

Appendix H

Initial Public Comments & Responses



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Public Comments

As a result of direct mailings and newspaper legal notice in the Clarion Ledger, the district received a total of one comment. The respondent was Ray Vaughn from Wildlaw Inc.

To address issues in the Environmental Analysis, the Interdisciplinary Team apportioned internal and public input according to the following list of resource areas.

- Issue 1. Soil Productivity
- Issue 2. Water Quality
- Issue 3. Air Quality
- Issue 4. Vegetation
- Issue 5. Forest Health
- Issue 6. Threatened, Endangered, and Sensitive Species
- Issue 7. Management Indicator Species
- Issue 8. Economics
- Issue 9. Recreation
- Issue 10. Heritage Resources
- Issue 11. Public health and Safety
- Issue 12. Civil Rights and Environmental Justice

Some comments may not fall within these categories and are classified as “other” or “out of the scope of the project.” Generally “other” issues are those that may have some relation to the project but are administrative, financial, or process related and, consequently, do not have a cause-and-effect relationship to the project’s environmental impacts. Issues “out of the scope” may or may not have a cause-and-effect relationship, but decisions related to them are: 1) Outside the agency’s authority; 2) Addressed at the national or Forest Planning levels and, therefore, not appropriate for examination in a project-level analysis; or 3) Below the measurement threshold when compared to larger-scale relationships. Issues are listed in the “out of the scope” category only if they do not relate to the 12 basic issue categories. Otherwise, they are listed in the related-issue category and described as “out of the scope” in the narrative.

The environmental assessment is written to address issues. External issues developed through public involvement, along with internal issues identified by the interdisciplinary team, are consolidated in Chapter 1 and provide the basis for alternatives formulated in Chapter 2 and the analysis of effects in Chapter 3. The rationale for addressing external

comments is provided in a narrative that follows the table appearing later in this appendix.

The Interdisciplinary Team evaluated external comments and concerns carefully and assigned them to a “resource area” as indicated in the following table. In many instances, the comments stated individual or organization natural resource agenda objectives as opposed to a statement of a project specific environmental cause-and-effect issue or concern. Other comments were recommendations or opinions associated with documentation needs and adequacy, which are process-requirements and not environmental impact issues.

While the National Environmental Policy Act and other related laws, regulations, and guidelines provide direction on content and adequacy of environmental documents, the documents are issue-based. Issues with a cause-and-effect relationship to the human environment drive both the analysis and the formulation of alternatives. The Interdisciplinary Team believed that the respondent raised these points because of concerns that the project might produce specific environmental impacts. To the extent reasonable, such statements were rephrased to define an environmental concern that could be appropriately analyzed. Information related to the basis and rationale for conclusions is incorporated into the analysis.

These issues and concerns were identified and used to assist in the development of alternatives, mitigations, analysis, and other considerations within the scope of the project. Comments that were identified are given below. The issue assigned to those comments, if any, is named in the second column.

Subject	Issue #	Comment
Revise Forest Plan/	Other	Concern that the project be suspended until the National Forests in Mississippi revises the Land and Resource Management Plan (LMRP) and publishes a new Environmental Impact Statement supporting a revised LMRP
Renewable Resources Program	Other	Concern that the project be suspended until the Forest Service develops a Renewable Resources Program
Resource Sustainability	All	Concern was expressed that resources might be present that may not be sustained under the project
Alternatives	Other	Concern that the Forest Service fully examines a reasonable range of alternatives
MIS Information	7	Concern that the Forest Service may not have adequate information about all MIS species to make an informed decision
PETS Information	6	Concern that the Forest Service may not have adequate information about all TES species to make an informed decision
Cumulative Impacts	Other	Concern that cumulative impacts be analyzed including other activities both on and off the Forest
Need For EIS	Other	Concern the length of past project documents necessitates

Subject	Issue #	Comment
Document Length		analysis with an Environmental Impact Statement
Need For EIS Longleaf Restoration	Other	Concern that restoration of longleaf pine habitats will cause impacts to such an extent that an Environmental Impact Statement will be required

Explanation of the Issues and How They Are Addressed in this Project

Each identified issue is addressed in accordance with the basic issue categories as shown above. These issues are stated below followed by an explanation of how the issues raised by the public were evaluated and responded to for Analysis unit 24.

Revise Forest Plan/EIS

Concern that the project be suspended until the National Forests in Mississippi revises the Land and Resource Management Plan (LMRP) and publishes a new Environmental Impact Statement supporting a revised LMRP.

Current Condition: Although the Forest Plan states that “[it] will be reviewed and updated as necessary...at least every 15 years” (Forest Plan 1-1), it also “establishes management direction and associated long-range goals and objectives for the Forest for the next 45 years (through the year 2030) (Forest Plan 1-1).” National Forest planning takes place at several levels: national, regional, forest, and project levels. Forest Plan revision was specifically delayed by Congress in order to evaluate and revise planning regulations.

Response: Analysis Unit 24 is a project-level analysis; therefore, its scope is confined to issues about the effects of the project. The analysis does not attempt to address decisions made at higher levels. Forest Plan revision is beyond the scope of project level decisions. This issue is, therefore, out of the scope of this project as the Forest Plan is still able to guide management decisions on the Homochitto National Forest.

Renewable Resources Program

Concern that the project be suspended until the Forest Service develops a Renewable Resources Program.

Current Condition National Forest planning takes place at several levels: national, regional, forest, and project levels.

Response: Analysis Unit 24 is a project-level analysis; therefore, its scope is confined to issues about the effects of the project. The analysis does not attempt to address decisions made at higher levels. This issue is beyond the scope of project level decisions.

Resource Sustainability

Concern was expressed that resources might be present that may not be sustained under the project.

Current Condition: Analysis Unit 24 has been fully inventoried for biological, archaeological, social, and economic values. There is also a continuous inventory of threatened, endangered, and sensitive species, as well as continuous monitoring of management indicator species. There are currently several Threatened, Endangered, and Sensitive species of plants residing in the National Forests of Mississippi. These include fetid trillium and a moss (*hookeriopsis heteroica*) on the Homochitto National Forest. There are also some species of local concern, such as silky camellia, single-headed pussytoes, and southern wood-fern. Several of these rare plants are confirmed to have habitat within this analysis area, but many have not been physically identified. Proper management within the streamside zones and reserve areas within the stands, along with other standard mitigation, should allow individuals of these species, if present, to continue to survive and fulfill their ecological role, despite timber harvest activities in the area.

Response: The inherent design of the project is to sustain the vegetative character of the area. The Biological Evaluation indicated that the project will not lead to listing, extirpation, or extinction of any endangered, threatened, or sensitive species. A cultural resource survey has been completed for all areas proposed for action in any of the alternatives considered in detail. Recommendations for protection of cultural resources were made by a Forest Service Archeologist and approved by the State Historic Preservation Officer. Cultural sites will be protected from damage during implementation of any project in Analysis Unit 24. More than 60% of this analysis unit is economically mature and appropriate for harvest if “supply side” economics was applied as the primary decision factor. The purpose of this project, however, is to meet desired future conditions for forest health, ecosystem restoration, wildlife, and recreation. The economics of timber production would become a deciding factor only if the project were expected to result in deficit costs. At that point, under current guidelines, it would likely result in a “No Action” decision rather than harvest. The economics of recreation is fully considered. The primary recreation activity in this project area is hunting. Chapter 3 indicates that populations of game species are likely to be maintained based on available habitat units. The discussion related to economics identifies returns to local governments and the potential for jobs associated with the project. Values associated with un-quantified benefits are discussed on an equal basis. This project does not emphasize “supply side” economics, but simply describes the economic benefits that result from maintaining healthy forests and diverse wildlife habitats. Recreation and other resource values are maintained at appropriate levels. The study of supply economics of the various multiple uses, to include water, wildlife and recreation lies at the Forest Planning level, rather than with the individual project. This has been done and this project tiers to and complies with the Forest Plan. Further information can be found in Chapter 3 of this Environmental Assessment. The respondent failed to identify any single specific resource component, but only said that there may be components for

which sustainability would not be considered. Without specific concern, we could not address this issue further.

Alternatives

Concern that the Forest Service fully examines a reasonable range of alternatives.

Current Condition: Current National Environmental Policy Act guidance is for the Forest Service to rigorously explore and objectively evaluate all reasonable alternatives to the proposed action, based on the results of scoping and the determination of issues to be analyzed in detail, and to briefly discuss the reasons for elimination of alternatives which were eliminated from detailed study. Alternatives for this project are discussed in Chapter 2 of this environmental assessment. Please see below for discussion of the alternatives, which include prescribed burning only, no commercial timber sale, harvesting equipment restrictions, and harvesting fewer acres. Reasonable alternatives, such as thinning only, received detailed analysis in Chapter 3. This issue was classified under “other” because the respondent did not identify a resource area or impact to analyze. Failing to identify specific impacts that appear to have importance does not provide for issue-specific response.

Response: An alternative was considered which would allow for the restoration of the native diversity and species and improve forest health without conducting a timber sale. Restoring the native longleaf pine on sites now occupied by loblolly pine requires that the overstory trees be felled to reduce loblolly seeding and provide the sunlight necessary for longleaf seedling development. Reduction of southern pine beetle risk also involves the felling of trees. To evaluate this option we assumed a cost of \$150 per MBF to fell the trees, dispose of them with a whole-tree chipper, and spread the chips evenly through the stands. Multiplying this by the approximate 8,531 MBF in the Proposed Actions produces a cost of \$1,279,650. This cost would fall entirely upon the tax payers of the United States, as would the cost of cultural treatments needed to meet the propose of the project. These cultural treatments, such as site preparation and planting, are generally funded by the Knutson-Vandenburg Fund, which uses moneys from a timber sale to reforest the sale area. It was the intent of Congress that funds generated through the sale of timber is used for the purpose of these types of projects. Such an alternative may also be outside the intent of the law, since both the National Forest Management Act (NFMA) and the Resource Planning Act (RPA) provide utilization language for timber harvested on the National Forests. For these reasons, this alternative was considered unreasonable and was eliminated from further analysis.

An alternative was considered in which the only management action would be prescribed burning. The district fuel reduction prescribed burning program is analyzed separately, and is mentioned in this project only to disclose the total management process proposed for this Analysis Unit. Timber sale funds are used to prescribe burn only when the fire is directly associated with the sale area, such as burning to remove slash or improve wildlife habitat, or when fire is used for site preparation of a harvested area before regeneration or brown-spot control in young longleaf pine plantations. The Prescribed Burning program

on the Homochitto National Forest is not dependant on timber harvests, and is expected to take place where needed (such as longleaf pine stands) whether or not timber harvests have occurred in the area or on the forest as a whole. In the absence of a timber sale, such as the selection of Alternative 1, prescribed fire in the burning block in Analysis Unit 24 would be paid for through appropriated funds. While prescribed burning is an integral part of forest management in the Homochitto ecosystem and burning is used as a tool to help mimic historic forest structure, fire alone would not provide sustainability of forest resources or reduce the risk from insects and disease. Therefore, this alternative was eliminated from further analysis because it would not support the purpose and need of promoting forest health, restoring longleaf pine, and establishing pine/hardwood conditions outside of the established prescribe burning areas. (see Chapter 1, Purpose and Need).

An alternative that required cut-to-length logging equipment to be used in timber harvesting activities was considered. The most common types of equipment used in logging operations of the Homochitto National Forest are rubber-tired feller-bunchers, rubber-tired grapple or cable skidders, and loaders. Trees are generally felled by machine or by chainsaw, then skidded as whole trees to a log landing, where the logs are de-limbed and loaded onto trucks. The Forest Service imposes a limit to the amount of damage caused to the residual stand during a logging operation. It is the responsibility of the contracted logger to provide and use whatever equipment is necessary to ensure residual stand protection. A Forest Service Representative examines Sale areas frequently during all harvest operations to insure that contract provisions are being met. If unacceptable damage is occurring, the FSR has the right and responsibility to take whatever measures are necessary to prevent further damage, including halting logging operations or levying fines for damage to residual trees. In extreme cases such damage could result in a breach of contract by the harvesting company. Cut-to-length equipment can be inefficient and damaging while handling the larger logs on the Homochitto; therefore, requiring harvesters of this variety may be more potentially damaging to forest resources than current methods. Mitigations limiting log length to 40 feet in thinnings are currently in effect, and should alleviate damage to residual stems while also further decreasing potential negative soil and watershed effects. The contract provisions and oversight of harvest operations by Forest Service timber sale administrators have been effective in the past in minimizing residual stand damage on the Homochitto National Forest. There is therefore no indication that limitations on logging methods or types of equipment are necessary for protection of the residual stand. No cause/effect relationship was identified for this project by the Interdisciplinary Team. Therefore, this issue was considered to be beyond the scope of this environmental assessment.

Through the Interdisciplinary Team process, alternatives were considered which included harvest at levels lower than those of the “Proposed Action”. The Interdisciplinary Team considered all stands within the analysis unit with respect to forest health and other management needs. Determination of the “Proposed Action” was by Interdisciplinary Team concurrence of the optimum combination of treatment actions to meet the purpose and need. Other stands (potential harvest opportunities) were excluded from the

“Proposed Action” because the density and separation of pine within the stands offset potential negative forest health impacts. Acres within the “Proposed Action” were determined to have clear, direct, and easily supportable forest health needs, as addressed in the Forest Plan and other pertinent direction. Table 1.5: *Relationship of Proposed Actions to Purpose and Need* provides clarification of the need for the proposed actions. Through the Interdisciplinary process, the “Proposed Action” and “Thinning Only” alternatives inherently represent reduced harvest. Reduced harvest was also considered in the *Ecosystem Restoration Without Sale Of Timber* alternative. To manufacture an alternative that does not meet basic forest health needs, for the sole purpose of providing another alternative, is not appropriate, because such alternatives do not meet the standards for reasonableness under NEPA. In asking for such an alternative, the respondent is requesting the Forest Service to either not meet forest health needs or to develop unreasonable alternatives.

MIS Information

Concern that the Forest Service may not have adequate information about all MIS species to make an informed decision.

Current Condition: National Forests are managed for a full range of forest resources historically defined within the five major categories of Wildlife, Recreation, Soil Water, and Timber under the Multiple Use and Sustained Yield Act of 1960. Sustaining the natural diversity of plants and animals found in our nations forests falls within that mandate. The National Forest Management act further defined this requirement and defined a process, using Management Indicator Species, to insure that this multiple use objective was met.

Wildlife and fish on the National Forests in Mississippi are managed in cooperation with the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP). The State sets hunting and fishing regulations and law enforcement programs. The Forest Service and State manage wildlife and fish habitat conditions.

Under the National Forest Management Act (NFMA), the Forest is charged with preserving and enhancing the diversity of plants and animals consistent with overall multiple-use objectives stated in the Forest Plan (36 CFR 219.27- Planning, Management Requirements). The objective, set forth in 36 CFR 219.19 is to manage fish and wildlife habitat to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. This section further states: “For planning purposes, a viable population shall be regarded as one which has the established numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support at least a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.” (36 CFR 219.19)

By this direction, National Forest Management Act regulations link the obligation to manage for viability directly to planned actions within the range and habitat of existing native and desired non-native vertebrate species. Verification of presence and sustainability of species may be needed but methodology for insuring viability is through the allocation and management of habitat within the framework of multiple use objectives. The requirements of this act are not relevant to activities that do not alter or manage habitat. For site-specific projects, analysis is required only for species associated with affected habitats. With the exception of threatened and endangered species for which recovery activities may be required, there is no mandate to introduce species not present.

National Forest Management Act implementation regulations, 36 CFR 219, specify that management for viability will be conducted within the "Planning Area". The Land and Resource Management Plan for the National Forests in Mississippi developed specific management plans and prescriptions by "Management Units" corresponding to the National Forest Ranger Districts within Mississippi. Initially, 11 management units were evaluated. Management prescriptions for Units falling within the same geographic province or sub-region were the same. Since the Forest Plan was written, National Forests in Mississippi consolidated districts within the same geographic sub-regions and currently manages seven unique management areas. These represent the basic "Planning Areas" for Management Indicator Species analysis. Viability analysis is conducted by species for each individual Ranger District (Management Area). The results of this analysis are available to decision makers and are discussed in the EA.

Response: The National Forests in Mississippi has upgraded its MIS presentation in order to respond to this recurring issue. This information has been consolidated across the National Forests in Mississippi and published in the report Management Indicator Species Population and Habitat Trends (National Forests in Mississippi, March, 2002). The MIS discussion in Chapter 3 of this EA provides disclosure of the information available to the Deciding Officer, including current species, trends, and conclusions drawn from this analysis

PETS Information

Concern that the Forest Service may not have adequate information about all TES species to make an informed decision.

Current Condition: Every project on the Homochitto National Forest undergoes a biological review (which is published as a Biological Evaluation) as part of the planning record. Before a Biological Evaluation is undertaken, the analysis unit is examined to determine actual and potential habitat for not only Proposed, Endangered, Threatened, or Sensitive (PETS) species (which we are legally mandated to consider), but also those species of local concern, which were nominated by the Mississippi Natural Heritage Program as having a State Rank (SRANK) of at least S3. These species are considered because of our wish to head off future listing of species as endangered or threatened by insuring that viable populations continue to exist on the National Forest.

Many of these species of local concern, as well as many of the Proposed, Endangered, Threatened, or Sensitive (PETS) species, occur in specific habitats, which are not areas in which vegetation manipulation is occurring. For instance, *Stewartia malacodendron* and *Schisandra glabra* are two plant species of special concern that occur on mesic, north-facing slopes and moist streamside areas. These species can have their continued viability assured by utilizing expanded Streamside Management Zones (beyond that called for in the Forest Plan). Neither species is of Regional or National conservation concern, but they are indicators of sensitive habitats on the Homochitto National Forest, so we take every effort to insure their continued viability here.

Not every acre of the Forest is habitat for sensitive species. Most have such specific habitat requirements that their occurrence can be predicted based on habitat characteristics. For the red-cockaded woodpecker, a 100% survey of suitable habitat is conducted prior to planning so this species is ruled out or protection measures implemented before the project begins. Bachman's sparrow can utilize these upland pine forests only if the hardwood midstory has been controlled and frequent prescribed burning has taken place. Again, habitat determines the presence of the species.

It is not in the best interest of the USDA Forest Service to ignore sensitive species, and we do not do so. Sensitive species, when ignored, go on to become listed species, which cost the taxpayer much more to manage than does a sensitive species. Each sensitive species, whether plant or animal, is fully evaluated during the planning process to insure the continued survival of the species. Most times, simply restricting management activity in sensitive habitats can do this. Not all species occur on every acre of the forest, so we must use predictive analysis to determine what may be present. If we cannot confirm the presence of a species due to conditions such as time of year, drought, or other issues, we assume that the species is present, and plan for it as though it were.

Response: A Biological Evaluation is always completed before publication of the Environmental Assessment. In addition, if any new data comes to light (i.e. Threatened, Endangered, and Sensitive species lists are reviewed and revised each year by the US Fish and Wildlife Service as well as by the Regional Forester) the Biological Evaluation may be amended or revised even after publication of the Environmental Assessment in order to protect the species and habitats of concern. Further discussion can be found in the Chapters 1 and 3 of the Environmental Assessment; the Biological Evaluation; and Appendix C, Mitigation Measures.

Cumulative Impacts

Concern that cumulative impacts be analyzed including other activities both on and off the Forest.

Current Condition: The standards for analysis of cumulative impacts are outlined in the Council on Environmental Quality's publication, *Considering Cumulative Effects Under the National Environmental Policy Act*. This publication identifies the need to analyze

cumulative effects on both a temporal and geographic basis. However, it sets standards for the extent of the analysis over both time and area. The publication states: “Not all potential cumulative effects issues identified during scoping need to be included in an [environmental assessment] or [environmental impact statement]. Some may be irrelevant or inconsequential to discussions about the proposed action and alternatives. Cumulative effects analysis should ‘count what counts,’ not produce superficial analysis of a long laundry list of issues that have little relevance the effects of the proposed action or the eventual decisions.” (Council on Environmental Quality page 12)

To clarify limits on the required extent of the analysis, the Council on Environmental Quality identifies the concept of “project impact zone,” which is generally an area for which the effects can be identified as associated with a project and is meaningful. Table 1-2 sets down the principles of cumulative effects analysis. Conceptually, this would apply to temporal relationships, also. The narrative for Cumulative Effects Analysis, Principal 4, states that cumulative effects should be expanded to the point at which the resource is no longer affected significantly....

Within the context of *Considering Cumulative Effects Under the National Environmental Policy Act*, significance is better described as an intensity that can be measured or is of interest to the affected parties. The Council on Environmental Quality clearly indicates that environmental assessments should include an analysis of significant cumulative effects or, essentially, effects that are not irrelevant or inconsequential. This is substantially different in context from the National Environmental Policy Act where the term “significant impact” is more closely associated with an effect, which elevates a project to the level of major federal action that must be analyzed in an environmental impact statement rather than an environmental assessment.

The Council on Environmental Quality recognizes that through this and direction related to determining the magnitude and significance of cumulative effects in Chapter 4, all activities on the earth have some interrelationship, but analysis becomes irrelevant when impacts are so small that their effects cannot be measured or are masked by the total universe of similar impacts. An example would be trying to measure the impacts of a single project on the Homochitto once waters mix into the Mississippi River, which may carry millions of tons of silt per day.

This issue was classified under “other” because the respondent did not identify a specific resource area or cumulative impact to analyze. Failing to identify specific impacts that appear to have importance leads to the superficial analysis of issues that have little bearing upon the decision. This was not the intent of the Council on Environmental Quality or the National Environmental Policy Act.

Response: Cumulative impacts over time and area are analyzed in Chapter 3 of this environmental assessment to the extent that they can be measured. The most meaningful potential impacts of this project relate to soil productivity and water quality. Therefore, these issues are also discussed below. Additional discussion of harvest activities on the

Homochitto National Forest (area) for three years prior to and following the proposed AU-24 activities (time) is included under the Vegetation issue (Issue 4) in Chapter 3. Issue 6 (Threatened, Endangered, and Sensitive species) and Issue 7 (Management Indicator Species) also respond to this concern.

Soil productivity is specific to individual sites. Activities in adjacent areas and surrounding private land would not affect the areas to be treated in this project. Only past and future activities on these sites can be considered. Nearly the entire Homochitto National Forest was clearcut prior to public acquisition. Since that time, the second-growth forest has developed and received infrequent thinnings as needed to maintain forest health. Approximately 41% of the Forest has been regenerated as a result of planned activities and natural events.

The dispersed disturbance associated with thinning has been measured at less than 1% and the dispersed disturbance associated with regeneration has been measured at less than 5%. An ongoing monitoring program, which identified a dozen small watersheds in thinning and regeneration units and constructed silt fences across the outlets, has had difficulty capturing sufficient silt to measure. That same study measured compaction and found no sites other than established roads and decks with sufficient compaction to inhibit root development. Un-compacted soils, by definition, were not compacted by prior activities and cannot add to future compaction from projects in the same areas. There is no potential for cumulative compaction to affect soil productivity. This study also confirms earlier monitoring observations that disturbed soils were typically captured within 15 feet of the disturbed site (See Chapter 3 of this environmental assessment).

Tolerable soil losses established in Appendix L of the Forest Plan to insure no cumulative reduction in site productivity provide standards for periodic entry. In all monitored cases, losses are below the periodic levels allowed. As a result, the additive effect would be below the threshold for productivity loss.

There is no reasonable potential for the Analysis Unit 24 Project to add to cumulative effects such that long-term soil productivity would be lost. This relationship is addressed in the "Soil Productivity" section located in Chapter 3 of this environmental assessment.

The water quality for the Forest is generally good as evidenced by the cumulative effects analyses for water quality currently being conducted for analysis units. Analysis units are analyzed using a computer model developed specifically for Mississippi (Appendix I). The model analyzes the direct and cumulative effects of each project, integrating past, current, and expected future uses of both Forest Service and private land within the watershed. The model has indicated that outputs were below the threshold where adverse direct or cumulative effects would be expected to occur.

Most of the drainages on the Forest were completely cutover in the 1920's. Much of the private forestland has been cutover during the past 25 years. When viewed within the

combined perspective of past harvest activities and positive results from base-line aquatic habitat studies, the validity of the model appears to be strongly confirmed.

Analysis Unit 24 is proposed during a period when forestry activities within the watershed appear to be declining. In order to have an adverse or cumulatively adverse impact, proposed and projected activities would have to result in an effect on habitat that would reduce populations or diversity of species. This has not occurred as a result of past, more intensive activities. The water quality models indicate that this project, along with other anticipated activities in the Analysis Unit 24 Project area, will not have an adverse effect.

The benchmark for determining whether cumulative effects are occurring on streams as a result of direct or cumulative effects associated with vegetation management on National Forest lands, along with other activities both on and off the Forest, is the presence or absence of aquatic management indicator species. The baseline aquatic habitat studies confirm that management indicator species are being maintained.

The water quality model computed for this project also indicated that potential impacts from this project and surrounding land uses would not have an adverse or cumulative effect. Based upon this model and verification of the model as noted above, it is reasonable to expect that the potential for direct and cumulative effects are accurately predicted and would not occur.

The cumulative effects models applied to past, present, and anticipated future activities indicate buffers between projected effects and the threshold at which adverse impacts would occur. If siltation and water quality were the only considerations, additional alternatives with higher levels of disturbance could be considered, while still maintaining the standard. There appears to be little potential that water quality will degrade to the extent that species richness or diversity would be affected.

The base-line aquatic habitat studies also tend to confirm the effectiveness of the water quality mitigations currently being applied. By combining “Best Management Practices” with filter strips, effective unit layout and harvest administration, and revegetation of disturbed areas, water quality is protected. The Forest Service closely monitors the quality of the activities done on the land. While maintaining base-line measurements of water quality does provide the decision maker with additional information, it represents only a measure of the effectiveness of mitigation applied on the ground.

This mitigation represents pro-active prevention rather than effects monitoring. Mitigation such as this is discussed throughout Chapter 3 of this Environmental Assessment. A general listing of standard mitigations and monitoring appropriate to the Analysis Unit 24 Project are also listed in Appendix C. Soil protection and water quality are discussed at several appropriated locations in Chapter 3. This information is incorporated into that discussion.

Need For EIS

Two concerns were identified for the project that specified the need for an Environmental Impact Statement. These concerns are discussed below. The following information relates to both of these concerns.

The definition of an environmental assessment, according to 40 CFR 1508.9, is (a) a concise public document that serves to: “(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. (2) Aid an agency’s compliance with the [NEPA] Act when no environmental impact statement is necessary.”

The test for significance is very specific in 40 CFR 1508.27 in terms of:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. There are a series of ten criteria that the decision maker must answer, and these answers will then lead the deciding officer to the conclusion as to whether or not an EIS is required. These ten criteria listed in 40 CFR 1508.27 and the classes of action listed in FSH 1909.15, 20.6 are what determine whether or not an EIS is required. A decision maker does not arbitrarily make the decision. This project has no impacts that significantly affect the quality of the human environment. The number of regeneration acres in a project or the length of environmental analysis document alone does not require an EIS document to be developed.

Document Length

Concern the length of past project documents necessitates analysis with an Environmental Impact Statement.

Current Condition: The District shares the concern that the length of past documents was too great. However, an Environmental Assessment is an issue-driven document where both the number of alternatives considered and the depth of analysis are based on the internal and external issues identified. In recent documents it has not been uncommon to receive 60 to 70 pages of comments from 3 to 4 individuals or interest groups when scoping and final comments are combined. The length of the responses is not necessarily related to the complexity or controversial nature of the project. For instance, comments may represent a laundry list of all possible issues that might occur. Many expressed concerns are considered non-relevant or out of the scope of the analysis.

One of the goals of the National Environmental Policy Act is to inform and share information with the public. Un-addressed issues potentially represent fatal process errors whether they have a cause-and-effect relationship to the project or not. For this reason, the District carefully discusses and provides detailed rationale for how each comment is handled in the analysis or eliminated from further discussion. When additional information is requested, data tables may be included and additional discussion provided in an attempt to share available information. Since comments seem to be similar for most projects, the District has also tried to incorporate analysis/responses to past comments into new documents in order to alleviate the burden of repeating analysis/responses and to enhance public understanding of the project. This level of response does lengthen the analysis, but the District encourages involvement and actively responds in detail to assist interested publics in their evaluation of our projects.

The District believes that the length of individual documents is appropriate to our commitment to respond to relevant, non-relevant, and out-of-the-scope comments in an effort to assist the public in evaluating our projects. In that respect, the length of the documents is driven by external factors and not the complexity of the project or by Interdisciplinary Team design. The Interdisciplinary Team would welcome specific recommendations following review of the pre-decisional environmental assessment if a respondent identifies sections, tables, and discussions that they feel are unnecessary.

Response: There is no environmental relationship associated with this concern, where a cause and effect discussion of impacts is appropriate. The function of an environmental assessment is to determine whether or not an EIS is needed. The responsible official (District Ranger for this project) makes this determination based upon the analysis conducted in the environmental assessment and the criteria stated above. Unless the analysis identifies impacts that meet the above criteria, there would be no basis for an EIS. The responsible official provides a rationale in his decision, related to whether or not an EIS is needed.

Longleaf Restoration

Concern that restoration of longleaf pine habitats will cause impacts to such an extent that an Environmental Impact Statement will be required.

Current Condition: Current forested areas within the Homochitto National Forest have changed since a survey conducted in 1909; a survey, which identified primarily longleaf pine in a fire, maintained southern pine forest. After logging operations of these historical longleaf pine forests were completed early in this century, species such as loblolly and shortleaf pine easily encroached on longleaf areas due to open seedbeds and fire suppression. These conditions allowed loblolly pine to regenerate extensively due to its large production of seed and its rapid height growth within the first 10 years, which enables the terminal bud to get beyond the reach of most fires. Many species of plants and animals, which depended on the longleaf pine forests and fire to maintain stable populations, are today reduced to vestiges of their original populations.

Approximately 199 acres of Analysis Unit 24 are proposed for restoration to a “mixed-pine with longleaf” ecosystem. Discussion of the suitability of this treatment can be found in Chapter 1, and an analysis of effects is found in Chapter 3.

A substantial benefit of longleaf is its 200-year plus longevity, which supports long-term, stable late seral communities. Numerous species of the Homochitto River Basin are dependent on, or benefit from, this community type, including the endangered red-cockaded woodpecker, many of the declining neotropical migrant birds, quail, turkey, and deer. The Southern Forest Resource Assessment (<http://www.srs.fs.fed.us/sustain/>) identifies the longleaf interior pine forest ecosystem as one of the 14 critically endangered communities. The loss of interior pine forest would be considered additive to an already adverse cumulative condition. An alternative that did not restore this community on appropriate sites would not address this concern. Restoration of longleaf is a stated purpose and need of this project.

The longleaf pine forest type was not identified for the Homochitto National forest in the Land and Resource Management Plan for the National Forests in Mississippi (Forest Plan). However, records indicate that mixed pine with a longleaf component was a dominant forest type here, and restoration of this community is a priority. The Record of Decision for the FEIS for the Management of the Red-cockaded Woodpecker and its Habitat on National Forests in the Southern Region amends the Forest Plan for the purposes of restoring and maintaining habitat for this endangered species on National Forest lands where it was historically present. Amendment 14 specifically states “Clearcutting method (even-aged) will be allowed to restore longleaf, shortleaf, or other desirable native pine species to appropriate sites currently occupied with trees less suitable for the RCW.” Chapter 1 clearly establishes the longleaf component in mixed pine stands as native and desirable and appropriate to the sites where it is being regenerated.

Longleaf is only being restored where it historically occurred. In fact, because of land ownership and resource limitations, and longleaf pine's interdependence with fire, many areas, which were historically occupied by mixed pine forests with a dominant longleaf component, are not being restored. Planting of longleaf pine, in itself, does not achieve the objective or desired future condition. The actual desired future condition is restoration of the community relationships associated with this historic ecosystem. This cannot be done where a managed fire regime cannot be maintained. Therefore, this project does not restore longleaf pine to many of the areas where it once occurred. In the absence of frequent fire, these areas are being managed as a pine hardwood forest type.

Response: The restoration of a native species to approximately 199 acres is not likely to cause such an impact to the human environment that an Environmental Impact Statement needs to be produced. Indeed, even when seen in conjunction with other longleaf restoration projects on the Homochitto National Forest the only foreseen long-term impacts are positive ones: increased southern pine beetle resistance; increased habitat for RCW and other species dependant on that habitat; increased rotation age; and enhanced

visual quality. The potential for “significance” must be considered in the perspective of time. Chapter 3 provides discussion that longleaf pine was a component of the Homochitto ecosystem for thousands of years interrupted only by human intervention since about 1920 – a very brief interruption in the perspective of history. Since that time, longleaf and longleaf component ecosystems have been reduced to less than 2% of their range, and are considered some of the most rare and threatened forest communities in the United States. Within this perspective, restoring the native longleaf component could be neither cumulative nor significant.

WildLaw

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August 25, 2003

Gary Bennett, District Ranger
Homochitto National Forest
Route 1, Box 1
Meadville, MS 39653

Re: Comments on Proposed Analysis Unit 24 Project

Dear Ranger Bennet:

On behalf of Wild South, the National Forest Protection Alliance, and the Friends of Mississippi Public Lands, non-profit outdoor recreation and environmental organizations, I am filing the following scoping comments on the AU 24 project.

We support your plans to do Longleaf Pine forest ecosystem restoration. Still, to make sure such restoration work is the best it can be and will be maintained well into the future, your District needs to address the fact that there is no planning documents or programmatic NEPA analysis that support such restoration. Either a new plan with Longleaf restoration as its goal or a restoration EIS which projects such as this can tie to is needed in order to make such restoration valid and sustained.

Expired Plan

The project must be suspended until the National Forests in Mississippi revise the land and resource management plan and until the Forest Service develops a Renewable Resources Program.

The Forest and Rangeland Renewable Resources Planning Act ("RPA") and the National Forest Management Act Amendments ("NFMA") provide unambiguous direction to the Forest Service regarding forest planning duties at the national and local levels. The purpose of these planning requirements is to insure that all site specific decisions made by the Forest Service are consistent with goals, objectives, standards, and guidelines established for the National Forest system as a whole as well as for individual National Forests. Plans completed at the national, regional, forest, and project levels are integrated to provide a consistent framework for achieving these goals and objectives. 36 C.F.R. § 219.4. Project level decisions are tiered to forest level decisions which are tiered to regional and national level decisions. *Id.*

In addition, the RPA Program's supporting analyses contained in the RPA Assessments

are critical for determining whether or not individual projects authorized by the Forest Service are consistent with resource demands placed on individual National Forests by the American people as a whole taking into consideration the demands placed on forests in all ownerships. 16 U.S.C. § 1601(a).

The RPA requires the Forest Service to develop a Renewable Resources Program at least every five years, and Assessment at least every ten years. 16 U.S.C. § 1602 and § 1601(a). The last Renewable Resource Program was developed by the Forest Service in 1990, the last Assessment was prepared in 1989.

The NFMA requires each National Forest to revise land and resource management plans *at least every 15 years*. 16 U.S.C. § 1604(f)(5). These requirements are reiterated and amplified in forest planning regulations at 36 C.F.R. § 219.10(g) and the Forest Service Handbook at FSH 1922.6.

The land and resource plan for the National Forests in Mississippi has expired. Thus, there is no legally adequate RPA Program or land and resource management plan to which the project can be tied. There have been no rulings by any federal courts, no legislation passed by Congress, and no directives issued by the National Headquarters of the U.S. Forest Service authorizing the Forest to continue implementing its outdated LRMP. Until the Forest Service develops a new RPA Program and new LRMP for the Forest, implementation of individual actions, including this project must be suspended.

The suspension of the project is necessary because the goals, objectives, standards, and guidelines contained in the old, expired LRMP are no longer relevant or defensible in light of significantly changed resource demands by the public, significantly changed environmental and economic conditions, and significant changes in Forest Service management direction. These include:

1. Significant new information about the status, distribution, and effects of management activities on threatened, endangered, sensitive, and management indicator species.
2. Significant new scientific information about the beneficial role of natural disturbance and the detrimental effects of suppressing fires, insect outbreaks, or floods and salvaging timber from areas affected by these disturbances.
3. Significant changes in the social and economic setting in which the Forest operates including far less demand for commodities produced by the Forest and far greater demands for preservation of old growth forests, wildlife habitat, clean water, recreation sites, and other goods and services produced by natural forest ecosystems.
4. Significant changes in management direction, including the adoption of integrated resource management, ecosystem management, and principles of ecological and economic sustainability set forth in the Forest Service's new forest planning regulations. FR Vol. 65

No. 218, Thursday, November 9, 2000.

5. Vast changes in the composition and structure of forests managed by non-Forest Service landowners caused by increases in road building, development, oil and gas leasing, industrial tree farming, developed recreation, and other uses that have caused detrimental cumulative impacts to terrestrial and aquatic ecosystems managed by the Forest.
6. New information about the inadequacy of the original LRMP's goals, objectives, standards, guidelines, and land allocations in protecting environmental, economic, social, and cultural resources.
7. New information about the ecological and economic suitability of the Forest lands for logging, mining, grazing, and other forms of commodity uses.

These significant changes have been well documented by the Forest Service in the context of its annual monitoring and evaluation reports, as well as the very scoping notice for this project. These significant changes in public demands, conditions, and management direction render the goals, objectives, standards and guidelines in the original, expired LRMP obsolete and inadequate for protecting and restoring ecological and economic sustainability.

These significant changes have also been well documented in the scientific literature as well as many other publications prepared by federal, state, and local agencies with jurisdiction over resources on the Forest, but have been ignored by the Forest Service since it has failed to complete adequate five year reviews of the LRMP as required by 36 C.F.R. § 219.10(g) and failed to implement relevant portions of its monitoring and evaluation plan. Nonetheless, the significant changes in public demands and conditions exist, and render the goals, objectives, standards, guidelines, and land allocations in the original, expired LRMP obsolete and inadequate for protecting and restoring ecological and economic sustainability.

The project must be suspended until the National Forests in Mississippi publish a new Final Environmental Impact Statement supporting a revised LRMP.

Continued implementation of the original, expired LRMP not only violates the RPA and the NFMA, but violates the National Environmental Policy Act ("NEPA"). This is because the National Forests in Mississippi have failed to correct, update, revise, amend, or supplement the Final Environmental Impact Statement ("FEIS") prepared for the LRMP, and continues to tier project decisions to this FEIS despite the fact that it is woefully outdated, inaccurate, and obsolete.

For instance, the project relies on the analyses contained in the expired LRMP FEIS to disclose and mitigate effects on resources. The FEIS's analyses of direct, indirect, and cumulative impacts to these resources, however, is now so outdated and so inaccurate that it is meaningless for all practical purposes.

The project also relies on the FEIS's outdated and insufficient analysis of timberland suitability, an analysis that the Forest Service has failed to update and modify as required by its monitoring and evaluation plan.

The Forest Service's regulations implementing NEPA clearly recognize that EISs that cover program and project activities over an extended time need regular updating. For instance, the Environmental Policy and Procedures Handbook requires a review of EISs every three to five years, and requires that EISs be corrected, amended, or revised when "the agency makes substantial changes in the proposed action that are relevant to environmental concerns" or "there are significant new circumstances or information relevant to environmental concerns" that have "bearing on the proposed action or its impacts." (FSH 1909.15.18.03, 18.1, 18.2).

In addition, the Council on Environmental Quality has noted in its response to question 32 in its *Forty Most Asked Questions*:

"As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an on-going program, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in Section 1502.9 compel preparation of an EIS supplement. If an agency has made a substantial change in a proposed action that is relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, a supplemental EIS must be prepared for an old EIS so that the agency has the best possible information to make any necessary substantive changes in its decisions regarding the proposal."

As discussed above, there is no question that there have been both substantial changes in how the Forest LRMP has been implemented as well as significant changes in environmental, economic, social and cultural conditions since the record of decision for the LRMP was signed. Despite these changes, the Forest has not corrected, amended, revised, or supplemented the LRMP's FEIS and, more than 15 years later, continues to tier project level decisions to this irrelevant document.

The Forest Service is also in violation of NEPA because it is authorizing site specific actions, like this project, that have adverse environmental consequences and which preclude the choice of reasonable alternatives that will be considered in the revised LRMP and accompanying EIS. Taking actions that result in adverse environmental impact or which preclude alternatives while an EIS is being prepared is prohibited by 40 C.F.R. § 1506.1(a) and (b).

In the project area, there are many resources of concern that may be offered additional levels of protection by the revised LRMP. For instance the project area may contain resources that are specifically identified by the Forest Service's new planning regulations as necessary for promoting ecological and economic sustainability.

In the context of this project, the Forest Service has failed to even inventory and assess

such areas, and, thus, has eliminated any possibility that such areas will be offered the protection they deserve when the Forest Plan is revised.

Alternatives

You will need to fully examine alternatives that contemplated thinning only, that propose prescribed burning only, that consider doing this work without a commercial timber sale, or that use less-damaging harvest techniques (in whole and in part), such as cut-to-length logging equipment, and that do less logging. While the thinning and burning only alternatives would not do as much restoration as you may like, they are valid restoration alternatives in that they do move the treated stands further toward their natural conditions and make it more possible in future decisions to restore those stands fully to Longleaf Pine.

MIS and PETS Species Surveys

Your BE and EA need to have full, complete and scientifically-defensible population surveys for all MIS and PETS species that could occur in the project area. Without these surveys covering the project area and the district as a whole, you are not complying with your NFMA and ESA requirements to ensure the viability of these species on your district. See *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999). If you do not implement such surveys, we expect a full analysis of why such violations of the regulations and case law are acceptable.

Cumulative Impacts and Need for an EIS

We have further concerns that past EAs from this District have not given proper consideration to cumulative impacts. Many of them have had a near total lack of cumulative impacts/effects analysis. Private lands cuts, which are numerous in the area, were not fully addressed and their impacts considered. There must be a full analysis of other past, present and reasonably foreseeable Forest Service projects in area.

As a prime example, the District is doing other large projects at the very same time they were preparing this project. Here are the Forest's other current projects and (where known to us) their acreages:

Analysis Unit 12	1,413
Analysis Unit 4	1,161
First Thinning 2001/2002	2,477
Analysis Unit 7 (Cool Springs)	1,419
Analysis Unit 20	1,996
Analysis Unit 39 (Dry Creek)	1,134
Analysis Unit 38	
Analysis Unit 5	1,144
Analysis Unit 22	844
Analysis Unit 24	1,318

Analysis Unit 27	
Analysis Unit 20	
Analysis Unit 1 (Foster Creek)	809
Analysis Unit 4 (Cedar Creek)	1,532
Block 30	
Block 31	
Southern Pine Beetle EA	
TOTAL ACRES	15,247

We expect the environmental analysis of this project to include a full and data-supported discussion of the cumulative impacts of this project along with the other projects in the Homochitto.

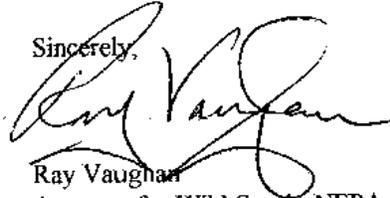
We are also concerned that the EAs issued by your office are exceptionally thick and heavy with information. As you know, a large EA is a strong indication that a project will have significant impacts such that an EIS must be performed. Agencies should avoid preparing lengthy EAs except in unusual cases, where a proposal is so complex that a concise document cannot meet the goals of 40 C.F.R. § 1508.9 and where it is extremely difficult to determine whether the proposal could have significant environmental effects. In most cases, however, a lengthy EA indicates that an EIS is needed. The Council on Environmental Quality (CEQ), which administers and interprets NEPA, has noted that "in most cases, ... a lengthy EA indicates that an EIS is needed." 46 *Fed. Reg.* 18026, 18037 (1981). See *Curry v. United States Forest Service*, 988 F. Supp. 541 (W.D. Pa. 1997). During your analysis, we suggest that you give strong consideration to the direct, indirect and cumulative impacts from this proposal and consider doing a full EIS on it and any related or similar projects in the District.

Further, since the Homochitto is doing Longleaf Pine ecosystem restoration, that is a large-scale project, a program not contemplated by the current Mississippi National Forests LRMP and its EIS. Thus, unless the LRMP is amended or a separate Longleaf Restoration EIS is prepared for individual projects to be tiered to, the Homochitto is actually in violation of the Plan by proposing this project and in violation of NEPA in that it is conducting a significant and extensive program that has never had NEPA analysis done for it.

The Conecuh National Forest in Alabama prepared an EIS on a five-year program to restore Longleaf Pine over some 4,222 acres. The Bankhead, Shoal Creek/Talladega and Oakmulgee are all also doing EISs on what is valid restoration for those districts. It would give the Homochitto's Longleaf and other restoration work better direction and real validity if you would reverse this project and all others like it until such time as the District did a full EIS on Longleaf restoration in the Homochitto and examined all these projects and any other related ones together in one comprehensive and more-thorough analysis. The significant impacts that come from Longleaf Pine restoration (and such work does have significant impacts, many of them beneficial, which makes no difference to the NEPA requirement for an EIS) is why the Conecuh did an EIS on that program and why the Homochitto should also.

Thank you for the opportunity to comment on this proposal. Please make these comments and all enclosed materials part of the official record for this project. Also, please send me at the above address all future notices, announcements, draft and final EAs, decision notices and bid announcements, and contracts for this project. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Vaughan". The signature is fluid and cursive, with a large initial "R" and "V".

Ray Vaughan
Attorney for Wild South, NFPA, and FMPL

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HOMOCHITTO RANGER DISTRICT

AUG 28 2003

- _____ DISTRICT RANGER
- _____ LAKE
- _____ ADMINISTRATION
- _____ COMPUTER
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- _____ OPERATIONS
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- _____ MINERALS
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- _____ PLANNING
- _____ LANDS
- _____ NEPA
- _____ WILDLIFE
- _____ ECOSYSTEM
- _____ GIS
- _____ ARCHAEOLOGY
- _____ GLOSTER OFFICE
- _____ FILE

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