From: Dick Artley
To: FS-appeals-northern-regional-office
Subject: [CAUTION: Suspicious Link]Objection to the EA and draft DN for the Threemile Project
Date: Tuesday, May 14, 2019 11:21:36 AM
Attachments: Opposing Views Attachment 11.doc;
Scanned signature for Dick Artley.docx

PROCEED WITH CAUTION: This message triggered warnings of **potentially** malicious web content. Evaluate this email by considering whether you are expecting the message, along with inspection for suspicious links.

Questions: Spam.Abuse@wdc.usda.gov

Kabetogama EA

May 14, 2019

ATTN: objection reviewing officer

Below you will find my objection to the EA and draft DN Threemile Project.

Required 36 CFR § 218.8(d) Objection Information

Proposed Project Name: Threemile project

Name and Title of the Responsible Official: Ron Hecker, District Ranger

Proposed Project will be Implemented on: Ashland Ranger District, Custer-Gallatin National Forest

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Objection Introduction

This objector submitted his comments on the pre-decisional EA for the proposed project on November 10, 2018.

Please direct Ranger Hecker 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. As you can see it would never pass court muster.

The Responsible Official did not disclose the effects of the No Action alternative on Recreation & Scenery on page 116 of the EA.

The objector asked the Responsible Official to include the effects of No Action to the Recreation/Scenery section.

This wasn't done. Therefore the EA violates **40 CFR 1500.14(d)**

How this objection point can be resolved: Comply with the objector's request above.

This objector asked the Responsible Official to analyze an alternative in detail that does not constructed any 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."
>
> Dr. Mike Dombeck, Chief, US Forest Service
> Remarks to Forest Service employees
> and retirees at the University of Montana
> February 1998

In spite of this information, the Responsible Official did not act on the objector's request.

The No Action alternative cannot be equated with a No New road alternative. Unlike the No Action alternative the No New Road alternative would still allow vegetation management to existing roads, wildlife projects, NNIP management, transportation management, riparian improvement, hazardous fuel reduction, and prescribed burning.

The Responsible Official has violated **40 CFR 1500.2(e) and (f)** and **NEPA Sec. 101(b)(2) and (c)**

How this objection point can be resolved: Comply with the objector's request above.

The Responsible Official proposes to apply herbicides that contain the manmade chemical glyphosate to public land in spite of the fact he was aware of the recent court opinion against Monsanto that proved Roundup is an aggressive carcinogen.

The final EA indicates glyphosate will be applied.

As part of my comments on the draft EA I included 16 pages showing 1) the names of scientific articles describing the dangers of glyphosate, 2) short excerpts from the articles and 3) links to the online articles. I'll save you the time of searching the web to find science that clearly shows glyphosate exposure causes autism, dementia, infertility, diabetes, premature births, asphyxia, and cancer. Would there be 3,960,400 web sites devoted to a non-toxic chemical?

"glyphosate" "autism" 354,000 hits. Here they are:
http://www.bing.com/search?q=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cautism%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cautism%E2%80%9D&sc=6-21&sp=-1&sk=&cvid=3BE172C360804C6CA5FCED95F44D6C65

"glyphosate" "dementia" 73,500 hits. Here they are:
http://www.bing.com/search?q=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cdementia%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cdementia%E2%80%9D&sc=0-0&sp=-1&sk=&cvid=6F6D55E7534547E4B8AC483241265F5D

"glyphosate" "infertility" 56,800 hits. Here they are:
http://www.bing.com/search?q=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cinfertility%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cinfertility%E2%80%9D&sc=2-26&sp=-1&sk=&cvid=AEC0E7FF60614005BF62C2EAEFEC4FD5

"glyphosate" "diabetes" 975,000 hits. Here they are:
http://www.bing.com/search?q=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cdiabetes%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cdiabetes%E2%80%9D&sc=2-23&sp=-1&sk=&cvid=C9456FBAC7414D76A3292BC5351401FF

"glyphosate" "premature births" 32,600 hits. Here they are:
http://www.bing.com/search?q=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cpremature%20births%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Cpremature%20births%E2%80%9D&sc=0-0&sp=-1&sk=&cvid=0243581D827147C9A67667B4F3880366

"glyphosate" "asphyxia" 16,700 hits. Here they are:
http://www.bing.com/search?q=%20%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Casphyxia%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Casphyxia%E2%80%9D&sc=0-0&sp=-1&sk=&cvid=E4238949DBC54EEEAFB9A7F843385DC0

"glyphosate" cancer "hairy cell leukemia" 61,800 hits. Here they are:
http://www.bing.com/search?q=%20%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Chairy%20cell%20leukemia%E2%80%9D&qs=n&form=QBRE&pq=%E2%80%9Cglyphosate%E2%80%9D%20%E2%80%9Chairy%20cell%20leukemia%E2%80%9D&sc=0-0&sp=-1&sk=&cvid=6150F9120F7A4A3D8D3CB03652486A88

"glyphosate" cancer "non-Hodgkin's lymphoma" 2,390,000 hits. Here they are:
http://www.bing.com/search?q=%22glyphosate%22+%22non-Hodgkin%E2%80%99s+lymphoma%22&qs=n&form=QBLH&sp=-1&pq=%22glyphosate%22+%22non-hodgkin%E2%80%99s+lymphoma%22&sc=0-37&sk=&cvid=CCE8E5EA48A84BA2982A9FCB11D93CF7

This recent precedent-setting court decision is compelling evidence that Roundup is poison

On July 2018, Dewayne Johnson (a former school groundskeeper) who was diagnosed with non-Hodgkin's lymphoma. He sued Monsanto alleging the chemical glyphosate (an ingredient in Roundup).caused his cancer. Mr. Johnson used Roundup as part of his job. On August 10, 2018 a jury in San Francisco delivered a verdict in Mr. Johnson's favor. The judge ordered Monsanto to pay Mr. Johnson $289 million in total damages

Here are a few of the many links to the verdict:

4 Must-See Videos of the Huge Win in the Monsanto Trial
https://www.organicconsumers.org/blog/monsanto-trial-verdict-videos

San Francisco Jurors Hear Hours of Scientific Data About Herbicide's Link to Cancer
https://www.law.com/therecorder/2018/07/09/san-francisco-jurors-hear-hours-of-scientific-data-about-herbicides-link-to-cancer/?slreturn=20180713081135

Monsanto Loses Landmark Roundup Cancer Trial, Set to Pay USD 289 Million in Damages
https://mail.google.com/mail/u/0/#inbox/FMfcgxvxBXtJCGsfZgnVKVKfStZmxqSM

Monsanto "Taken To The Cleaners" In Jury Verdict Dwayne Johnson v. Monsanto
https://www.activistpost.com/2018/08/monsanto-taken-to-the-cleaners-in-jury-verdict-dwayne-johnson-v-monsanto.html

Jury rules Monsanto liable in weed killer case
https://abc7news.com/society/verdict-reached-in-lawsuit-against-monsanto/3925454/

Monsanto ordered to pay $289 million in world's first Roundup cancer trial
https://www.reuters.com/article/us-monsanto-cancer-lawsuit/jury-orders-monsanto-to-pay-290-million-in-california-roundup-cancer-trial-idUSKBN1KV2HB

Monsanto Loses $289 Million Verdict in Roundup Cancer Trial
https://www.bloomberg.com/news/articles/2018-08-10/monsanto-s-roundup-caused-groundskeeper-s-cancer-jury-finds

Jury orders Monsanto to pay nearly $290M in Roundup trial
https://www.nbcnews.com/news/us-news/jury-orders-monsanto-pay-290m-roundup-trial-n899811

I asked Ranger Hecker to assure the final EA it states "herbicides that contain glyphosate will not be applied."

This wasn't done. The final EA still indicates glyphosate will be applied.

Therefore, the NEPA document violates the following laws.

40 CFR 1501.2 (b), 40 CFR 1502.16(a) and (b), and **40 CFR 1508.8(b)** because Chapter 3 omits important environmental effect disclosures (i.e. glyphosate exposure sometimes causes cancer)

The Apr. 21, 1997 **Executive Order No. 13045** because the Responsible Official does not ensure that this project will not disproportionately expose children to environmental health risks and safety risks.

40 CFR §1508.27(b)(2) because the FOIA intensity discussion fails to discuss the degree to which the proposed action affects public health or safety.

The EA also violated the public trust because it does not tell the public hundreds of papers documenting research conclusions authored by independent scientists disclose glyphosate exposure might cause:

> Birth Defects, Miscarriages, Cancer (non-Hodgkin's lymphoma and hairy cell leukemia), DNA Damage, autism in children , irreparable kidney and liver damage, dementia, mitochondrial damage, endocrine disruption, infertility, bipolar disorder, skin tumors, premature births, thyroid damage and parkinson's disease.

How this objection point can be resolved: Comply with the objector's request above.

When news of Ranger Hecker's wanton failure to protect the members of the public that visit the Custer-Gallatin National Forest comes out in the media the USFS public trust problems trust will pass the point of no return in R-8.

I brought the facts before Ranger Hecker and he ignored them. Therefore Ranger Hecker has also violated **18 U.S. Code § 1001(a-1 and a-2).**

Also a person is guilty of Reckless Endangerment if he "creates a substantial risk of serious physical injury to another person. The accused person isn't required to intend the resulting or potential harm, but must have acted in a way that showed a disregard for the foreseeable consequences of the actions."

Link to the legal definition of Reckless Endangerment: https://definitions.uslegal.com/r/reckless-endangerment/

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 action alternative that will educate people about Dr. Cohen's methods and help people living in the WUI to implement Dr. Cohen's methods if they are unable to do the work themselves.

This wasn't done.

Therefore, the final EA violates 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."

It also violates:

- 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."
  - Agency policy to use best science. The objector's comments included quotes from and links to many, many scientific papers that clearly shows logging to reduce fuels does not reduce fire intensity or rate of spread … and sometimes exacerbates fire behavior. In addition this non-scientific behavior violates: A March 9, 2009 White House Memorandum to heads of executive departments and agencies states:

    > *"Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security.*

    In addition it violates Executive Order #13563 issued on January 18, 2011 requires federal agencies to use best available science:

    > *"General Principles of Regulation.* (a) Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation. It must be based on the best available science."

How this objection point can be resolved: Comply with the objector's request above.

Increases in logging do not stabilize or enhance the economy of small communities located near national forests.

The objector asked the Responsible Official to either 1) eliminate the goal to "*help maintain and support natural resource-related jobs through a commercially viable timber sale contract"* shown in the Purpose and Need, or 2) include the text of the 3 papers in an appendix to the final NEPA document that are referenced in the objector's comments about how small, local community economic stability near national forests is not dependent on the level of timber harvest.

This wasn't done.

Therefore the EA violates **42 USC section 7641 and Title 42--The Public Health and Welfare, 18 USC 1519 and 18 USC 1001(a)(3).**

How this objection point can be resolved: Comply with the objector's request above.

The NEPA document fails to evaluate predicted project impacts to climate change and climate change impacts to forest resources and ecosystem services associated with the project.

The objector requested the Responsible Official to include a discussion of climate change in the final NEPA document showing how 1) the Threemile project will affect climate change, and 2) climate change will affect the resources analyzed in Chapter 3 in the final EA.

This wasn't done.

Therefore, the final EA violates

1) Climate Change Considerations in Project Level NEPA Analysis (**Washington Office Memo January 13, 2009**);

2) **Executive Order 13514** of October 5, 2009; and

3) The **National Environmental Policy Act**. NEPA states that all Federal agencies "to the fullest extent possible" must provide a detailed environmental impact statement (EIS) (42 U.S.C. 4332). Neither Congress nor the courts have indicated precisely how much detail an EIS must contain. However, courts consistently have held that, at a minimum, NEPA imposes a duty on Federal agencies to take a "hard look at environmental consequences" (Natural Resources Defense Council v. Morton, 458 F.2d 827, 838 (D.C. Cir., 1972).

How this objection point can be resolved: Comply with the objector's request above.

Ranger Hecker will leave his temporary roads in a condition where they will harm aquatic habitat and water quality because they will generate sediment during precipitation events and the spring thaw. This damage could have been avoided had he indicated in the final EA that he will "completely eliminate the roadbed by restoring natural contours and slopes" [36 CFR 212.5(b)(2)] after use.

The objector requested the Responsible Official to make it clear to the public that all actions required under 36 CFR 212.5(b)(2) will be taken by saying so in the EA and also including the statement that all temporary roads constructed for this project will be "completely eliminated by restoring natural contours and slopes" that existed before ot was constructed.

This wasn't done.

Therefore this EA EIS violates:

40 CFR 1500.1(c) because your lack of action will not "protect, restore, and enhance" the aquatic environment.

40 CFR 1500.2(e) and (f) because the proposed actions proposed actions that will not "avoid or minimize adverse effects of these actions upon the quality of the human environment" and 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."

36 CFR 212.5(b)(2) because you did not completely eliminate the roadbed by restoring natural contours and slopes after the road is no longer needed

How this objection point can be resolved: Comply with the objector's request above.

The Proposed Action will clearly cause the resource degradation and destruction described in the ATTACHMENTS to these comments.

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 views attachments with his comments on the draft NEPA document containing statements by hundreds of Ph.D. scientists describing logging-related natural resource damage. Each scientific statement includes the link to the source document that contains the statement.

Professionals (whether they be scientists or public land administrators) 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 References/Literature Cited section of the final NEPA document and also, cite the specific quotes presented for the source literature in the text of the NEPA document the Responsible Official chose to include in the References/Literature Cited. The objector requested the Responsible Official to include links to each **Opposing Views Attachments** that the chose to include in the References/Literature Cited section and explain why this is best science and trumps the information presented in the **Opposing Views Attachments**.

This wasn't done. Incredibly, the References section contains only (emphasis added) documents that support timber harvest or are neutral in spite of the fact hundreds of scientific documents are available that describe the logging-generated resource damage in detail . Don't you think the pubic deserves to weigh the evidence themselves by reading science that both supports and opposes commercial timber harvest?

Keep in mind 40 CFR 1502.9(b) allows the Responsible Official to ignore responding to opposing views only if it can be shown to be irresponsible.

"40 CFR 1502.9 (b) Final environmental impact statements shall respond to comments as required in part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised."

Since this wasn't done, the final NEPA document violates: **40 CFR 1500.1(b) and (c)** and **40 CFR 1500.2(e) and (f)**

How this objection point can be resolved: Comply with the objector's request above.

Important documents used to generate key information for the NEPA document were not reasonably available to the public.

This objector asked the Responsible Official to make the documents that currently reside as hardcopies in the Project File available as online Appendices to the NEPA document, or clearly indicate the link to the documents where they appears in the References section. This would allow the public to examine the important information contained in Project File hardcopies without driving to Bonners Ferry Idaho.

This wasn't done.

Therefore, the final EA violates **40 CFR 1500.2(b)**, **40 CFR 1501.2(a) and (b), 40 CFR 1500.2 (d)**, and **40 CFR 1506.6 (a) and (b)**

How this objection point can be resolved: Comply with the objector's request above.

The Responsible Official did not respond to the Opposing Views attached to the objector's comments.

This objector requested the Responsible Official to post meaningful responses to the opposing view quotes contained in the Opposing Views Attachments.

This wasn't done.

Therefore, the final EA violates **40 CFR 1500.2(b)** because Ranger Hecker did not provide meaningful responses to the Opposing Views submitted by this objector.

The Responsible Official did not respond to some Opposing Views quotes because he said the opposing view was an "opinion piece." Please do not conclude an opposing view is not responsible because they are opinions. **"Viewpoint" and "opinion" are synonyms.**

The Responsible Official did not respond to some Opposing Views quotes because he said the source for the opposing view was "not peer reviewed." 40 CFR 1502.9(b) does not limit opposing views to those that are peer reviewed. Indeed, most of the documents listed in the References section were not peer reviewed. Ranger Hecker uses a double standard. If he rejects the Opposing Views that are not peer reviewed he should have not included literature in the References section.

The Responsible Official did not respond to some Opposing Views quotes because he said the source for the opposing view came from a newspapers. 40 CFR 1502.9(b) does not limit opposing views because of the source for the viewpoint. Opposing views contained in newspapers, magazines, and other sources are still opposing views and require a response.

The Responsible Official did not respond to some Opposing Views quotes because he said the opposing view was "site specific." The Opposing Views quotes are not site-specific to certain projects because they provide expert viewpoints concerning treatments that are intended to apply to projects that propose to apply the treatment regardless of location. The Responsible Official did not specify why the viewpoint is "not applicable." 40 CFR 1502.9(b) does not limit opposing views to those that are site specific to the project at hand.

How this objection point can be resolved: Write and distribute a supplemental draft EA that contains opposing Views responses for public inspection before it is finalized.

Final Statement to the Objection Deciding Officer

While working on the NezPerce NF in north Idaho as the forest planner my major duty was to assure each proposed project complied with the forest plan natural resource standards. I was also the NEPA legal compliance reviewer, forest NEPA coordinator, and forest appeals/litigation coordinator.

USFS Region 1 had an appeals review team in the late 1990s before I retired in 2003. Three employees from across the Region were invited to the RO for a week. Our job was to read the appeal and the NEPA document being appealed. We provided the ADO with our recommendations on whether to uphold the decision or rule on favor of the appellant. During one appeal review team session we recommended that the ADO rule in favor of the appellant. She laughed and told us she never rules in favor of an appellant that does not have a history of taking court action if their appeal is turned down. Of course you know I don't have the money to hire an attorney to take on OGC attorneys. I know you have rejected all but trivial objection points before you read my objection. Two of my objection points are not trivial. Rejecting them would set up conditions that could be lethal to members of the public who visit the Custer-Gallatin NF and those who live in the WIU bordering the forest. Here they are:

Please direct the Responsible Official not to apply herbicides that contain glyphosate.

I objected to the use of herbicides that contain the chemical glyphosate because even casual exposure to glyphosate causes non-Hodgkin's lymphoma. I presented the Responsible Official with overwhelming science showing glyphosate is sometimes lethal. I reminded the Responsible Official that there are effective alternatives to glyphosate. Still his final EA proposed glyphosate application. Perhaps this precedent-setting court case might interest you.

> In late September, Dewayne Johnson (a former school groundskeeper) who was diagnosed with non-Hodgkin's lymphoma sued Monsanto sued Monsanto alleging the chemical glyphosate (an ingredient in Roundup).caused his cancer. Mr. Johnson used Roundup as part of his job. On August 10, 2018 a jury in San Francisco delivered a verdict in Mr. Johnson's favor. The judge ordered Monsanto to pay Mr. Johnson $289 million in total damages
>
> Here are a few of the many links to the verdict:
>
> **4 Must-See Videos of the Huge Win in the Monsanto Trial**
> https://www.organicconsumers.org/blog/monsanto-trial-verdict-videos
>
> **DEWAYNE JOHNSON; THE MAN WHO SAVED OUR FARMERS FROM CANCER**
> http://theorganicguy.com/dewayne-johnson-the-man-who-saved-our-farmers-from-cancer/
>
> **San Francisco Jurors Hear Hours of Scientific Data About Herbicide's Link to Cancer**
> https://www.law.com/therecorder/2018/07/09/san-francisco-jurors-hear-hours-of-scientific-data-about-herbicides-link-to-cancer/?slreturn=20180713081135
>
> **Monsanto "Taken To The Cleaners" In Jury Verdict Dwayne Johnson v. Monsanto**
> https://www.activistpost.com/2018/08/monsanto-taken-to-the-cleaners-in-jury-verdict-dwayne-johnson-v-monsanto.html
>
> **Jury rules Monsanto liable in weed killer case**
> https://abc7news.com/society/verdict-reached-in-lawsuit-against-monsanto/3925454/
>
> **Monsanto ordered to pay $289 million in world's first Roundup cancer trial**
> https://www.reuters.com/article/us-monsanto-cancer-lawsuit/jury-orders-monsanto-to-pay-290-million-in-california-roundup-cancer-trial-idUSKBN1KV2HB
>
> **Monsanto Loses $289 Million Verdict in Roundup Cancer Trial**
> https://www.bloomberg.com/news/articles/2018-08-10/monsanto-s-roundup-caused-groundskeeper-s-cancer-jury-finds
>
> **Jury orders Monsanto to pay nearly $290M in Roundup trial**
> https://www.nbcnews.com/news/us-news/jury-orders-monsanto-pay-290m-roundup-trial-n899811
>
> **Landmark lawsuit claims Monsanto hid cancer danger of weedkiller for decades**
> https://www.theguardian.com/business/2018/may/22/monsanto-trial-cancer-weedkiller-roundup-dewayne-johnson

If you do not direct the Responsible Official to apply herbicides that do not contain glyphosate it will be necessary for me to:

- Explain the situation to the public in a letter to the editor in the *Missoulian*
- Explain the situation to one of Senator Tester's aides.

Please direct the Responsible Official to take action to obtain landowners' permission for USFS employees to use Dr. Cohen's fine fuels removal methods near houses on the WUI.

I objected to the fact that the Responsible Official ignored Dr Jack Cohen's (a USFS fire physicist) fine fuels removal methods. Removing fine fuels is the most effective way to reduce the risk that people will die and/or their homes will burn should a wildfire burn into the WUI.

I presented the Responsible Official with overwhelming science showing Dr. Cohen's fine fuels removal method is far superior to hazardous fuels reduction where the fuels are merchantable trees. Still his final EA omitted any mention of Dr. Cohen. You can read the science yourself at **Opposing Scientific Views Attachment #11**.

There is a reason why most USFS Line-Officers reject Dr. Cohen's methods out of hand:

> They want volume and they know fine fuels are unmerchantable and do not produce volume. Everyone knows the USFS is dominated by timber. Thus, those who do not provide volume are not promoted. Putting people's lives and homes at risk for personal gain is not ethical. It's also illegal.

It would be unwise of you to underestimate my resolve. All it takes is 1 email and 1 telephone call.

If one or more of the potential victim decides to take court action you could be convicted of:

> **placing private gain above public service** 5 CFR 2635.101
> https://www.law.cornell.edu/cfr/text/5/2635.101
>
> **reckless endangerment** because you have knowingly created a substantial risk of death or grievous bodily harm to another individual. Neither death nor grievous bodily harm actually have to have been inflicted on another person for reckless endangerment to be proven.

Sincerely,

Dick Artley's scanned signature is contained in the "signature" attachment.

Dick Artley [retired Nez Perce National Forest forest planner)
415 NE 2nd Street
Grangeville, Idaho 83530
208-983-0181
da99333@gmail.com

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"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead