

February 5, 2024

Submitted online at <https://cara.fs2c.usda.gov/Public//CommentInput?Project=62011>

Beth Christiansen, District Ranger  
Jesse Overcash, Project Leader  
George Washington and Jefferson National Forests  
110 Southpark Drive  
Blacksburg, Virginia 24060

Re: Comments on Final EA/Draft DN for White Pine Removal Project

Dear Beth and Jesse:

Thank you for the several conversations we have had about this project over time. We appreciate the opportunities to discuss aspects of the project and now offer a few comments on behalf of the Virginia Wilderness Committee and the Southern Environmental Law Center. These comments are not intended as an administrative objection. Thank you for your consideration.

**Lack of Response to Comments**

As you know, Forest Service regulations regarding NEPA compliance provide that for each of its proposals, the District must consider and respond to public comments, all of which is included in the administrative record.<sup>1</sup> But while the Draft Decision Notice states that there is a written response to comments on the project website, we did not find one.<sup>2</sup> Nor is a response to comments included in the Final EA, which merely states the number of scoping comments received. The Final EA does not provide a response to the substance of scoping comments and importantly, it does not appear to acknowledge or respond fully to issues raised in Draft EA comments. Assuming this was an oversight, can you please make a response to comments available as soon as possible? And if you have not prepared a response to comments, why not? Publishing the response to comments with

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<sup>1</sup> See 36 C.F.R. § 220.4- “Agency decisionmaking. For each Forest Service proposal (§ 220.4(a)), the responsible official shall coordinate and integrate NEPA review and relevant environmental documents with agency decisionmaking by: (1) Completing the environmental document review before making a decision on the proposal; (2) Considering environmental documents, public and agency comments (if any) on those documents, and agency responses to those comments; (3) Including environmental documents, comments, and responses in the administrative record; (4) Considering the alternatives analyzed in environmental document(s) before rendering a decision on the proposal; and (5) Making a decision encompassed within the range of alternatives analyzed in the environmental documents.”

<sup>2</sup> See *Draft Decision Notice, White Pine Removal Project* at 2.

the Final EA has long been the norm for proposed projects, and we strongly urge you to prepare and publish your response to comments for this project. Moreover, we urge you to publish the response to comments with the Final EA moving forward.

Important issues were raised in scoping and Draft EA comments by SELC and others. The District needs to analyze those issues and disclose its analysis to the public. For example, the Virginia Department of Conservation and Recreation (DCR) raised concerns about impacts to species protected under the Virginia Endangered Species Act, impacts in karst areas, and potential impacts to Ecological Cores.<sup>3</sup> The Final EA does not address all of these potential impacts.<sup>4</sup> Without doing so, the District has not complied with NEPA according to the Forest Service's own regulations.

### **Field Trip to Project Area**

We think it would be beneficial to have a field trip to the project area after trees are marked and before any timber sale is advertised. We would be particularly interested in seeing areas where herbicide usage is suggested in 9A1 areas. Are you amenable to this?

Thank you for considering our comments. We will stay in touch about a field trip to the project area.

Sincerely,



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<sup>3</sup> René Hypes, Va. Dep't of Conservation and Recreation, Comments Re: White Pine Removal Project at 2-3 (May 12, 2023).

<sup>4</sup> *Id.* at 3.