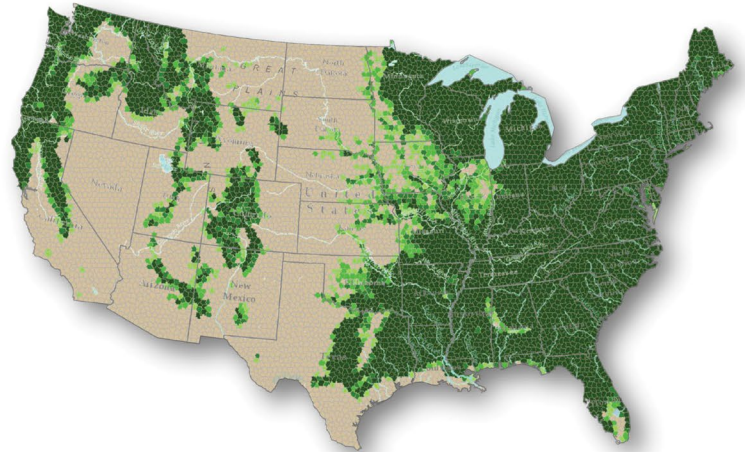
Scientists like Jack Cohen have already debunked the myth that logging our forests can protect homes and communities from wildfire. Now, an increasing body of research demonstrates that logging to improve forest health is also a myth, but “if all you have is a hammer, everything looks like a nail.” If the Forest Service would step away from its chainsaws for a moment, it might see that not every solution to forest management involves cutting down trees.

While the recommendations of the EIS would increase old-growth forest protections, a close reading reveals fundamental flaws, beginning with the omission of mature forests from increased protections. And as multiple scientists have demonstrated, the insistence on

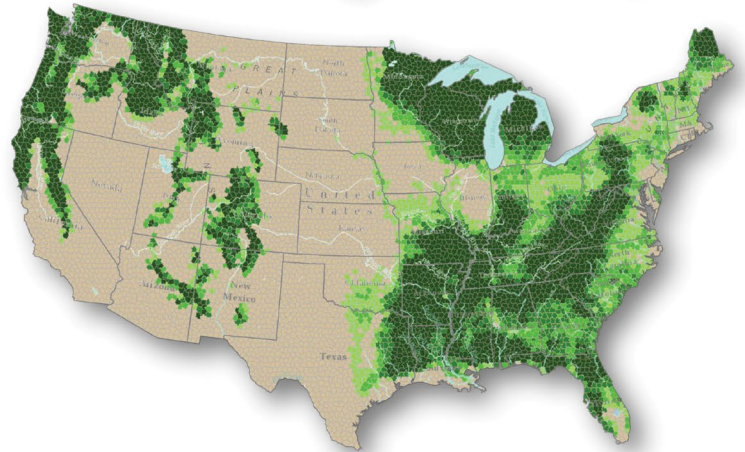
commercial logging as a necessary old-growth management tool is unwarranted.

The 90-day public comment period for the draft EIS will end Sept. 20. Anyone can submit comments through the Forest Service website at tinyurl.com/USFSOG.

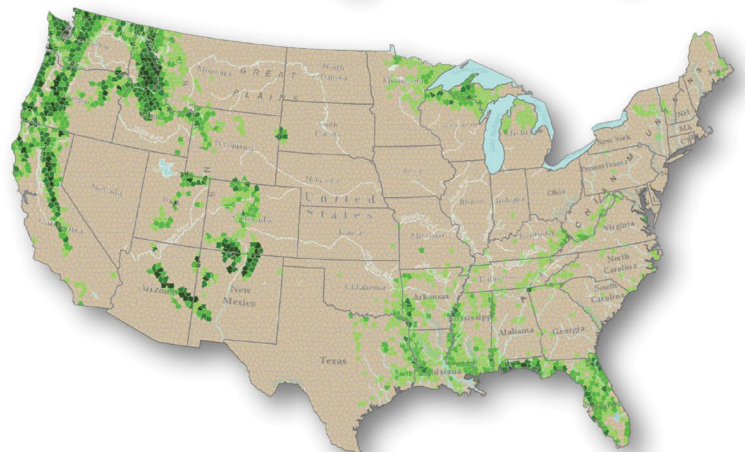
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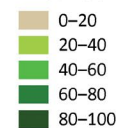
1850



1920



Percentage of
Fireshed (%)



The draft old-growth EIS includes these maps showing dwindling virgin forests up to 1920, prior to the 20th-century decades of intensive clear-cut logging. The maps were “transcribed to firesheds” based on hand-drawn maps created by William Greeley, third chief of the Forest Service.



A unique fen ecosystem borders Tiller Lake in the Caribou-Targhee National Forest (Forest Service photo by Rose Lehman).

Guest Column

Forest Service Fails to Protect Fens

by Ann Vileisis

The U.S. Forest Service recently denied a petition brought by 27 conservation groups from 14 states urging the agency to adopt a rule to better protect the special type of peat-forming wetlands known as fens.

Nourished by the continual flow of groundwater, fens are formed through the gradual accumulation of partially decomposed mosses or other wetland plants over millennia. Studies of high-elevation fens in Colorado have revealed that it can take 2,000 years to accumulate just 8 inches of peat. Most fens in the region have persisted for four thousand to ten thousand years.

These ancient wetlands serve an important role in sequestering carbon. Acting as sponges, fens also filter and hold water, then release it slowly, thus contributing cool, clean, and steady flows to downstream waterways all year. Fens are cherished as hot spots of biodiversity, hosting an array of rare plants from wild orchids to carnivorous sundews and drawing wildlife from butterflies to moose, especially in the West, when the rest of the landscape becomes parched in late summer and fall.

Though most common in the northern boreal climes of Alaska, fens are peppered across our Lower-48 national forest lands. Because they take so long to develop, they cannot easily be restored, which makes protecting existing

fens crucial. But they don't get the protection they need.

That's what motivated the petition. One of the petition authors, Peter Hart of Wilderness Workshop, based in Carbondale, Colorado, encountered proposals that would severely impact fens across a number of national forests in Colorado. Although well-intentioned agency guidance documents identified fens as "irreplaceable resources," that didn't translate into protection in the face of destructive activities on the land.

When Hart queried botanists and conservationists in other states, he found the same challenges. Fens were being overgrazed, ditched, bisected by roads, rutted by off-road vehicles, and flooded by reservoir expansions. These impacts irreversibly disrupt and alter the wetlands' hydrology, but the Forest Service seemed to lack sufficient authority, and in some cases, the will, to safeguard the unique and vulnerable ecosystems. Hart recognized that the agency needed a better tool to protect fens: a national rule that could withstand the pressure of local politics.

To make their case, Hart and other petitioners assembled a formidable body of evidence to demonstrate that fens have not been sufficiently protected on National Forest lands. On Colorado's Grand Mesa-Uncompahgre



Multorpor Fen in Mt. Hood National Forest (photo by Danita Delimont).

and Gunnison National Forest, researchers found 79% of fen acreage in their study area had been impacted by ditching, draining, flooding, or rutting from off-road vehicles. In 2015, the Forest had extended a road drainage ditch right into the Mt. Emmons Iron Fen, a USFS Botanical Special Interest Area. Kennecott Slough, once described as a 70-acre “floating peat mat,” had been flooded by a reservoir, and another fen was being flooded by a reservoir expansion owing to an improper National Environmental Policy Act analysis. Several more reservoir-expansion and water-diversion proposals at the headwaters of Rocky Mountain streams are poised to destroy valuable fens on the White and Pike-San Isabel national forests, including near the iconic Mount of the Holy Cross and the wilderness area bearing its named.

Beyond Colorado, on the Fremont-Winema National Forest in eastern Oregon, cattle grazing had heavily degraded a 500-acre fen complex — the largest on national forest lands in the Pacific Northwest — that provided habitat for imperiled plants, amphibians, and mollusks. Despite the

agency’s own monitoring and experts identifying adverse impacts to a threatened species as well as several lawsuits building the case, local Forest Service officials expanded grazing privileges to affect more fen acreage. On the Santa Fe National Forest in New Mexico, too, heavy cattle grazing had impacted the fragile, 10,100-foot-elevation Anastacio Fen and its rare, mat-forming willows since exclusion fences erected to protect the place had fallen into disrepair. These are just a few examples.

To address the threats across many national forests, petitioners proposed to add language to Forest Service rules to align with established guidance documents: a prohibition on “disturbing, draining, excavating, digging in, removing, discharging a pollutant into, or otherwise damaging any fen resource.”

Despite the many examples of irrevocable fen degradation as a result of agency inaction, the Forest Service denied the petition in May, suggesting that it already has all the tools it needs to protect fens. The National Office pointed to regulations that ostensibly



prohibit damaging natural features or rare plants and that provide special closure authorities to protect rare species and ecosystems. Petitioners were also advised to engage in local forest plan amendments and an upcoming climate adaptation and mitigation policy process. Some national forests in Region 2 and 5 have already adopted fen protection in their updated plans, but in many regions, plan amendments have been long delayed. Moreover, anyone who works with the agency recognizes that capacity for conservation initiatives is often limited at the Forest level, which is why a consistent, nationwide rule change could mean positive conservation outcomes on a landscape scale.

Considering the broader conservation context, the rejection of the petition is an unfortunate lost opportunity. Last year's U.S. Supreme Court decision, *Sackett v. U.S. Environmental Protection Agency*, severely limited federal wetland-protection authorities through the Clean Water Act by excluding wetlands with no direct surface connection to navigable waters. Groundwater-fed fens are now disqualified, though their water tables often affect

the flow, temperature, and clarity of aquatic habitats downstream, making Forest Service protection all the more important.

The most recent U.S. Fish and Wildlife Service National Wetland Status and Trends report documented a 50% increase in the rate of wetland destruction. This is particularly troublesome in the West where wetlands are rarer but serve important roles in holding waters and providing habitat, making fen wetlands on Forest Service lands all the more valuable.

In the face of increasing threats, diminished protection, and Forest Service inaction, fen defenders will need to redouble their efforts — Forest by Forest and fen by fen.

[Ann Vileisis](#) is the award-winning author of three books that explore nature and culture through history, including *Discovering the Unknown Landscape*, *a History of America's Wetlands* (Island Press). She's a conservation activist and public lands enthusiast in southwestern Oregon.

Fire Escapes Containment; Retardant Proves Ineffective

The Darlene 3 Fire started Tuesday, June 25, a mile from the town of La Pine, Oregon, near Bend. [Writing for the Capital Press](#), Morgan Owen and Michael Kohn reported that firefighters responded quickly, establishing “a full perimeter line around the fire Tuesday night.”

According to the news report, “Dozers, hand crews, engines and air resources fought the fire,” but by Wednesday afternoon, the fire escaped containment due to winds gusting up to 33 miles per hour.

Stefan Myers, a spokesperson with the Oregon State Fire Marshal’s Office, said water and fire retardant were deployed from aircraft to help contain the fire; nonetheless, it rapidly grew to 2,600 acres after escaping containment June 26.

In addition to demonstrating the ineffectiveness of aerial fire retardant, the Darlene 3 Fire shows yet again that wind creates catastrophic wildfires, regardless of “fuel loads” used to justify logging for “wildfire resilience.”



Smoke on the right side of the photo reveals that the 2020 Green Ridge Fire burned through forest saturated with red fire retardant (photo by Randal O’Toole).

‘Redefining the Urban Wildfire Problem in the West’

A recent [report published by Headwaters Economics](#) addresses the increasing risks to communities in wildfire-prone areas. The authors characterize current efforts to control wildfire as “ineffective” and “costly.”

Fundamentally, the current paradigm is “inconsistent” with the scientific consensus that fire is “a sustaining ecological factor in fire-adapted ecosystems” – i.e., the American West.

Given the necessity of fire for ecosystem health, the authors call for acknowledgment that wildland fire is “ecologically appropriate and inevitable.” In other words, the solution to the wildfire problem requires “much more fire and increased short-term risk.”

To reduce wildfire risk at the scale needed to protect communities, the authors recommend planning and regulatory actions, including updated building codes that incorporate Firewise design.

Three of the report’s six coauthors are Forest Service scientists. Their conclusions highlight the gap between the expertise of Forest Service researchers and the funding priorities of Agriculture Department bureaucrats.



Redefining the Urban Wildfire Problem in the West

Respected Forest Service scientists have co-authored a report calling for a major paradigm shift in wildfire mitigation policy.

Fire Retardant in Wine Country

The Point Fire burned 1,200 acres in Sonoma County in June. Lago di Merlo Vineyards lost a few vines to the fire, but it faces an uncertain future after an errant fire retardant drop painted a 20-acre swath of grapevines bright red.

[The Press Democrat reports](#) that vineyard owner Harry Merlo Jr. considers his 100-acre crop a total loss for this year and perhaps longer.

“We have grapes with a lot of fire retardant on them,” Merlo said.

Grapes contaminated with retardant are worthless in the wine industry.

“Local American markets and foreign markets do not allow the chemicals that are in fire retardant into their wines,” said Christian Klier, a North Coast grape broker. “Any trace of them is an automatic rejection.”

The big question for Merlo and his vineyard is, “How long will those traces linger?”



Retardant contamination makes Sonoma Valley grapes worthless for wine.



The Horsefly project area lies in the Little Belt Mountains of west-central Montana (Forest Service photo).

Dispatch

Judge Halts Illegal Logging Project in Montana

Federal Judge Dana Christensen halted the Horsefly Vegetation Project in the Little Belt Mountains in Lewis and Clark National Forest. Judge Kathleen DeSoto had ruled that both the Forest Service and the U.S. Fish and Wildlife Service hadn't properly considered a significant decline in northern goshawk populations in the national forest, thereby violating the National Environmental Policy Act and the National Forest Management Act. Christensen was called upon to issue the final order because of an objection to DeSoto's ruling by the American Forest Research Council, a timber industry group that intervened in the case.

The Horsefly project calls for cutting trees on 10,343 acres and excavating more than 40 miles of new logging roads. As has become the norm for Forest Service logging projects, the agency claims the main purpose is "to improve forest health and landscape resiliency" and "reduce wildfire hazards." The environmental assessment also employs various euphemisms. Commercial logging on 3,278 acres is "intermediate treatment," clear-cutting 1,458 acres is "regeneration harvesting," and "meadow restoration."

William Avey, forest supervisor for the Helena-Lewis and Clark National Forest, approved a finding of no significant impact for the project. It states, "The Horsefly project will not affect the viability of any wildlife species." According to Judge DeSoto's ruling, that statement is untrue. She found that Forest

Service officials had documented declining goshawk populations and knew that the project would likely harm the species. A 2018 survey for goshawks documented a 47% decline in active nests in the national forest. The Forest Service failed to include that information in its environmental assessment. As reported by Darrell Ehrlick in the *Daily Montanan*, "Federal law requires the Forest Service to monitor nesting territories for the goshawk on an annual basis because they are a 'management indicator species' for old-growth forests."

Mike Garrity noted, "The agency also ignored its own Forest Plan requirement to issue an evaluation report if active nests decline by 10%." Garrity is the executive director of the Alliance for the Wild Rockies, one of the plaintiffs in the case. His comments in response to the court ruling echo FSEEE's experiences with the Forest Service:

"We follow the law every day, and the Forest Service must also follow the law. When a government agency violates the law, it must be held accountable in court. It's not easy to fight the federal government, which has far more resources than we do, but nonetheless we are committed to making the government follow its own laws to protect our native wildlife and public land ecosystems. Despite attacks by politicians, intimidation tactics, and misinformation campaigns, we won't be stopped."

Project 2025

What is the Plan for Public Lands?

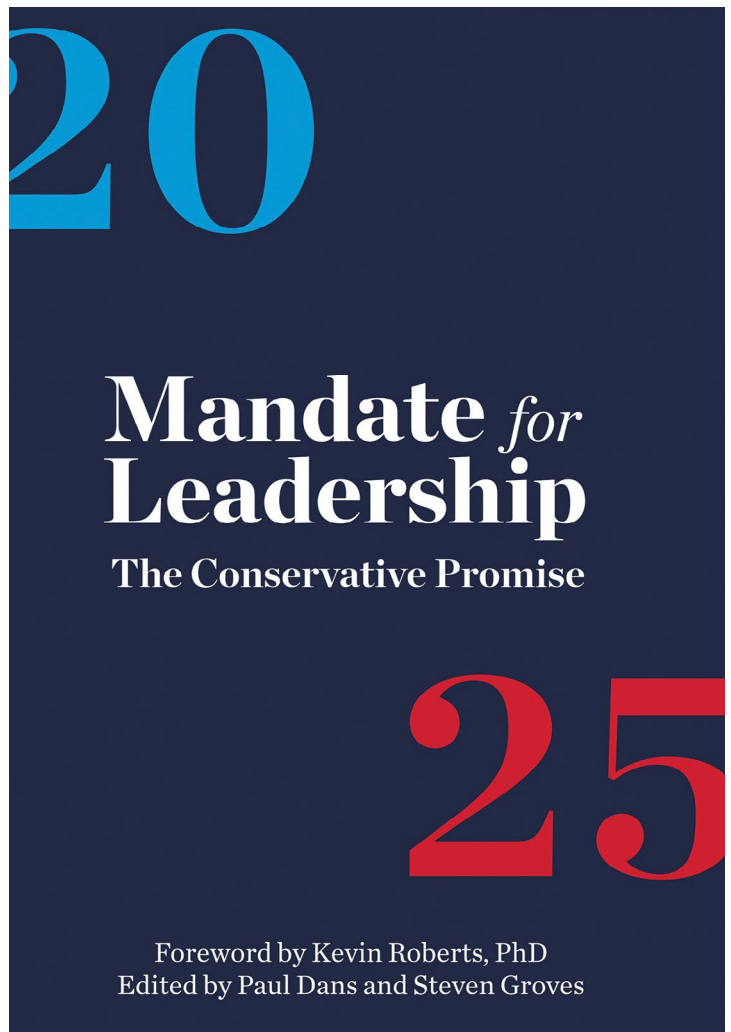
Mandate for Leadership: The Conservative Promise is the pro-Trump playbook produced as the centerpiece of the Heritage Foundation's Project 2025 agenda. The 920-page manifesto **lays out a plan** "to address and reform the failings of big government and an undemocratic administrative state." What does this mean for public lands?

Each Cabinet-level department gets its own chapter. The Forest Service, a lowly agency in the Agriculture Department, gets short shrift — little more than a single page titled "Reform Forest Service Wildfire Management." Driving the need for reform is the complaint that "Wildfires have become a primary vegetation management regime for national forests and grasslands." Wildfires, by definition, are uncontrolled, yet wildfire is somehow being managed by the Forest Service? The solution is for the Forest Service to "focus on proactive management ... that does not depend heavily on burning."

Proactive management means "thinning trees, removing live fuels and deadwood, and taking other preventive steps ... to minimize the consequences of wildfires." Armed with billions of dollars of wildfire funding from the Biden administration, the Forest Service already spends far more on thinning trees than it does on prescribed fire. Another huge chunk of spending goes to fighting wildfire, not using it as a management technique. Mark Finney is a research forester at the Forest Service Missoula Fire Sciences Lab. As **he told us**, "The only way to maintain a forest in a low-hazard condition is through repeated burning." The scale of our forests, hundreds of millions of acres, makes any meaningful level of mechanical thinning impossible.

And those "other preventative steps"? "Increasing timber sales could also play an important role in the effort to change the behavior of wildfire because there would be less biomass." Increasing timber sales requires ramping up logging to unsustainable rates and eradicating the last remnants of U.S. old-growth forests. Even then, what Project 2025 is promoting as good capitalism — timber sales — requires massive government subsidies. Logging on public lands can no longer pay for itself because all of the large, easily accessible trees have already been cut.

William Perry Pendley and his cronies in the extractive industries authored the Interior Department chapter in *Mandate for Leadership*. Pendley has long **advocated for selling off public lands** but is perhaps best-known for **illegally serving as acting director** of the



Bureau of Land Management for more than a year in the Trump administration. In his "Agency Overview," Pendley praises Trump for ordering the Interior Department "to comply with federal law." At last count, **the Trump administration lost 79 of 85 legal challenges** involving federal agency policy issues — by far the worst rate of any administration in U.S. history — and many of those cases involved unlawful actions affecting public lands.

Pendley laments, "the dire adverse national impact of Biden's war on fossil fuels," yet U.S. petroleum production and corporate profits **reached record highs** during Biden's presidency. Under this false pretense that Biden policies have hamstrung fossil fuel and mineral extraction, Pendley calls for eliminating public land protections across the nation — the Arctic National Wildlife Refuge in Alaska; the Chaco Cultural Historic National Park in New Mexico; the White River National Forest in Colorado; the Tongass National Forest in Alaska; the Boundary Waters Canoe Area Wilderness in Minnesota; and BLM lands in Alaska, Oregon and California.

With a plan based on abundant falsehoods and paltry science, what could possibly go wrong?

National Whistleblower Day

by Andy Stahl

That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge.

Our Nation's first whistleblower law, adopted unanimously by the Continental Congress, July 30, 1778.

In 1989, Forest Service timber sale planner Jeff DeBonis took the words of the Continental Congress to heart when he penned and distributed an open letter to Forest Service Chief F. Dale Robertson. Jeff called for an end to over-cutting our national forests. “We have a choice,” he explained. “Either meeting the resource management laws like the National Environmental Policy Act and the National Forest Management Act, or getting the cut out. Well, we’ve been trying to get the cut out for 20 years and doing a miserable job on the other end. Let’s try the other mode, let’s quit meeting the cut and start meeting the laws.”

Jeff’s manifesto hit a chord among many of his Forest Service colleagues. After the timber industry called for his termination (which, to its credit, the Forest Service never entertained seriously), Jeff doubled down and founded the Association of Forest Service Employees for Environmental Ethics (“Association” was jettisoned after a *New York Times*

reporter lamented that his editors would cut our good quotes because the organization’s name was too long).

In 1993, on his first day as Forest Service Chief, Jack Ward Thomas seconded Jeff in an email message to all employees asking them to “tell the truth and obey the law.” Ensuring the Forest Service walked Thomas’s fine talk became FSEEE’s seminal mission.

The disconnect between the law and the Forest Service’s on-the-ground behavior was most extreme in the West Coast’s verdant and valuable old-growth forests, especially Alaska’s Tongass National Forest, as forester Mary Dalton was to learn. Mary was a trailblazer – the first of her family to graduate from college and the first woman to lead a timber field crew in the remote Tongass. Her crew was tasked with inventorying the proposed Northwest Baranoff timber sale’s natural resources to determine what harms the sale might cause.

The crew mapped steep, erosion-prone slopes, bald eagle

nest, and other concerns. But when the office-based planning team, of which she was not a part, published its draft environmental impact statement, Mary couldn’t find any mention of her crew’s assiduous work. Where the crew found steep slopes, the draft said, “flat ground, no worries.” Where the crew found bald eagles, the draft EIS didn’t voice a peep.

Mary wrote a detailed memo pointing out the draft’s oversights, which she expected to be cured in the final EIS. To her surprise, the final document was unchanged from its draft. In boilerplate, the final EIS noted that those who had commented on the draft could file an administrative appeal to a higher Forest Service officer. She did so.

Unknown to Mary, there was an obscure Forest Service regulation that barred Forest Service employees from appealing its logging decisions. Her appeal was dismissed without a decision, she was given a 30-day suspension for disloyalty, her Tongass position was eliminated, and she had the choice of resigning or relocating to the Mexican border’s Coronado National Forest.

At that point, I learned of her plight and offered FSEEE’s assistance. We brought suit on the grounds that the law on which the regulation was based allows any person who comments to file an appeal. At the hearing, the judge asked the government lawyer one question: “Is it your client’s position that its employees are not people?” The Forest Service capitulated that day and rescinded its illegal regulation. Mary’s record was wiped clean, her pay was restored, and she settled her case on favorable terms.

Letter to the Editor

She retired years later after a successful career stewarding national forest land in Alaska, Arizona, and Washington.

Like Mary, Tongass wildlife biologist Glen Ith came face-to-face with the intransigence of his agency's timber-machine politics. In 2005, Glen sent FSEEE aerial photographs taken by an Alaska Department of Fish and Game employee. The photos showed ongoing logging road construction to access a proposed old-growth timber sale in prime Sitka black-tail deer winter range. What caught Glen's eye was that the Forest Service had not yet completed the environmental analysis required for the logging, but the agency had already started building the roads. Senator Ted Stevens (R-Alaska) earmarked several million dollars for Tongass roadwork – money that, if not spent by fiscal year's end, would be lost to the Forest Service, and also incur Stevens' displeasure. The legally required environmental reviews for the logging and its associated roads were behind schedule, but that didn't stop the Forest Service from moving forward with spending the road money.

Glen and FSEEE filed suit, challenging the road construction at this and another site we discovered that was suffering the same cart-before-the-horse fate. Glen's was the first-ever environmental lawsuit brought by a Forest Service employee. We won. The Forest Service retaliated, suspended Glen from work, and eliminated his job. Several days later, Glen passed away from sudden heart failure.

Early on in our roads litigation, Glen told FSEEE that Tongass officials were using irrational numbers in their deer habitat suitability model. He wanted to cure the errors. We agreed the ongoing roads case wasn't the place to do so, primarily because the issue was not ripe since the timber-sale environmental reviews were not complete at that time.

Glen said he would try to work internally to fix the modeling problem, but he wasn't confident he would be successful. He believed the errors were intentionally designed to allow the Forest Service to defend logging high-value old-growth forest habitat. Glen assiduously documented the problems with the deer habitat model – documents that Greenpeace's Larry Edwards later found in the administrative record. In 2011, in a 3-0 opinion, a federal appeals court ruled that the Forest Service's use of its deer habitat model was “arbitrary and capricious” because key numbers in the model were altered without any rational explanation.

DeBonis, Dalton, and Ith exemplify the best our civil service provides to the American public. When forced to choose between loyalty to the Forest Service's mission – telling the truth and obeying the law – versus getting along and going along, they chose allegiance to the mission. They did their jobs.

Dear FSEEE:

I am thrilled that you are Celebrating the Gila. As a recent transplant to New Mexico in 2020, I have fallen in love with the Gila Wilderness. I want to bring to your attention the excellent interview with U.S. Senator Martin Heinrich in the Spring/Summer issue of *New Mexico WILD!*; the April issue of *New Mexico*; and an excellent book, *Fire Season* by Philip Connors. You may already be aware of all of these. If so, I say “Bravo!”

In November of 2023 I attended a showing of the documentary film, *Journey Down the Gila*, which tells the story of three New Mexico teens who died in the service of the Gila Wilderness. The film features the three mothers of the teens as, over a four-year period, they traverse the Gila River's 37 miles. It is a powerful film. After the showing, I met Patrice Mutchnick, the mother of EllaJaz, one of teens who died. Patrice has started a nonprofit organization, The Heart of the Gila. Its mission includes environmental education, advocacy for wilderness, and support for keeping the Gila River wild and free. Activities include the establishment of a children's butterfly garden in Silver City, field trips, course curriculum at Aldo Leopold High School, which the teens attended, and outreach to other local schools..

Another project that I am involved in that promotes good forest practices is a scholarship fund at Feather River College in Quincy, California, named after my father, Herbert C. Sampert. The annual award is aimed at an upper-division student in the Ecosystem Restoration and Applied Fire Program. This fairly new major results in a bachelor's degree. My father was forest manager for UC Berkeley's extensive forest properties, including Blodgett Research/Experimental Forest, Whitaker, and others. He also taught logging engineering, silviculture, and forest management at UC Berkeley from 1961 until his sudden death in 1976.

Finally, I would once again like to encourage *Forest News* to include correspondence from readers like me. I certainly hope that the hiring practices of the Albuquerque Forest Service Center have been ironed out and that clear-cutting is NOT one of the solutions. And that NWTF hiring of “nonunion, low-skilled workers who can be taught how to use a chainsaw ...” will also NOT be part of the solution. Indeed, I hope that your “tongue-in-cheek” publication of NWTF's intent is just that: “tongue in cheek.”

Thank you again for making New Mexico's Gila National Forest the Featured Forest celebrating 100 years of Aldo Leopold's legacy: preserving wilderness.

Sincerely,
Penny Sampert Scribner

In Memoriam

Carroll B. Williams Jr. Forest Service Pioneer

Carroll Burns Williams Jr., who died March 1 at the age of 94, was the first African American scientist hired by the Forest Service. He was also the first African American to earn a doctorate in forestry and entomology and one of the first African American faculty members in the fields of environmental science and forestry at both Yale and the University of California – Berkeley.

Born in St. Louis in 1929, Williams often lived with extended family in Leavenworth, Kansas, during the Great Depression, including uncles who served in the Army’s legendary 10th Cavalry Regiment, commonly known as the “Buffalo Soldiers.” Williams’ family eventually moved to Chicago, where he played high school football, ran track, and graduated in the top 10% of his class.

Following his father’s example, Williams attended the University of Michigan. He was initially denied admission to the School of Natural Resources, supposedly based on low grades. When he discovered that a white student – with lower grades – had been accepted, he raised the issue but made no accusation of racism. He was subsequently admitted “with apologies” and played football his freshman year.

When the Korean War broke out, Williams volunteered for the Marine Corps, where he served in one of the first integrated units. In spite of racial challenges, he persevered and was promoted to the rank of staff sergeant. He also fought in the Battle for Outpost Vegas, where, out of more than 300 U.S. troops, he was one of only 11 soldiers able to walk away when reinforcements arrived.

After the war, Williams took advantage of the G.I. Bill to resume his studies at the University of Michigan, where he was elected to student council and became a member of the Society of Le Voyageurs, “dedicated to the enjoyment of the wonder and mystery of nature.” By the time Williams wrapped up his studies at the University of Michigan, he had earned three degrees – a Bachelor of Science in forestry, a Master of Forestry, and a Ph.D. in forestry and entomology.

Williams went to work for the Forest Service after earning his Ph.D., returning to Corvallis, Oregon, where he had done field work during graduate school. His next assignment relocated the family to Richmond,



California, and in 1968, the Forest Service assigned Williams to New Haven, Connecticut, to study bark beetles. While in Connecticut, he joined the faculty at Yale University. In 1973, the Forest Service offered Williams the option of transferring to Michigan or California for his next assignment. He chose California, drawn by his love for redwoods, and California became his permanent home. In 1977, he was elected to the School Board of the Berkeley Unified School District, running on a platform of leadership, cooperation, and “back to basics.” In 1979, he was overwhelmingly elected as the board’s president.

After retiring from the Forest Service, Williams joined the faculty of the University of California at Berkeley. He was a senior lecturer in the Department of Environmental Science, Policy, and Management, where he taught courses in forestry and entomology. He was also a member of the National Science Foundation and a youth counselor for the NAACP.

His early interest in family ancestry led him to discover a cousin who played basketball for the Harlem Globetrotters, an aunt who danced with Josephine Baker, and relatives from the Osage tribe. The tribal connection sparked a passion for studying the connections between Native American and African American history. He also visited and reconnected with a side of the family that lived in Nicodemus, Kansas, established by freed slaves.

Williams’ pioneering work in environmental science helped to dispel the false narrative that African Americans were not interested in the environment. In 2021, the University of Michigan honored his legacy by establishing the [Dr. Carroll B. Williams Jr. Fund for Black Excellence](#).

To help memorialize Williams’ memory and achievements, his family encourages [donations to a recently established endowment](#) connected to the Dr. Carroll B. Williams Jr. Fund for Black Excellence.



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P.O. Box 11615
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541-484-2692
fsee.org

Forest News is a publication of Forest Service Employees for Environmental Ethics. Our mission is to protect National Forests and to reform the U.S. Forest Service by advocating for environmental ethics, educating citizens, and defending whistleblowers. FSEEE is a 501(c)(3) nonprofit organization.

Forest News is printed on post-consumer, recycled paper with vegetable-based ink.

Save the Jellico Old-Growth Forest

Using an outdated management plan, the Forest Service is set to approve a timber grab on the Daniel Boone National Forest.

Please call USDA Deputy Undersecretary of Agriculture Meryl Harrell and urge her to protect Kentucky's Jellico Old-Growth Forest.

Call 202-720-7173 to save the Jellico!

Photo by Jim Scheff