

From: [Corless, Theresa I -FS](#)
To: [Marsolais, Jennifer - FS](#)
Subject: FW: Objection to the Trestle Ck forest health Project
Date: Monday, April 24, 2017 9:31:42 AM
Attachments: [Scanned signature for Dick Artley.doc](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Jen,

Objection from Mr. Artley on Trestle. Will send the tracking sheet later today.



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Caring for the land and serving people

From: Dick Artley [mailto:da99333@gmail.com]
Sent: Thursday, April 20, 2017 1:43 PM
To: FS-objections-pacificsouthwest-regional-office <objections-pacificsouthwest-regional-office@fs.fed.us>
Subject: Objection to the Trestle Ck forest health Project

April 20, 2017

ATTN: Randy Moore, objection reviewing officer

Below you will find my objection to the EIS and draft ROD for the Trestle Forest Health Project.

Required 36 CFR § 218.8(d) Objection Information

Proposed Project Name: Trestle Forest Health project

Name and Title of the Responsible Official: Lawrence Crabtree, forest supervisor

Proposed Project will be Implemented on: Placerville Ranger District, Eldorado National Forest



Objection Introduction

This objector submitted his comments on the DEIS for the proposed project on August 22, 2015

RODs are not legal unless they are the result of and linked to a legal EIS.

Please direct Supervisor Crabtree to modify the final NEPA document to remove or correct the illegal sections and issue a new draft decision document that responds to the modified NEPA document that complies with United States law.



Objection Point #1---This objector asked the Responsible Official to analyze an alternative in detail that constructed no new roads (system or temporary).

The objector pointed out to the Responsible Official that a no new roads alternative will likely reduce the sale volume some, but it meets the Purpose and Need because the P&N contains no specific acreage that must be harvested. This new alternative stands out among the possible action alternatives that could be analyzed in detail because it reduces the adverse environmental effects of timber harvesting while still meeting the purpose and need for the project. As part of his comments, this objector submitted an attachment with hundreds of statements by Ph.D. independent scientists describing the ecological damage caused by roads. This included a statement by retired USFS chief Dr. Dombeck:

"Roads often cause serious ecological impacts. There are few more irreparable marks we can leave on the land than to build a road."

scenery. The Interdisciplinary Team contained no landscape architect with the education and experience to predict how implementing the Sherman Pass project will affect the visual resources of the area.

The objector requested the Responsible Official to add a landscape architect to the IDT and include their names in the list of preparers. Also have them re-write and modify the analysis of scenery/visual effects and include it in the updated, professionally prepared effects disclosure in the final NEPA document, and to assure that the IDT member list is updated to include the landscape architect.

This wasn't done. The Responsible official claims a landscape architect was involved:

“Response: A recreation specialist and landscape architect participated on the IDT (Project Initiation Letter dated June 12, 2012), and provided input into the proposed action, including the actions specific to the restoration items (EIS, pgs. 21-23), developed design criteria related to roads and OHV trails (EIS, pg. 27-28), and analyzed the effects of the project to recreation and visual resources (EIS on pgs. 177-183).”

Had this been true the landscape architect's name would be included in the list of Preparers. This isn't the case because there is no list of Preparers.

Thus, the final EIS violates:

40 CFR 1501.7, 40 CFR 1502.6 and 40 CFR 1507.7 because the team that prepared the Trestle Ck. FEIS was not interdisciplinary and does not contain the necessary members “capable (in terms of personnel and other resources) of complying with” (a) through (f) of the law.

40 CFR 1502.1(h) because the FEIS does not contain a list of preparers.

How this objection point can be resolved: Please add the missing member to the IDT and 1) have them re-write the environmental effects to scenery/visuals in Chapter 3 of the rewritten NEPA document in a professional manner, 2) include a list of Preparers in the FEIS with their name.

Objection Point #3---The Responsible Official allowed the need to accumulate volume (merchantable sized fuels removal) to transcend effective action that will 1) reduce the risk that homes located in the WUI will burn, and 2) increase the risk that residents will be injured should a wildfire occur.

The objector requested the Responsible Official to: analyze another alternative in detail that

educates the public about Dr. Cohen's methods and offers USFS assistance (with landowner approval) to apply Dr. Cohen's fine fuels removal methods on land owned by elderly and handicapped homeowners.

This wasn't done. Once again the Responsible rejects a Cohen methods alternative because he is captivated by the need to log. He could log and still apply Dr. Cohen's methods. This shows volume accumulation is more important than human lives to the Responsible Official. Any caring professional would have emphasized saving human lives over the need to "create a resilient forest structure." Saving human lives and their homes does not "relinquish the need to create a resilient forest structure within this area for the management of the National Forest." Here is his response:

“Response: The Forest Service agrees that treatment immediately adjacent to homes is critical to reduce the loss of homes during a wildfire, and that treatment of the wildland does not protect homes without the treatment of fuels adjacent to homes. The Trestle project purpose and need recognizes the proximity of the National Forest to the community and the threats from a large, high intensity wildfire in this landscape, both to the private land owners and to the NFS lands within this area. The presence of homes within the area does not relinquish the need to create a resilient forest structure within this area for the management of the National Forest, though it does increase considerations by the Forest in designing and implementing treatments that also increase the ability to safely and effectively fight fire in the WUI and to protect important community infrastructure within the NFS lands.”

If the objection Deciding Officer does not direct Mr. Crabtree to analyze a Dr. Cohen alternative this objector will write LTE's to the *Placerville Mountain Democrat* and the *Sacramento Bee*.

Mr Crabtree will violate:

- **40 CFR 1500.2(e)** because the Responsible Official does not identify and assess a Cohen fine fuels removal as a reasonable alternatives to the Proposed Action that will “avoid or minimize adverse effects of upon the quality of the human environment.”
- **NEPA Sec. 101(b)(2)** because the Responsible Official does not “assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;”
- **NEPA Sec. 101(c)** because “The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.”
- **Ex. Ord. No. 13045, Apr. 21, 1997 [section 1-101(a)]** because the Responsible Official does not “make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children.”
- **40 CFR §1508.27(b)(2)** because the Responsible Official will be unable to write a FONSI. The intensity category discusses “The degree to which the proposed action

affects public health or safety.”

How this objection point can be resolved: Rewrite the EA to include a Dr. Cohen methods alternative in analyzed in detail. If the P&N was written to exclude alternatives to the Proposed Action that do not involve logging, the P&N must be modify it too to allow non-logging alternatives to be analyzed in detail. The goal as described in the P&N should not be fuels reduction. The goal should be to examine alternatives that save human lives. Fuels reduction logging would still be one action alternative.

If this objection point is rejected, it will be necessary to publish letters in newspapers that might be read by citizens living in the WUI informing them that the Irresponsible Official chooses to risk their homes and lives so he can “get out the cut.” The letter will suggest court action to resolve the problem.

Objection Point #4---The American people do not want their national forests logged for any reason, yet the Responsible Official pursues this action anyway.

Even agency-produced documents acknowledge that the public does not want their public lands logged. The following quote comes from a forest service publication emphasizing this fact:

“The public sees the restriction of mineral development and of timber harvest and grazing as being more important than the provision of natural resources to dependent communities (although this is still seen as somewhat important).” (Pg. 28)

Source of quote: “Survey results of the American public’s values, objectives, beliefs, and attitudes regarding forests and grasslands: A technical document supporting the 2000 USDA Forest Service RPA Assessment”. Gen. Tech. Rep. RMRS-GTR-95. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 111 p.
Link to Complete Report: http://www.fs.fed.us/rm/pubs/rmrs_gtr095.pdf

The objector requested the Responsible Official to include a discussion and supporting data in the final NEPA document showing whether the majority of the people in the area support or reject logging in the Colville National Forest. Also, the objector requested the Responsible Official to justify ignoring the public if he continues to spend the tax dollars supplied by the people in the area to plan the Sherman Pass timber sale and why the information provided by several IDT members should trump these independent scientists’ research conclusions, thus establishing USFS IDT members’ information as “best available science

This wasn’t done.

Therefore the NEPA document violates 40 CFR 1500.2(e) and (f) because the Responsible Official does not use all practicable means to “avoid or minimize any possible adverse effects of their actions upon the quality of the human environment” and does not “avoid or minimize adverse effects of these actions upon the quality of the human environment”, Executive Order 13563 of January 18, 2011, and 16 U.S.C. § 1851 : US Code - Section 1851.

This objection point discussion begins on page 30 of the objector’s comment letter.

How this objection point can be resolved: Use the tax dollars supplied by the national forest owners on activities in the Colville National Forest that best meet the needs of the American people and are harmonious and coordinated with the other natural resources in the area, and are consistent with “best available science.” The Responsible Official to rewrite the NEPA document to omit the illegal sections. Then change the draft DN.



Objection Point #5---When the public takes the time to identify their resource damage concerns (a.k.a. “issues”) that they fear could be caused by logging and/or road construction they expect the Responsible Official to give them the common courtesy of recognizing their concern(s) and addressing their fear that one or more resources could or might be damaged. ALL (emphasis added) concerns submitted by the public were important to the person composing the comments, or the concern wouldn’t have been submitted. The Responsible Official must never categorize the issues as 1) key or not non-key, 2) important or not important, or 3) significant or not significant.

The DEIS identifies the “issues” associated with the proposed King Fire timber sale.

Some issues are labeled “non significant”

The DEIS at page indicates the issues submitted by the public are hidden in the Project File at the District.

The objector requested the Responsible Official to assure that 1) all issues identified by the public are listed in the body of the NEPA document (both hardcopy and posted online) and 2) the Responsible Official explain why some issues were determined to be non significant.“

This wasn't done.

Therefore, by rejecting public input they submitted in good faith which impolitely excluded the public from further involvement the EIS violates 40 CFR 1506.6(a) because The Responsible Official did not make "diligent" efforts to involve the public and 40 CFR 1500.2(d) by failing to "encourage and facilitate public involvement in decisions which affect the quality of the human environment."

Also the King Fire violates 40 CFR 1501.4(b) because the Responsible Official does not involve all members of the public, to the extent practicable, in preparing assessments required by §1508.9(a)(1).

How this objection point can be resolved: Rewrite the NEPA document so **all** issues identified by the public are listed in the body of the NEPA document posted online. The Responsible Official should discuss each issue and describe why the timber sale will or will not be modified to eliminate any chance that resource harm will occur to the resource at issue. If a public issue is declared to be "non-significant" the Responsible Official's reasoning for this determination must be posted online and not hidden away in the Project File at the District.

Objection Point #6---The pre-decisional EA includes map exhibits at such a small scale they are meaningless to the public. The public should have the opportunity to easily locate proposed cutting units and roads in relation to their favorite recreation areas in the sale area.

The objector requested the Responsible Official to redo the following maps at a scale large enough for the public to locate their favorite recreation areas in the sale area in the final EA:

- The Proposed Mechanical and Prescribed Fire Treatments map at page 6 contains no scale. I'm not surprised you hid this important information from the public Ranger Sanchez. Based on the size of the barely visible section borders it appears the map has an incredibly small scale of 1" = 2 miles.
- The old growth allocation map on page 15 is worse. Its scale is 1" = 3 miles and contains nothing that the public might relate to on the ground (i.e. roads or streams).
- The Crown Fire Potential for Analysis Area under the No Action and Proposed

Action alternative maps at pages 29 and 32 have a scale of 1" = 1.5 miles with nothing that the public might relate to on the ground (i.e. roads or streams). They are colorful blobs that reveal nothing.

- The map intended to show 1) TEUUnits and Distribution within the Analysis Area and 2) El Rito Canyon Landscape Restoration Project Streams and Management Areas at pages 39 and 40 are ridiculous. I'm not surprised you have omitted the map scale. Even a child knows correctly prepared maps must have a scale shown.

This wasn't done. The Responsible Official responded with this:

“Response: Appendix A of the EIS contains maps of the proposed action and alternatives and provides a reasonable spatial depiction of proposed activities and geographic locations within the project area. Maps that were in the DEIS on pages 62 and 63 (pgs. 65-66 of the FEIS), as referred to by the commenter, were generated from fire simulation modeling and were meant to provide an overview of how a potential wildland fire would move through the project area under the proposed action. These fire modeling maps were not intended to provide the location of project activities (i.e. commercial and non-commercial thinning units, hand thinning units, prescribed burn units, and restoration sites). Project area maps that include the location of activities proposed under each alternative are provided in Appendix A.”

The Responsible Official did not include maps at a larger scale. He attempts to justify this by saying

“These fire modeling maps were not intended to provide the location of project activities (i.e. commercial and non-commercial thinning units, hand thinning units, prescribed burn units, and restoration sites).”

Every map included in a USFS NEPA document should be of the appropriate scale for the public to interpret them.....this includes “fire modeling maps.”

Therefore, the final EA violates 40 CFR 1500.1(b) because environmental information is not available to the public before decisions are made and before actions are taken.

How this objection point can be resolved: Redo the maps at a scale large enough for the public to locate their favorite recreation areas in the sale area. These larger scale maps should show the location of developed campgrounds and the names of the streams in the area.



Objection Point #7---The Responsible Official does not indicate that temporary roads will be obliterated after use which requires the sideslopes to be brought back to the

natural angle of repose such that there will be no recognizable running surface. Temporary roads that are not obliterated become long-term linear sediment sources.

The objector requested the Responsible Official to:

- Obliterate all temporary roads after use and tell the public this will be done in the rewritten NEPA document and highlight the choice to obliterate temporary roads on the DN.
- Include a link to the NPDES permits for the roads planned to be constructed for this timber sale.
- Assure that the rewritten NEPA document defines an obliterated road correctly: 1) it contains no running surface, 2) the CMPs have been removed, and 3) the natural sideslope that existed before the road was constructed is reestablished by placing the fill back in the cut.
- Assure the rewritten NEPA document describes a road obliteration monitoring plan to assure the sediment is being reduced as expected. The DN should indicate the USFS will provide funding for the monitoring and accomplish the monitoring.

This wasn't done. The Responsible Official claims to have obliterated temporary roads after use and provides this response at page 33 of Appendix D:

“Response: As stated in the proposed action (EIS, page 20), approximately 3 miles of temporary roads would be used for project operations. The temporary roads would be obliterated and restored once there is no longer a use for the road under this project. Best Management Practices (BMPs), such as the installation of erosion control structures, as well as the standard contract clause related to temporary roads (G.6.3) would be implemented for this project. “After a Temporary Road has served Contractor’s purpose, Contractor shall give notice to Forest Service and shall remove bridges and culverts, eliminate ditches, outslope roadbed, remove ruts and berms, effectively block the road to normal vehicular traffic where feasible under existing terrain conditions, and build cross ditches and water bars, as staked or otherwise marked on the ground by the Forest Service.”

Any definition of road obliteration includes drainage structure removal and returning the slope to the natural angle of repose (I.e. putting the fill back into the cut). When this is done there is no running surface to *“outslope, remove ruts and berms, effectively block the road to normal vehicular traffic, and build cross ditches and water bars.”*

The Responsible Official proposes to render the temporary roads hydrologically stable after use.

This violates 36 CFR 212.5(b)(2) because rendered hydrologically stabilizing a road that will never be needed again does not restore the road to a more natural state. If the road will be used in the future it's not a "temporary" road and should have been constructed to system road standards.

The objector's comments on the draft included 1) USFS literature describing the need for such monitoring, and 2) science describing the superiority of decommissioning clearly showing why the extra cost of obliteration eliminates the need to spend more money in the future trying to eliminate sediment. Clearly, the objector's referenced showed the Responsible Official that obliteration eliminates chronic sediment delivery, restores hillslope hydrology, and reduces impacts to aquatic, riparian, and terrestrial ecosystems of roads crossings.

Therefore, the final NEPA document violates:

- The Clean Water Act requires federal official to secure National Pollutant Discharge Elimination System (NPDES) permits when federal officials create point sources for water pollution. NPDES permits have been required since 1972. This case shows some federal officials don't seek out these permits from the EPA because they know the EPA won't grant the permit. Here, the Responsible Official cares more about accumulating volume than complying with United States law.
- 40 CFR 1500.1(c) because the ineffective proposal to hydrologically stabilize temporary roads after use will not "protect, restore, and enhance the environment."
- 40 CFR 1500.2(f) because the ineffective proposal to hydrologically stabilize temporary roads after use will not "restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment."
- 40 CFR 1500.2(e) because the ineffective proposal to hydrologically stabilize temporary roads after use will not "avoid or minimize adverse effects of these actions upon the quality of the human environment."
- The Responsible Official proposes to hydrologically stabilize temporary roads. This violates 36 CFR 212.5(b)(2) because this does not restore the road to a more natural state.

Hydrologically stabilizing a road does not "reestablishing former drainage patterns, stabilizing slopes, restoring vegetation, blocking the entrance to the road, installing water bars, removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, scattering slash on the roadbed, completely eliminating the roadbed by restoring natural contours and slopes." 36 CFR 212.5(b)(2) states that decommissioning actions must include

“but are not limited to” the actions listed above.

This objection point discussion begins on page 41 of the objector’s comment letter.

How this objection point can be resolved: Rewrite the NEPA document EA to:

- 1) indicate all temporary roads will be obliterated after use,
- 2) describe obliteration showing the natural sideslope that existed before the road was constructed is reestablished by placing the fill back in the cut,
- 3) include a road obliteration monitoring plan to assure the sediment is being reduced as expected.

The DN should indicate the USFS will provide funding for the monitoring and accomplish the monitoring.



Objection Point #8---The EIS does not discuss the items shown below that are required by 40 CFR 1502.16.

The objector requested the Responsible Official to include a discussion of the following items in the final EIS.

- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

This wasn’t done. Therefore, the final EIS violates

NFMA Section 5 and 40 CFR 1500.1(b) and 40 CFR 1502.16.

How this objection point can be resolved: Discuss the following in the modified final EIS:

- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various

alternatives and mitigation measures.

(g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

Objection Point #9---The vast majority of scientific logging-related effects literature is authored by independent scientists not affiliated with the USDA. These independent scientists describe how logging activities will damage and impair the proper functioning of numerous natural resources. The objector presented multiple opposing view attachments with his comments containing statements describing logging-related natural resource damage. Each scientific statement includes the link to the source document that contains the statement. The References section of the final EIS contains references written by an inappropriately large percentage of USDA employees. The references section excludes science literature authored by independent scientists that detailed how logging activities similar to that proposed by this project might cause natural resource damaging.

Professional scientists do not selectively choose literature citations that will support their case and systematically exclude those that don't.

The objector requested the Responsible Official to include some source documents from the **Opposing Views Attachments** in the Reference section of the final EIS and also, cite the specific quotes presented for the source literature in the text of the EIS the Responsible Official chose to include in the References. The objector requested the Responsible Official to include links to each **Opposing Views Attachments** that the chose to include in the Reference section and explain why this is best science and trumps the information presented in the **Opposing Views Attachments**.

This wasn't done. The Responsible Official stated this a page page 26 of appendix D:

“Response:The response to Opposing Views submitted by the commenter is available in the project file.”

High school students with a basic grasp of computers know how to post information online. The Responsible Official could have easily included links to the responses to opposing views or included them as attachments. I should not need to drive to Placerville California to determine if Supervisor Crabtree complied with the law.

Therefore, the final EIS violates:

- **40 CFR 1500.1(b)** because important environmental information was not made available to citizens before the decision was made.
- **40 CFR 1500.1(c)** because the public was denied the opportunity to understand the adverse environmental consequences of the logging treatment.
- **40 CFR 1500.2(e)** because the Responsible Official was unable to avoid or minimize adverse effects of the project upon the quality of the human environment without complete knowledge of all likely adverse effects. Some adverse effects of project activities described by scientists in the Attachments was not mentioned in the final EIS.
- **40 CFR 1500.2(f)** because the Responsible Official was unable to avoid or minimize any possible adverse effects upon the quality of the human environment without knowledge of the adverse effects. Had the Responsible Official known about these effects he would have acknowledged the existence of some adverse effects described in the Attachments in the final EIS.

The Responsible Official states the literature cited in the Opposing Views Attachments does not apply to the proposed Trestle project because the literature is not site specific to the project. The Responsible Official chose to keep the References contained in the draft that are not site-specific. This not only violates the public trust but also the **Administrative Procedures Act**.

The final EIS also violates **40 CFR 1502.24** because by ignoring important, reliable, often cited information when developing the EIS renders the analysis devoid of “scientific integrity.”

This objection point discussion begins on page 49 of the objector’s comment letter.

How this objection point can be resolved: Include and cite some source documents from the Opposing Views Attachments in the References section of the final EIS.



Neil Gaiman