

APPENDIX J

EA Comments and Responses



APPENDIX J

Public Comments and Responses to the Pre-decisional Environmental Assessment

On March 12, 2003 a legal notice appeared in the paper of record announcing that the Environmental Assessment for Analysis Unit 5 was ready for public review. A compact disk with the document and all attachments was mailed to all individuals, groups, and agencies that had indicated express interest in this project or had provided scoping comments. Two groups or individuals presented comments on the pre-decisional EA: a copy of their comments is attached in this appendix. Below is a list of the issues and concerns brought forth, with an explanation of how these concerns were addressed in the analysis.

	Issue	Issue #	Comment/concern
1	Management Indicator Species	7	Concern that the Forest Service may not have adequate information about all MIS species to make an informed decision.
2	Cumulative Effects	10	Concern that the EA lacks the indirect and cumulative effects analysis required by NEPA. The EA attempts to limit its discussion to Forest Service lands only.
3	Cumulative impacts	N/A	Concern that cumulative impacts be analyzed including other activities both on and off the Forest.
4	EA vs. EIS	10	Concern the project requires further analysis with an EIS.
5	Length of documents	N/A	Concern that the length of past documents was too great.
6	LRMP revision	N/A	Concern that we revise the Land and Resource Management Plan for National Forests in Mississippi before implementing the Analysis Unit 4 Project.
7	Other	N/A	Concern that this project may conflict with the utilization and recycling requirements in the Forest and Rangeland Renewable Resources Planning Act.
8	Vegetation and Soil	N/A	Concern that stand 18, compartment 29 should be clearcut instead of stand 26 and that stand 26 should be thinned.
9	Other	N/A	Concern that stand 19, compartment 29 is not 51 acres and is not suitable ground for logging due to steep slopes and wet areas.
10	Range of alternatives	N/A	Concern that we did not develop an adequate range of alternatives.

	Issue	Issue #	Comment/concern
11	Vegetation	4	Concern that stand 25, compartment 29 should be clearcut with reserves and planted back as a pine stand, that there is not enough hardwood component for a pine hardwood site and that seed trees would make this area impossible to walk in for several years.
12	Forest Health	5	Concern that stands 13, 17, 24, and 20, in compartment 29 should receive a first thinning this entry.
13	Other	N/A	Concern where the cut boundary on stand 22 would be located.
14	Vegetation	4	Concern that stand 8, compartment 29 should be clearcut with reserves and planted back with hardwoods along Molls Branch and pine on upper slopes rather than thinned.
15	Vegetation	4	Concern that stand 12 should be planted back to a pine stand and not pine hardwood.
16	Vegetation	4	Concern that stand 19, compartment 28 is not suitable for longleaf, and should be changed to thin only.
17	Vegetation	4	Concern that stand 21 or stand 22, compartment 28 would be more suitable for clearcutting than stand 19.
18	Vegetation	4	Concern stand 26, compartment 28, should not be clearcut. That stand 26 is already a pine/hardwood stand with steep slopes and it is the only hardwood component in $\frac{3}{4}$ of a mile radius, also that there will be excessive soil loss from the steeper slopes.
19	Transportation System	9	Concern that road 109G will need to be open to public not gated and locked as it is now.
20	Transportation System	9	Concern that no more new roads be built, to many in area already and that roads already built should remain open.
21	Transportation System	9	Concern about information about roads, that roads that will be reconstructed and constructed are not on the maps.
22	Other	N/A	Concern that in several places though out the environmental assessment Cedar Creek is used, where Analysis Unit 5 should have been used.
23	Cumulative Effects	10	Concern that prior cuts in compartments 17, 18, and 19 were not analyzed in this environmental assessment,

	Issue	Issue #	Comment/concern
24	Transportation System	9	Concern about the cost of building new roads and that the cost of building the new roads was not analyzed.
25	Cumulative Effects	10	Concern that the cumulative effects analysis for water model should be run for Molls Creek and Lick Creek separately and that most of the purposed cutting is in the Molls Creek drainage and that the harvesting activities should be spread over the entire unit.
26	Cumulative Effects	10	Concern that the acres of private non-industrial land is incorrect.

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

Each identified issue was numbered 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 4.

Issues pertaining to Management Indicator Species:

This section includes all wildlife issues or concerns not related to PETS.

1. **Issue: (2) Concern there is no site specific data for the areas in this project for many MIS species. (1) Concern that the Forest Service may not have adequate information about all MIS species (Eastern Meadowlark) 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 (BE), part of the planning record. Before a BE is undertaken, the analysis unit is examined to determine actual and potential habitat for not only PETS species (which we are legally mandated to consider), but also those species of local concern, MIS which were nominated by the Mississippi Natural Heritage Program as having an SRANK (state rank) 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 PETS, 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 which 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. The areas proposed for even-aged regeneration in the Analysis Unit 22 project consist of older loblolly pine growing on ridgetops. No known PETS or state sensitive species (with the exception of the red-cockaded woodpecker and Bachman's sparrow) are known to occur in this habitat. For the red-cockaded woodpecker, a 100% survey of suitable habitat is conducted prior to planning so this species is ruled out 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 U.S.D.A. 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, both plant and animal, is fully evaluated during the planning process to insure that the continued survival of the species is assured. Most times, this can be done by simply restricting management activity in sensitive habitats. 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 BE is always completed before publication of the Environmental Assessment. In addition, if any new data comes to light, the BE 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 BE, and Appendix B, Mitigation Measures.

Issues pertaining to cumulative effects:

The following issues/concerns submitted by the public are concerning cumulative effects of the project.

2. Issue: Concern that the EA lacks the proper indirect and cumulative effects analysis required by NEPA. The EA attempts to limit its discussion to Forest Service lands only.

Current Condition: Negative effects of federal and most private activities on soil, water, and air in the planning area from harvest activities that occurred over five years ago have essentially ceased. The cumulative effects to issues such as soil, water, air, visual and cultural resources are expected to be very similar to the actions that have occurred over the past ten years. Within the past 10 years, no observable degradation of the Analysis Unit 5 project area has been identified.

Response: The District does not concur with this comment. Cumulative Effects are indeed discussed within this EA. They are handled on an individual issue basis. Each issue in Chapter 3 contains discussion of the cumulative effects. For example, the soils issue discusses harvest intensity and road building. The cumulative effects analysis to water quality discusses affects from siltation, burning, herbicide treatments, and timber harvesting, and included a model of

verified accuracy. The respondent did not identify any resource areas where cumulative effects analysis was needed, and the interdisciplinary team could not identify areas where cumulative effects were not analyzed.

The Council of Environmental Quality handbook, “Considering Cumulative Effects,” provides instructions related to the appropriate duration and spatial extent of cumulative effects analysis. This is described as the “project impact zone.” Cumulative effects analysis area and duration vary by impact zone.

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

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 measures 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.

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. Specific cumulative effects issues were identified for these resource areas. As a result, they are discussed above within this appendix.

This issue was classified under “other” because the respondent did not identify a 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.

Issue 25. Concern that the cumulative effects analysis for water model should be run for Molls Creek and Lick Creek separately and that most of the proposed cutting is in the Molls Creek drainage and that the harvesting activities should be spread over the entire unit.

Current Condition: Analysis Unit 5 is in the Molls Creek and the Lick Creek drainages. Harvesting was completed in compartments 17, 18, and 19 in the late 1990’s, before the Homochitto National Forest began to use analysis units. When the cumulative effects analysis for water model was run the entire analysis unit was used as the watershed.

Response: The cumulative effects analysis for water model was rerun separately for Lick Creek and Molls Creek, taking in to consideration all of the proposed harvests (see Appendix G).

Issue 26. Concern that the acres of private non-industrial private land is incorrect.

Current Condition: In the draft environmental assessment it is listed that there is 3800 acres of Forest Service land and 6868 acres of non-industrial private land within the analysis unit boundary.

Response: The draft environmental assessment should have stated that there is 6868 acres of commercial and non-commercial land within analysis unit 5.

Issues pertaining to vegetation:

8. Issue: Concern that stand 18, compartment 29 should be clearcut instead of stand 26 and that stand 26 should be thinned.

Current Condition: Stand 18 is a loblolly pine stand approximately 86 years old. Stand 26 is a mixed pine stand approximately 92 years old. Both stands are well stocked pine dominated stands with hardwood mid-stories.

Response: Stand 26 is well suited for regeneration using clearcut with reserves. The future desired condition of stand 26 is a pine-hardwood stand. Regeneration data taken in stand 26 showed adequate hardwood regeneration for a pine/hardwood stand. The steeper areas of the stand would be included in the stream side management zone and any steep area areas cut outside the streamside management zone would have the proper mitigations applied.

Issue 14. Concern that stand 8, compartment 29 should be clearcut with reserves and planted back with hardwoods along Molls Branch and pine on upper slopes rather than thinned.

Current Condition: Stand 8 in compartment 29 is a 87 year old loblolly pine stand approximately 25 acres in size. Sawtimber thinning is an even-aged management tool considered as a forest health treatment. In light of the history of southern pine beetle infestations on the Homochitto National Forest, current direction dictates that high hazard stands and clumps be thinned. Mast producing hardwoods over 12" dbh may be retained and protected during harvest. Desirable hardwoods of good form found on moist microsites may be retained and protected regardless of diameter.

Response: Stand 8 is suitable for sawtimber thinning. Sawtimber thinning of this stand would increase the vigor thus reducing the chance of southern pine beetle attack. Hardwoods would be retained within the streamside management zone and mast producing hardwoods would be retain throughout the stand.

Issue 15. Concern that stand 12 should be planted back to a pine stand and not pine hardwood.

Current Condition: Stand 12 in compartment 29 is a 73 year old loblolly pine stand approximately 25 acres in size. Clearcut with reserves is a regeneration method where the desired future condition for stands harvested is a mixture of yellow pines and hardwoods with no prescribed burn plans.

Response: Stand 12 is suitable for clearcut with reserves. The stand contains approximately 60 ft² of basal area per acre and the stand lays outside of the prescribe burn block. Regeneration surveys taken in the stand showed ample hardwood regeneration to successfully regenerate a pine/hardwood stand. With adequate attention paid to the reserve hardwood trees and hardwoods left when precommercial is done the future desired condition of a pine/hardwood stand can be achieved.

Issue 16. Concern that stand 19, compartment 28 is not suitable for longleaf, and should be changed to thin only. Concern that stand 21 or stand 22, compartment 28 would be more suitable for clearcutting than stand 19.

Current Condition: Stand 19 compartment 28 is a 75 year old loblolly pine stand approximately 51 acres in size. The stand is within the prescribe burn area. Longleaf pine did not occur in pure stands historically on the Homochitto National Forest. The future desired condition of mixed pine stands would be longleaf pine dominating the ridges and upper slopes and diminishing off the ridges and other southern pines such as loblolly and shortleaf dominating the lower slopes.

Clearcutting stands 21 and 22 would require addition temporary roads to access stand 22. Ridges and upper slopes make up a large proportion of stands 21, 22, and 19.

Response: Stand 19 is suitable for mixed pine regeneration. The stand is fairly flat but is well above the creek making it well drainage and suitable for longleaf pine. Some of the areas in the stand near the creek will be dominated by loblolly pine but longleaf will dominate the ridges creating a mixed pine stand.

Issue 17. Concern stand 26, compartment 28, should not be clearcut. That stand 26 is already a pine/hardwood stand with steep slopes and it is the only hardwood component in ¼ of a mile radius, also that there will be excessive soil loss from the steeper slopes.

Current Condition: Stand 26, compartment 28, is 90 year old pine hardwood stand. Stand 26 has reached the point where if not regenerated this entry the pine component will begin to diminish due to mortality. Hardwoods tend to dominate to the wetter areas in the drains and pines make make-up a larger component of the stand on the ridges. The wetter areas, where the hardwoods dominate would be included within the stream side management zone, where little or no harvesting would take place. Also ½-2 acre clumps and mast producing trees greater than 12-inches dbh would be left throughout the stand, which would add to the future hardwood component of the stand.

The soil loss from the stand was calculated using the Cumulative Effect Analysis for Water model in Appendix G.

Response: Stand 26 is well suited for regeneration using clearcut with reserves. The future desired condition of stand 26 is a pine-hardwood stand. The steeper areas of the stand would be included in the stream side management zone and any steep area areas cut outside the streamside management zone would have the proper mitigations applied .

Issues pertaining to forest health:

Issue 10. Concern that stands 13, 17, 24, and 20, in compartment 29 should receive a first thinning this entry.

Current Condition: Stands 13, 17, 24, and 20 are all over stocked pole sized loblolly pine stands. First thinnings are typically done on stands 15-30 years old that have not been previously thinned. The basal area is reduced to 50-70 ft² per acre in first thin stands. Target spacing between leave trees is 15-20 feet. The primary purpose of first thinning is to increase tree growth, and retain trees that display the best vigor and health. By increasing the vigor of the remaining trees in the stand it lessen the chance of southern pine beetle attack. First thinnings also create understory conditions valuable for a variety of wildlife species.

Response: All stands in analysis unit 5 that had not been previously thinned were surveyed to determine if the stand needed a first thinning. Thirteen stands were identified for first thinning within Analysis Unit 5, including the four stands mentioned above, in addition to the four stands originally included in the purposed actions (See Alt. 6 “Modified Purposed Action” chapter 2).

Issues pertaining to transportation system:

Issue 19. Concern that road 109G will need to be open to public not gated and locked as it is now.

Current Condition: Road 109G is gated where it starts across private land.

Response: The Forest Service has a unlimited right-of-way thought private land on road 109G and steps are being taken for the removal of the gate.

Issue 20. Concern that no more new roads be built, to many in area already and that roads already built should remain open Issue 24. Concern about the cost of building new roads and that the cost of building the new roads was not analyzed.

Current Condition: The National Forest inherited a substantial network of roads when it was acquired in the 1930's. These roads were constructed during the settlement era or when the area was logged prior to the 1930's and have had intermittent use since then. These roads occupy most ridgetops, and are maintained or reconstructed periodically to meet access needs during management activities.

The district has closed all known old roads except those designated as open to provide public access to public and private lands within the forest. These open roads are maintained at Level 3 for access purposes. The district has no control over county roads or roads on private land within the forest, and no roads duplicate existing public access.

Any road that is open to the public before the sale will remain open. Any road that was closed before the sale will be closed after timber harvesting is over.

Response: The District responded to this concern in the 1980's, and roads not needed for daily public access are closed. Many roads within this project area are Level D roads that are currently closed and will remain closed except for project use.

Construction of new roads in this project is limited to right-of-way access. This project level analysis deals specifically with vegetative management issues that affect habitat, native ecosystems, and forest health, and is limited to the Analysis Unit 5 area. Transportation and public access needs are evaluated each time an analysis unit is entered. Unlike public domain have substantial "in-holdings" of private land. A large number of state and county roads serve these in-holdings. There is no legal means of denying access to private lands, which was often established during settlements times.

In any action alternative, road construction is proposed in Compartment 19 to access Stand 3 and Compartment 18 to access Stand 16 due to lack of right-of-way access. Currently, there is no access to this stand for administrative purposes or for public use. The roads constructed here will remain open for public use.

A road analysis report was prepared for analysis unit 5, which identified road construction and reconstruction needs for analysis unit 5. Also an economic analysis was performed for the road construction in which it was deemed feasible.

Issue 21. Concern about information about roads, that roads that will be reconstructed and constructed are not on the maps

Current Condition: Transportation map was not include in the draft environmental assessment.

Response: A transportation map was added to the environmental assessment (see Appendix A).

Other issues:

The following issues/concerns submitted by the public do not fall cleanly within the 12 standard categories of issues, but brought forth ideas and concerns that were used in the development and analysis of the Analysis Unit 4 project.

4. Issue: 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 48 acres of Analysis Unit 4 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 *Draft 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.

Response:

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.

The restoration of a native species to approximately 48 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.

Current Condition: 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 CRF 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 first thinning project has no impacts that significantly affect the quality of the human environment. The number of acres alone does not require an EIS document to be developed.

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

5. Issue: Concern that the length of past documents was too great.

Current Situation: The District shares this concern. 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. In some cases, scoping comments and final comments may be identical giving the appearance that the initial response to comments was not reviewed.

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. 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.

Response: The analysis is issue-driven. 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.

6. Issue: Concern that we revise the Land and Resource Management Plan for National Forests in Mississippi before implementing the Analysis Unit 5 Project.

Current Condition: Forest Plan revision was specifically delayed by Congress in order to evaluate and revise planning regulations.

Response: 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).” 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.

7. Issue: Concern that this project may conflict with the utilization and recycling requirements in the Forest and Rangeland Renewable Resources Planning Act.

Current Condition: The cited act tasks the Forest Service with utilization. This is in the form of utilization standards for harvests at the ground level and research, grants and other assistance at the national level to develop utilization and recycling technology, and transfer this to industry. On the district this is done by contract provisions that require harvest and removal of all merchantable material. The Forest Service provides grants funds research and conducts research to meet the obligation of technology development and transfer.

The respondent appeared to imply that a “timber glut” discouraged recycling and utilization. The analysis could find no evidence of such a “glut”. The most recent example of a natural resource glut would be over-production of oil in the late 1990s. Gas prices fell to less than a dollar per gallon. With the intentional restriction of supply by the world’s primary oil production, gasoline now averages more than \$1.50 per gallon. This represents simple supply and demand relationships.

In comparison the price of forest products has risen steadily above the inflation rate, while many other prices have fallen or remained steady. The technology of recycling has not provided products of equal quality at competitive prices in many product areas. Rising prices clearly indicate a constriction of supply rather than a “glut”. This has resulted in housing taking larger portions of middle class family incomes and reducing opportunities for recreation and other discretionary activities.

The primary substitute for wood construction materials is steel. Studies have found that the lifetime output of greenhouse gasses and other byproducts is as much as three times higher than for wood (Bullard).

The Homochitto National Forest's pine stands are ageing and experiencing increased insect, disease, and wind loss. Failure to utilize these assets would appear to conflict with both the Multiple-use and Sustained Yield and the Resource Planning Act.

Response: The respondent is correct that withholding supply encourages substitutes. Many substitutes are substantially environmental damaging and non-renewable. Nor could the analysis find anywhere in the RPA that the Forest Service was to withhold supply such that the American public would have to pay more for lower quality products.

In this project, utilization obligations would be met through contract provisions related to utilization. The over-all allocation of supply and allocation are made at the Forest Planning and National level, and are out of the scope of this analysis.

10. Issue: Concern that we did not develop an adequate range of alternatives. Specific potential alternatives mentioned included alternatives that protect old growth and potential old growth; that enhance hardwoods; that thin only; that prescribe burn only; that do not have a commercial timber sale; that use less-damaging harvest techniques; and that do less logging.

Current Condition: N/A

Response: Protection of old growth, enhancement of hardwoods, less-damaging harvest techniques were defined as issues that could be incorporated into any action alternative rather than issues that require formulation of a new alternative. Analysis, protection measures, and/or consideration of these can be found in Chapter 3 of the environmental assessment as well as in this appendix, under the issues mentioned.

Prescribed burning is proposed and analyzed in a separate project. The only prescribed burning covered by the Analysis Unit 5 proposal is site preparation and brown spot burning in longleaf pine regeneration areas.

The Thin Only and No Action alternatives were analyzed in detail. Detailed descriptions of these alternatives and evaluation of their potential effects can be found in Chapters 2 and 3, respectively. The Interdisciplinary Team assigned to Analysis Unit 5 also developed an alternative that would reduce SPB risk and restore longleaf pine to historic sites without conducting a timber sale. Summaries of each of the alternatives can be found in Chapter 2 of the environmental assessment.

Issue 9. Concern that stand 19, compartment 29 is not 51 acres and is not suitable ground for logging due to steep slopes and wet areas.

Current Condition: Stand 19 is a mixed pine stand approximately 92 years old.

Response: Using your most recent geographic information systems (GIS) maps it was determined that stand 19 was 51 acres. The steeper areas and wet areas in the stand would for the most part be contained within the streamside management zone. The thinning that would take place would primarily on the ridges where the pine sawtimber trees are overstocked and susceptible to southern pine beetle attack.

Issue 13. Concern where the cut boundary on stand 22 would be located.

Current Condition: Stand 22 in compartment 29 is a 82 year old hardwood stand approximately 34 acres in size. The currently the eastern stand boundary runs a long a drain, the southern stand boundary runs a long the Forest Service boundary. The western stand boundary adjoins stand 18 running a long the mid-slope of the ridge. And the northern stand boundary runs a long the mid-slope of the ridge adjoining stands 24, 25, and 17.

Response: Stand boundaries are laid out on the ground prior to harvesting in accordance with the stand maps (see Appendix A).

Issue 22. Concern that in several places though out the environmental assessment Cedar Creek is used, where Analysis Unit 5 should have been used.

Current Condition: In several places chapter 3 of the draft environmental assessment typographical errors were made referring to Analysis Unit 5 as Analysis Unit 4.

Response: The typographical errors referring to Analysis Unit 5 as Analysis Unit 4 were corrected.

Issue 23. Concern that prior cuts in compartments 17, 18, and 19 were not analyzed in this environmental assessment.

Current Condition: Several harvests were made in compartments 17, 18, and 19 in the mid and late 1990's. The cumulative effects analysis for water model only uses harvests from the past three years to determine the effects of harvesting on water quality. After three years the harvest areas have revegetated to the point where soil loss from the area is minimal.

Depending on the type of treatment, whether the stand was regenerated or thinned, the effects of the prior harvests would be included in the environmental assessment. The effects of the harvest on the forest vegetation (i.e. age class, cover type, etc.) is very important in the analysis of the management indicator species, forest health, and vegetation.

Response: The effects of the harvest were analyzed throughout the environmental assessment (see chapter 3). The harvest in compartments 17, 18, and 19 were made more than three years ago and are not analyzed in the cumulative effects analysis for water.

COMPARTMENT 29

1. CLEARCUT STAND 18 PINE STAND. THIN RIDGE TOP IN STAND 26. STAND 26 HAS THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. ALSO VERY STEEP SLOPES IN THIS STAND WILL INCREASE THE SOIL LOSS WITH A CLEAR CUT.
2. STAND 19 IS NOT 51 ACRES AND IS NOT SUITABLE GROUND FOR LOGGING DUE TO STEEP SLOPES AND WET AREAS. NEEDS TO REANALYZE.
3. STAND 25. WE WOULD LIKE FOR IT TO BE CLEARCUT WITH RESERVES AND PLANTED BACK AS A PINE STAND THERE IS NOT ENOUGH HARDWOOD COMPONENT FOR A PINE HARDWOOD SITE. SEED TREES WOULD MAKE THIS AREA IMPOSSIBLE TO WALK IN FOR SEVERAL YEARS.
4. STANDS 13, 17, 24 AND 20 NEEDS TO HAVE THEIR FIRST THINNING THIS ENTRY. THESE STANDS HAS TURNED IN TO A PINE DESERT WITH NOTHING BUT PINE STRAW UNDER THE TREES. FIRST THINNING WILL PROMOTE BROWES FOR DEER, TURKEY, AND QUAILS.
5. WHERE WILL CUT BOUNTARY ON STAND 22 BE LOCATED SIDE SLOPE. ON RIDGE TOP OR IN CREEK BOTTOMS? WE WOULD LIKE FOR IT TO BE ON THE RIDGE TOP.
6. STAND 8 SHOULD BE CLEARCUT WITH RESERVES AND PLANTED BACK WITH HARDWOODS ALONG MOULDS BRANCH AND PINES ON UPPER SLOPES.
7. STAND 12 SHOULD BE PLANTED BACK TO A PINE STAND AND NOT PINE HARDWOOD. THERE IS NOT ENOUGH OAK ROOTSTOCK TO ACHIEVE A PINE HARDWOOD STAND.

COMPARTMENT 28

1. STAND 19 IS NOT SUITABLE FOR LONG LEAF; THIS STAND IS A FLAT BOTTOM THAT WATER STANDS ON MOST OF THE TIME. THIS STAND SHOULD BE CHANGED TO THIN ONLY.
2. STAND 21 OR 22 WOULD BE BEST TO CLEAR CUT.
3. STAND 26 SHOULD NOT BE CLEAR CUT IT IS ALREADY A PINE HARDWOOD STAND WITH STEEP SLOPES AND THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. WHAT WILL BE THE SOIL LOSSES ON THESE STEEP SLOPES?
4. ROAD 109G WILL NEED TO BE OPEN TO PUBLIC NOT GATED AND LOCKED AS IT IS NOW.
5. WE NEED ON MORE ROAD BUILT, TO MANY IN AREA ALREADY. ROADS ALREADY BUILT SHOULD REMAIN OPEN.
6. WHY WASN'T THE 15.59 MILES OF ROADS I.D. ON MAPS IN THE E.A.? HOW ARE WE TO COMMENT ON SOMETHING WE ARE NOT ABLE TO REVIEW?

7. HOW IS CEDAR CREEK ANALYSIS UNIT, RELATED TO THE ANALYSIS UNIT 5 E.A. SEVERAL PLACE IN E.A. CEDAR CREEK IS USED, WHERE WE HAVE TO GUESS, UNIT 5 IS THE CORRECT LOCATION.
8. WHY WASN'T PRIORS CUTS IN COMPARTMENTS 17.18 AND 19 ANALYZE IN THIS E.A.
9. WHAT IS THE COST OF BUILDING THE .76 MILES OF NEW ROADS? WHERE IS THIS COST ANALYZE IN THE ECONOMICS OF THIS ROAD PROJECT?
10. WHY IS MOST OF THIS PREPOSED CUTTING IN THE MOLLS CREEK DRAINAGE? WHY WASN'T IT SPREAD OVER THE ENTIRE UNIT AND NOT ONLY IN THIS WATERSHED, TO LIMIT THE EFFECTS OF LOGGING?

Charles Coleman

1410 Lucien Rd north

Brown Knolls, MS 39601

* PAGE 128 Summary of Cumulative Effects

3800 acres on 30% forest services land

4868 acres on 64% now industrial private landowners

This is not correct there is no more than 1000 acres

private landowner the rest is industrial timber lands.

* ~~important to the public interest~~

COMPARTMENT 29

1. CLEARCUT STAND 18 PINE STAND. THIN RIDGE TOP IN STAND 26. STAND 26 HAS THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. ALSO VERY STEEP SLOPES IN THIS STAND WILL INCREASE THE SOIL LOSS WITH A CLEAR CUT.
2. STAND 19 IS NOT 51 ACRES AND IS NOT SUITABLE GROUND FOR LOGGING DUE TO STEEP SLOPES AND WET AREAS. NEEDS TO REANALYZE.
3. STAND 25, WE WOULD LIKE FOR IT TO BE CLEARCUT WITH RESERVES AND PLANTED BACK AS A PINE STAND THERE IS NOT ENOUGH HARDWOOD COMPONENT FOR A PINE HARDWOOD SITE. SEED TREES WOULD MAKE THIS AREA IMPOSSIBLE TO WALK IN FOR SEVERAL YEARS.
4. STANDS 13, 17, 24 AND 20 NEEDS TO HAVE THEIR FIRST THINNING THIS ENTRY. THESE STANDS HAS TURNED IN TO A PINE DESERT WITH NOTHING BUT PINE STRAW UNDER THE TREES. FIRST THINNING WILL PROMOTE BROWES FOR DEER, TURKEY, AND QUAILS.
5. WHERE WILL CUT BOUNTARY ON STAND 22 BE LOCATED SIDE SLOPE. ON RIDGE TOP OR IN CREEK BOTTOMS? WE WOULD LIKE FOR IT TO BE ON THE RIDGE TOP.
6. STAND 8 SHOULD BE CLEARCUT WITH RESERVES AND PLANTED BACK WITH HARDWOODS ALONG MOLLS BRANCH AND PINES ON UPPER SLOPES.
7. STAND 12 SHOULD BE PLANTED BACK TO A PINE STAND AND NOT PINE HARDWOOD. THERE IS NOT ENOUGH OAK ROOTSTOCK TO ACHIEVE A PINE HARDWOOD STAND. ✓

COMPARTMENT 28

1. STAND 19 IS NOT SUITABLE FOR LONG LEAF; THIS STAND IS A FLAT BOTTOM THAT WATER STANDS ON MOST OF THE TIME. THIS STAND SHOULD BE CHANGED TO THIN ONLY.
2. STAND 21 OR 22 WOULD BE BEST TO CLEAR CUT.
3. STAND 26 SHOULD NOT BE CLEAR CUT IT IS ALREADY A PINE HARDWOOD STAND WITH STEEP SLOPES AND THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. WHAT WILL BE THE SOIL LOSSES ON THESE STEEP SLOPES? ✓
4. ROAD 109G WILL NEED TO BE OPEN TO PUBLIC NOT GATED AND LOCKED AS IT IS NOW.
5. WE NEED ON MORE ROAD BUILT, TO MANY IN AREA ALREADY. ROADS ALREADY BUILT SHOULD REMAIN OPEN.
6. WHY WASN'T THE 15.59 MILES OF ROADS I.D. ON MAPS IN THE E.A.? HOW ARE WE TO COMMENT ON SOMETHING WE ARE NOT ABLE TO REVIEW?

-
- 
7. HOW IS CEDAR CREEK ANALYSIS UNIT, RELATED TO THE ANALYSIS UNIT 5 E.A. SEVERAL PLACE IN E.A. CEDAR CREEK IS USED, WHERE WE HAVE TO GUESS. UNIT 5 IS THE CORRECT LOCATION.
 8. WHY WASN'T PRIORS CUTS IN COMPARTMENTS 17,18 AND 19 ANALYZE IN THIS E.A.
 9. WHAT IS THE COST OF BUILDING THE .76 MILES OF NEW ROADS? WHERE IS THIS COST ANALYZE IN THE ECONOMICS OF THIS ROAD PROJECT?
 10. WHY IS MOST OF THIS PREPOSED CUTTING IN THE MOLLS CREEK DRAINAGE? WHY WASN'T IT SPREAD OVER THE ENTIRE UNIT AND NOT ONLY IN THIS WATERSHED, TO LIMIT THE EFFECTS OF LOGGING?

Johnny Bonds

COMPARTMENT 29

3-29-07
meeting

1. CLEARCUT STAND 18 PINE STAND. THIN RIDGE TOP IN STAND 26. STAND 26 HAS THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. ALSO VERY STEEP SLOPES IN THIS STAND WILL INCREASE THE SOIL LOSS WITH A CLEAR CUT.
2. STAND 19 IS NOT 51 ACRES AND IS NOT SUITABLE GROUND FOR LOGGING DUE TO STEEP SLOPES AND WET AREAS. NEEDS TO REANALYZE.
3. STAND 25, WE WOULD LIKE FOR IT TO BE CLEARCUT WITH RESERVES AND PLANTED BACK AS A PINE STAND THERE IS NOT ENOUGH HARDWOOD COMPONENT FOR A PINE HARDWOOD SITE. SEED TREES WOULD MAKE THIS AREA IMPOSSIBLE TO WALK IN FOR SEVERAL YEARS.
4. STANDS 13,17,24 AND 20 NEEDS TO HAVE THEIR FIRST THINNING THIS ENTRY. THESE STANDS HAS TURNED IN TO A PINE DESERT WITH NOTHING BUT PINE STRAW UNDER THE TREES. FIRST THINNING WILL PROMOTE BROWES FOR DEER, TURKEY, AND QUAILS.
5. WHERE WILL CUT BOUNTARY ON STAND 22 BE LOCATED SIDE SLOPE. ON RIDGE TOP OR IN CREEK BOTTOMS? WE WOULD LIKE FOR IT TO BE ON THE RIDGE TOP.
6. STAND 8 SHOULD BE CLEARCUT WITH RESERVES AND PLANTED BACK WITH HARDWOODS ALONG MOLLS BRANCH AND PINES ON UPPER SLOPES.
7. STAND 12 SHOULD BE PLANTED BACK TO A PINE STAND AND NOT PINE HARDWOOD. THERE IS NOT ENOUGH OAK ROOTSTOCK TO ACHIEVE A PINE HARDWOOD STAND.

COMPARTMENT 28

1. STAND 19 IS NOT SUITABLE FOR LONG LEAF; THIS STAND IS A FLAT BOTTOM THAT WATER STANDS ON MOST OF THE TIME. THIS STAND SHOULD BE CHANGED TO THIN ONLY.
2. STAND 21 OR 22 WOULD BE BEST TO CLEAR CUT.
3. STAND 26 SHOULD NOT BE CLEAR CUT IT IS ALREADY A PINE HARDWOOD STAND WITH STEEP SLOPES AND THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. WHAT WILL BE THE SOIL LOSSES ON THESE STEEP SLOPES?
4. ROAD 109G WILL NEED TO BE OPEN TO PUBLIC NOT GATED AND LOCKED AS IT IS NOW.
5. WE NEED ON MORE ROAD BUILT, TO MANY IN AREA ALREADY. ROADS ALREADY BUILT SHOULD REMAIN OPEN.
6. WHY WASN'T THE 15.59 MILES OF ROADS I.D. ON MAPS IN THE E.A.? HOW ARE WE TO COMMENT ON SOMETHING WE ARE NOT ABLE TO REVIEW?

7. HOW IS CEDAR CREEK ANALYSIS UNIT, RELATED TO THE ANALYSIS UNIT 5 E.A. SEVERAL PLACE IN E.A. CEDAR CREEK IS USED, WHERE WE HAVE TO GUESS, UNIT 5 IS THE CORRECT LOCATION.
8. WHY WASN'T PRIORS CUTS IN COMPARTMENTS 17,18 AND 19 ANALYZE IN THIS E.A.
9. WHAT IS THE COST OF BUILDING THE .76 MILES OF NEW ROADS? WHERE IS THIS COST ANALYZE IN THE ECONOMICS OF THIS ROAD PROJECT?
10. WHY IS MOST OF THIS PREPOSED CUTTING IN THE MOLLS CREEK DRAINAGE? WHY WASN'T IT SPREAD OVER THE ENTIRE UNIT AND NOT ONLY IN THIS WATERSHED, TO LIMIT THE EFFECTS OF LOGGING?

Mitchell A. West
1338 FIELD LARK LN
BROOKHAVEN, MS 39601

COMPARTMENT 29

1. CLEARCUT STAND 18 PINE STAND. THIN RIDGE TOP IN STAND 26. STAND 26 HAS THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. ALSO VERY STEEP SLOPES IN THIS STAND WILL INCREASE THE SOIL LOSS WITH A CLEAR CUT.
2. STAND 19 IS NOT 51 ACRES AND IS NOT SUITABLE GROUND FOR LOGGING DUE TO STEEP SLOPES AND WET AREAS. NEEDS TO REANALYZE.
3. STAND 25, WE WOULD LIKE FOR IT TO BE CLEARCUT WITH RESERVES AND PLANTED BACK AS A PINE STAND THERE IS NOT ENOUGH HARDWOOD COMPONENT FOR A PINE HARDWOOD SITE. SEED TREES WOULD MAKE THIS AREA IMPOSSIBLE TO WALK IN FOR SEVERAL YEARS.
4. STANDS 13,17,24 AND 20 NEEDS TO HAVE THEIR FIRST THINNING THIS ENTRY. THESE STANDS HAS TURNED IN TO A PINE DESERT WITH NOTHING BUT PINE STRAW UNDER THE TREES. FIRST THINNING WILL PROMOTE BROWES FOR DEER, TURKEY, AND QUAILS.
5. WHERE WILL CUT BOUNTARY ON STAND 22 BE LOCATED SIDE SLOPE. ON RIDGE TOP OR IN CREEK BOTTOMS? WE WOULD LIKE FOR IT TO BE ON THE RIDGE TOP.
6. STAND 8 SHOULD BE CLEARCUT WITH RESERVES AND PLANTED BACK WITH HARDWOODS ALONG MOULDS BRANCH AND PINES ON UPPER SLOPES.
7. STAND 12 SHOULD BE PLANTED BACK TO A PINE STAND AND NOT PINE HARDWOOD. THERE IS NOT ENOUGH OAK ROOTSTOCK TO ACHIEVE A PINE HARDWOOD STAND.

COMPARTMENT 28

1. STAND 19 IS NOT SUITABLE FOR LONG LEAF; THIS STAND IS A FLAT BOTTOM THAT WATER STANDS ON MOST OF THE TIME. THIS STAND SHOULD BE CHANGED TO THIN ONLY.
2. STAND 21 OR 22 WOULD BE BEST TO CLEAR CUT.
3. STAND 26 SHOULD NOT BE CLEAR CUT IT IS ALREADY A PINE HARDWOOD STAND WITH STEEP SLOPES AND THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. WHAT WILL BE THE SOIL LOSSES ON THESE STEEP SLOPES?
4. ROAD 109G WILL NEED TO BE OPEN TO PUBLIC NOT GATED AND LOCKED AS IT IS NOW.
5. WE NEED ON MORE ROAD BUILT, TO MANY IN AREA ALREADY. ROADS ALREADY BUILT SHOULD REMAIN OPEN.
6. WHY WASN'T THE 15.59 MILES OF ROADS I.D. ON MAPS IN THE E.A.? HOW ARE WE TO COMMENT ON SOMETHING WE ARE NOT ABLE TO REVIEW?

7. HOW IS CEDAR CREEK ANALYSIS UNIT, RELATED TO THE ANALYSIS UNIT 5 E.A. SEVERAL PLACE IN E.A. CEDAR CREEK IS USED, WHERE WE HAVE TO GUESS, UNIT 5 IS THE CORRECT LOCATION.
8. WHY WASN'T PRIORS CUTS IN COMPARTMENTS 17,18 AND 19 ANALYZE IN THIS E.A.
9. WHAT IS THE COST OF BUILDING THE .76 MILES OF NEW ROADS? WHERE IS THIS COST ANALYZE IN THE ECONOMICS OF THIS ROAD PROJECT?
10. WHY IS MOST OF THIS PREPOSED CUTTING IN THE MOLLS CREEK DRAINAGE? WHY WASN'T IT SPREAD OVER THE ENTIRE UNIT AND NOT ONLY IN THIS WATERSHED, TO LIMIT THE EFFECTS OF LOGGING?

Mitchel Smith
43 EBAND TEL
Bogus Chitto MS.

COMPARTMENT 29

1. CLEARCUT STAND 18 PINE STAND. THIN RIDGE TOP IN STAND 26. STAND 26 HAS THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. ALSO VERY STEEP SLOPES IN THIS STAND WILL INCREASE THE SOIL LOSS WITH A CLEAR CUT.
2. STAND 19 IS NOT 51 ACRES AND IS NOT SUITABLE GROUND FOR LOGGING DUE TO STEEP SLOPES AND WET AREAS. NEEDS TO REANALYZE.
3. STAND 25, WE WOULD LIKE FOR IT TO BE CLEARCUT WITH RESERVES AND PLANTED BACK AS A PINE STAND THERE IS NOT ENOUGH HARDWOOD COMPONENT FOR A PINE HARDWOOD SITE. SEED TREES WOULD MAKE THIS AREA IMPOSSIBLE TO WALK IN FOR SEVERAL YEARS.
4. STANDS 13,17,24 AND 20 NEEDS TO HAVE THEIR FIRST THINNING THIS ENTRY. THESE STANDS HAS TURNED IN TO A PINE DESERT WITH NOTHING BUT PINE STRAW UNDER THE TREES. FIRST THINNING WILL PROMOTE BROWES FOR DEER, TURKEY, AND QUAILS.
5. WHERE WILL CUT BOUNTARY ON STAND 22 BE LOCATED SIDE SLOPE. ON RIDGE TOP OR IN CREEK BOTTOMS? WE WOULD LIKE FOR IT TO BE ON THE RIDGE TOP.
6. STAND 8 SHOULD BE CLEARCUT WITH RESERVES AND PLANTED BACK WITH HARDWOODS ALONG MOLLS BRANCH AND PINES ON UPPER SLOPES.
7. STAND 12 SHOULD BE PLANTED BACK TO A PINE STAND AND NOT PINE HARDWOOD. THERE IS NOT ENOUGH OAK ROOTSTOCK TO ACHIEVE A PINE HARDWOOD STAND.

COMPARTMENT 28

1. STAND 19 IS NOT SUITABLE FOR LONG LEAF; THIS STAND IS A FLAT BOTTOM THAT WATER STANDS ON MOST OF THE TIME. THIS STAND SHOULD BE CHANGED TO THIN ONLY.
2. STAND 21 OR 22 WOULD BE BEST TO CLEAR CUT.
3. STAND 26 SHOULD NOT BE CLEAR CUT IT IS ALREADY A PINE HARDWOOD STAND WITH STEEP SLOPES AND THE ONLY HARDWOOD COMPONENT IN ¼ MILES RADIUS. WHAT WILL BE THE SOIL LOSSES ON THESE STEEP SLOPES?
4. ROAD 109G WILL NEED TO BE OPEN TO PUBLIC NOT GATED AND LOCKED AS IT IS NOW.
5. WE NEED ON MORE ROAD BUILT, TO MANY IN AREA ALREADY. ROADS ALREADY BUILT SHOULD REMAIN OPEN.
6. WHY WASN'T THE 15.59 MILES OF ROADS I.D. ON MAPS IN THE E.A.? HOW ARE WE TO COMMENT ON SOMETHING WE ARE NOT ABLE TO REVIEW?

7. HOW IS CEDAR CREEK ANALYSIS UNIT, RELATED TO THE ANALYSIS UNIT 5 E.A. SEVERAL PLACE IN E.A. CEDAR CREEK IS USED, WHERE WE HAVE TO GUESS. UNIT 5 IS THE CORRECT LOCATION.
8. WHY WASN'T PRIORS CUTS IN COMPARTMENTS 17,18 AND 19 ANALYZE IN THIS E.A.
9. WHAT IS THE COST OF BUILDING THE .76 MILES OF NEW ROADS? WHERE IS THIS COST ANALYZE IN THE ECONOMICS OF THIS ROAD PROJECT?
10. WHY IS MOST OF THIS PROPOSED CUTTING IN THE MOLLS CREEK DRAINAGE? WHY WASN'T IT SPREAD OVER THE ENTIRE UNIT AND NOT ONLY IN THIS WATERSHED, TO LIMIT THE EFFECTS OF LOGGING?

Larry Whites
936 Dillon Trail
Boquerchitto miss

WildLaw

A Non-profit Environmental Law Firm

Alabama Office
8116 Old Federal Road, Suite C
Montgomery, AL 36117
334/396-4729, 334/396-9076 (fax)
www.wildlaw.org

April 10, 2003

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

Re: Comments on Proposed Analysis Unit 5 Project

Dear Ranger Bennet:

On behalf of Wild South, the National Forest Protection Alliance, and Friends of Mississippi Public Lands, non-profit outdoor recreation and environmental organizations, I am filing the following comments on the proposed Analysis Unit 5 sale draft EA.

Expired Plan

The Analysis Unit 5 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 tiered. 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 Analysis Unit 5 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 fier 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 FEIS. 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.

PETS and MIS

The EA shows that the Forest has no site-specific population data for the areas in this

project for many MIS species. Surveys were done in the project area for PETS, but not MIS. The Forest Service is required to obtain and maintain current inventory data and use accurate scientific information. This may require the preparation of special studies or inventories. Data shall be periodically evaluated for accuracy and effectiveness. The Forest Service is required to continually monitor and evaluate their management activities. 16 U.S.C. § 1604(g) and 36 C.F.R. § 219.11(d). If monitoring, evaluation, or public comments indicate a need to amend the Forest Plan, the Forest Plan can be amended. 36 C.F.R. § 219.10(f). Management plans must insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land. 16 U.S.C. § 1604(g)(3)(C).

The agency is also required to maintain biological diversity and viable populations of Forest fauna and flora. 36 C.F.R. Section 219.26 requires the Forest Service to gather and keep data, as it states in relevant part:

“Forest Planning shall provide for the diversity of plant and animal communities and tree species consistent with the overall multiple use objectives of the planning area. Such diversity shall be considered throughout the planning process. Inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition.”

36 C.F.R. Section 219.19 mandates the Forest Service specifically monitor MIS:

“Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area . . . (1) in order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as MIS . . . (6) population trends of the MIS will be monitored and relationships to habitat changes determined.”

To comply with the plain language of 36 C.F.R. §219.19, “[h]abitat trend data may not be used as a proxy for population inventories.” *Forest Guardians, et al. v. United States Forest Serv.*, 180 F. Supp. 2d 1273 (D.N.M. 2001)(Parker, J.) (hereafter cited as “Parker Decision”), Slip op. at 10. The Forest Service must compile quantitative population data for the management indicator species (e.g., the number of animals, including reproductive animals, found in the Forest and the planning area at issue here), not just manage habitat for a hypothetical population. See *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999), disagreeing with *Inland Empire Pub. Lands Council v. United States Forest Serv.*, 88 F.3d 754 (9th Cir. 1996). In the Parker decision, the court engages in a thorough discussion of the split between *Sierra Club* and *Inland Empire*, in light of the Tenth Circuit’s decision in *Colorado Environmental Coalition v. Dombeck*, 185 F.3d 1162 (10th Cir. 1999), concluding that “the Forest Service is obligated by the plain language of [NFMA]’s implementing regulations to acquire and analyze hard population data of its selected management indicator species for” its proposed timber sales. Parker Decision at 10-11.

Recently, the District Court of Utah agreed with *Sierra Club v. Martin and Forest Guardians*. In *Utah Environmental Congress v. Zieroth*, 190 F. Supp. 2d 1265, 1271-72 (D. Utah 2002), Judge Kimball held:

“Although the Forest Service’s methodology is entitled to deference, its actions must be in accord with the governing regulations. Section 219.19 specifically states that ‘population trends of the management indicator species will be monitored and relationships to habitat changes determined.’ 36 C.F.R. § 219.19(a)(6). Section 219.26 similarly requires the Forest Service to use quantitative data to measure a project’s impact on forest diversity. In reviewing these regulations, the court agrees with the analysis of the *Martin* court:

“MIS are proxies used to measure the effects of management strategies on Forest Diversity: Section 219.19 requires that the Forest Service monitor their relationship to habitat changes. Section 219.26 requires the Forest Service to use quantitative inventory data to assess the Forest Plan’s effects on diversity. If Section 219.19 mandates that MIS serve as the means through which to measure the Forest Plan’s impact on diversity and Section 219.26 dictates that quantitative data be used to measure the Forest Plan’s impact on diversity, then, taken together, the two regulations require the Forest Service to gather quantitative data on MIS and use it to measure the impact of habitat changes on the Forest’s diversity. To read the regulations otherwise would be to render one or the other meaningless”

“*Martin*, 168 F.3d at 7. Similarly, in analyzing the applicable regulations, a district court in the Tenth Circuit has also recently found that ‘under this clear language, [the Forest Service] may not rely solely on habitat trend data as a proxy for population data or to extrapolate population trends.’ See *Forest Guardians v. United States Forest Service*, 180 F. Supp.2d 1273, 2001 WL 1705942 (D.N.M. Oct. 2, 2001). In reaching this conclusion, the *Forest Guardians* court recognized that ‘management indicator species represent a management short-cut Consequently, there is generally no reason to further short-cut the management monitoring process by relying on habitat trends to project management indicator species population data.’ *Id.*

“In this case, the Forest Service admits that population data has not been collected since 1991. Given this lack of data, there is no way for the Forest Service to meet the requirements in the regulations to analyze population trends. Therefore, the Forest Service’s approval of the Project without actual or trend population data is contrary to the governing regulations. Accordingly, Plaintiffs have met their burden for reversal of the Forest Service’s decision. See *Martin*, 168 F.3d at 4 (quoting *Simmons v. Block*, 782 F.2d 1545, 1550 (11th Cir.1986)

(“courts must overturn agency actions which do not scrupulously follow the regulations and procedures promulgated by the agency itself.”); *Thomas Jefferson University v. Shalala*, 512 U.S. 504, 512, 114 S. Ct. 2381, 129 L. Ed. 2d 405 (1994) (no deference due to agency interpretation that contradicts regulation’s plain language).”

While the implementing regulations technically apply to the “formulation of Forest Plans rather than to specific projects proposed under already enacted Forest Plans,” the Forest Service’s obligations under the Forest Plan “continue throughout the Plan’s existence.” *Sierra Club v. Martin*, 168 F.3d 1, 6 (11th Cir. 1999) (citing 36 C.F.R. § 219); see *Inland Empire Pub. Lands Council v. United States Forest Serv.*, 88 F.3d 754, 760 n.6 (9th Cir. 1996) (rejecting proposition that 36 C.F.R. § 219.19 applies only to promulgation and management of forest plans and not to site-specific projects and reasoning that areas contained within National Forest boundaries would be covered by a forest plan and thus also would be governed by § 219.19). The Forest Service must constantly monitor the Forest Plan’s impact, including the impact of specific management actions, on the forest environment so that compliance with the Forest Plan is achieved and any needed revisions to the Forest Plan are ascertained. See *Martin*, 168 F.3d at 6; 16 U.S.C. § 1604(i) (site-specific management actions implemented by the Forest Service “must be consistent with the Forest Plan.”); *Dornbeck*, 185 F.3d at 1168 (“[P]roposed projects must be consistent with the Forest Plan.”). Therefore, to avoid an absurd result, courts have concluded that the National Forest Management Act and the implementing regulations at issue apply to site-specific projects. See generally Parker Decision at 10.

The Eleventh Circuit Court of Appeals found that the Forest Supervisor of the Chattahoochee and Oconee National Forests had to provide population data of MIS before a timber project could be approved. See *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999):

“The Forest Service admits in numerous places in the record that sensitive species do occur within the project sites and acknowledges that those individuals would be destroyed by the proposed timber sales. It then notes in each case that because the species also exist elsewhere within the Forest, the timber projects would not significantly impact the species’ diversity or viability. Yet, the Forest Service reached this conclusion without gathering any inventory or population data on many of the PETS species. Though these species are, by definition, at risk, nothing in the record indicates that the Forest Service possessed baseline population data from which to measure the impact that their destruction in the project areas would have on the overall forest population. We are nevertheless asked to defer to the Forest Service’s conclusion that there will be no significant impact upon these species from the proposed timber projects. Absent record support for the Forest Service’s assertions, this we cannot do.”

“ . . .

“The regulations require that MIS be monitored to determine the effects of

habitat changes. The timber projects proposed for the Chattahoochee and Oconee National Forests amount to 2000 acres of habitat change. Yet, despite this extensive habitat change and the fact that the [sic] some MIS populations in the Forest are actually declining, the Forest Service has no population data for half of the MIS in the Forest and thus cannot reliably gauge the impact of the timber projects on these species.”

The Fifth Circuit Court of Appeals, the circuit in which Mississippi sits, agreed with the holding of the Eleventh Circuit in *Sierra Club v. Martin*. Although the Fifth Circuit, *en banc*, later changed that ruling and vacated the case due to the case not being ripe, the Court clearly “telegraphed” how they would rule on the MIS issue in a case that is ripe. The Fifth Circuit stated:

“Our analysis in this case is persuasively supported by a recent opinion of a sister circuit. In *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999), the Eleventh Circuit ruled on this exact issue. See 168 F.3d at 3-7. In *Martin*, the Forest Service argued that its decision to sell the timber rights to seven tracts of land within a Georgia National Forest was one committed to agency discretion. The sale would have allowed logging in the form of clearcutting, road building, and other related activities. See *id.* at 2. Over 155 tons of sediment would have been discharged into the Forest’s rivers and streams as a result of these undertakings. See *id.* In theory complying with the NFMA, the Forest Service developed an LRMP and conducted a study of the projected impact of the sales, concluding that no adverse results would obtain. See *id.* at 2-3. The Sierra Club and other environmental groups argued, however, that the decision to proceed was arbitrary and capricious because the Forest Service had failed to inventory or to monitor endangered species of flora and fauna as required by the LRMP and the Forest Service’s own regulations. See *id.* at 3. The district court held that the Forest Service was not required to obtain any population data before proceeding with the sales because the regulations at issue deal only with the formulation of LRMPs and not site-specific actions initiated under an LRMP.

“The Eleventh Circuit reversed. In her opinion for the court, Judge Barkett ruled that (1) the NFMA and its attendant regulations do require actual on-the-ground population data for inventorying and monitoring of species and that the Forest Service’s failure to comply with those regulations was arbitrary and capricious. See *id.* at 5-6. In the case at bar, we are faced with an identical situation and, for the reasons explained *supra*, agree with the Eleventh Circuit that the NFMA requires on-the-ground inventorying and monitoring and is not simply a planning statute. The *Martin* court also held that the Sierra Club could challenge the Forest Service’s compliance with a Forest Plan as part of its challenge to site-specific timber sales. See *id.* at 6. Indeed, the court observed that “[a] contrary result would effectively make it impossible for a plaintiff to even seek review of the Forest Service’s compliance with a Forest Plan.” *Id.* As noted above, we

essentially adopt the same rationale for allowing Appellees to proceed in this case and to challenge the Forest Service's actions with respect to the Texas National Forests.

"In *Sierra Club I*, we implied that the NFMA has a substantive component. See *Sierra Club I*, 38 F.3d at 800. We found that the approval of even-aged management techniques were within the discretion of the Forest Service. See *id.* This court reasoned that the Forest Service could take actions anywhere along the continuum between 'preservation of the status quo' on one end and 'eradication of species' on the other. Allowing even-aged management was just such a discretionary action. This discretion is not, however, 'unbridled.' *Id.* We also warned that '[r]he regulations implementing NFMA provide a minimum level of protection by mandating that the Forest Service manage fish and wildlife habitats to insure viable populations of species in planning areas. In addition, the statute requires the Forest Service to 'provide for diversity of plant and animal communities.' *Id.* (citations omitted). Consequently, this court has already determined that the NFMA and its associated regulations require the Forest Service to comply with the law on-the-ground rather than merely issuing standards and guidelines as part of its LRMPs."

Sierra Club v. Peterson, 185 F.3d 349, 372-73 (5th Cir. 1999), *overruled en banc*, 228 F.3d 559 (5th Cir. 2000), *cert. denied*, 532 U.S. 1051 (2001).

Just as in *Sierra Club v. Martin*, this EA admits in numerous places that MIS species have the potential to occur within the project sites and acknowledges that any such individuals would be destroyed by the proposed project. The statutes, implementing regulations, and case law mandates the Forest Service to monitor and maintain population data on MIS. The District has not performed site-specific surveys for or obtained current population or inventory data on all the MIS in these planning areas.

The BE and EA show that surveys were done in the project area for PETS species but not for the MIS that the District admits could be in the area. The District did not conduct full, complete and scientifically-defensible population surveys for all MIS species that could occur in the project area. The population data must cover the project area and the district as a whole. This is necessary to make sure that you are complying with your NFMA requirements to ensure the viability of these species on your district. See *Sierra Club v. Martin*, 168 F.3d 1 (11th Cir. 1999).

Most disturbing, the EA **admits** that there is inadequate data for the MIS species Eastern Meadowlark and Kestrel. Even under the District's illegal interpretation that you do not have to have MIS data at a site-specific level but only at the Plan level, you **admit** that you have no data at all for two of the MIS species that could occur on the project sites. Thus, even assuming MIS data only has to be at the Plan level, the EA shows violations of that requirement.

The EA attempts to gloss over this total failure to comply with MIS requirements by saying that another species can substitute for the MIS, proposing to use White-eyed Vireo for the Meadowlark and Yellow-breasted Chat for the Kestrel. Courts have rejected attempts to substitute one species for an MIS species unless the Plan is amended to replace one MIS with another one. In the Manti-La Sal National Forest, the Forest Service tried to do the same thing there by substituting the Northern Goshawk in its analysis for the MIS Blue Grouse. As held in *Utah Environmental Congress v. Zieroth*, 190 F. Supp. 2d 1265, 1270 (D. Utah 2002):

“Since 1992, the Forest Service has allegedly tried to track the northern goshawk, which it has deemed a better MIS for the area. Plaintiffs argue that in order to change the MIS the Forest Service would need to formally revise the Forest Plan and such a change was never done. Therefore, the data on the northern goshawk is irrelevant and this court must determine only whether the Forest Service adequately analyzed the effects of the Project on the blue grouse population.”

The data the District uses for the substitute species is irrelevant. If you do not want to do the work of getting data (even Plan-level data) on MIS, then you should amend the Plan to provide for other species and then do projects like this after the data on the new MIS is collected. But to just pass the buck and say “we don’t have to monitor certain MIS species because we found other species we like better” is clearly illegal.

Biological Evaluations (“BEs”) are a basis for the EAs and subsequent FONSI. Thus, to the extent that a BE is defective for failure to be based on the population inventories required of them under the LRMPs, the resulting EA and FONSI are defective, i.e., arbitrary and capricious, an abuse of discretion and otherwise not in accordance with law.

The United States Department of Agriculture’s Office of Inspector General (“OIG”) assessed the adequacy of the Forest Service’s Environmental Assessments in light of the PEIS population inventory requirements of the LRMPs. USDA Office of the Inspector General Report, *Forest Service Timber Sale Environmental Analysis Requirements*, January, 1999 (“OIG Report”).

The OIG found that “the lack of these surveys could jeopardize threatened, endangered and sensitive species or their habitats.” (OIG Report p. 18). The OIG found that “the Forest Service should conduct and document field surveys in those situations when adequate information about possible effects to threatened, endangered and sensitive species is not available or when suitable habitat for such species is present in the project area.” (OIG Report p. 19).

The OIG found several of the Forest Service EA that it reviewed were inadequate due to a lack of sensitive species population inventories – including specifically in Mississippi.

The OIG Report notwithstanding, the Forest Service continues to publish EAs, Decision Notices and FONSI for timber sales like this one without the required population surveys and inventories.

The Forest Service's MIS analysis also serves as a basis for the EAs and subsequent FONSI's. Thus, to the extent that MIS data and analysis are defective in not meeting the requirements of 36 C.F.R. §§ 219.19 and 219.26, this EA is defective, i.e., arbitrary and capricious, an abuse of discretion and otherwise not in accordance with law.

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, must be 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, you are doing other large projects at the very same time you are 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)	
Analysis Unit 38	
Analysis Unit 5	1,144
Analysis Unit 22	
Analysis Unit 24	
Analysis Unit 27	
Analysis Unit 20	2,241
Analysis Unit 1 (Foster Creek)	809
Analysis Unit 4 (Cedar Creek)	1,532
Block 30	
Block 31	
Southern Pine Beetle FA	

We expected 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, but it did not. Your cumulative impacts analysis is completely missing and totally illegal under NEPA.

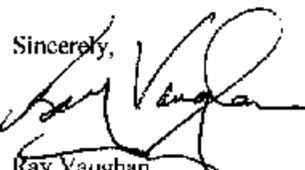
Further, since you are planning on doing extensive Longleaf Pine ecosystem restoration, that is a large-scale project, a program not contemplated by your current LRMP and its EIS. As the EA admits at page 3-87, Table 3.8, "The original Forest Plan did not acknowledge the presence of Longleaf Pine on the Homochitto District." As the EA states, "Historically, 70% of the pine component had been longleaf pine." (3-42.)

The Conecuh National Forest in Alabama prepared an EIS on a five-year program to restore Longleaf Pine over some 4,222 acres, which is less of an area than your projects mentioned above together will log. It would give your Longleaf restoration work better direction and improved validity if you would postpone this project and all others like it until such time as you 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. See the Conecuh Longleaf Pine Restoration EIS and ROD contained on the CD-ROM enclosed with our comments on the AU 7 and AU 20 projects.

A district court in Vermont has examined the Forest Service's failure to comply with NEPA in the context of a program to sell timber, finding that the FONSI issued by the Forest Service violated NEPA. *National Audubon Soc. v. Hoffman*, 917 F. Supp. 280 (D. Vt. 1995), aff'd in part, rev'd in part, 132 F. 3d 7 (2d Cir. 1997) (the "Lamb Brook" timber sale decision). There, the Court found a program to impact about 1,300 acres and clearcut some 300 was obviously significant in its impacts. A thorough review of that court's holding is applicable here, because, in this case, the Forest Service's actions are leading to the cutting of many thousands of acres.

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.

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,

Ray Vaughan
Attorney for Wild South, NFPA & FMPL