

October 25, 2024

Submitting a PDO to the USFS-Hoosier National Forest, Tell City Ranger District,
Christopher Thornton, District Ranger,
Attn: Buffalo Springs Restoration Project

Submitting a PDO to the USFS-Eastern Region, Objection Reviewing Officer
Attn: Administrative Review Staff
Re: Buffalo Springs Restoration Project, Hoosier National Forest, District 9
Responsible Official: Christopher Thornton, District Ranger
CC: Kevin Amick

Submitted by: Jessica Dubay

(b) (6)

Dear Mr. Thornton,

I am writing again to state my opposition to the Buffalo Springs Restoration Project and am again urging you to create a full Environmental Impact Statement, because if one is created, there will be a Finding of Significant Impact. I am asking once more, to please choose the No Action Alternative and continue the current level of management and use in the proposed Buffalo Springs Restoration Project area, specifically in the Lick Creek area of the project.

Please find below my PDO response to the USFS stated responses to my original comments submitted in December of 2022. I appreciate your time and consideration.

Comment Number: 1-54

Original Comment: I would also like to request that the United States Forest Service create a full Environmental Impact Statement regarding the entire area of the proposed Buffalo Springs Restoration Project. I do not believe that the Draft Environmental Assessment has definitively found nor proven that there will be no significant impact.

Agency Response: In the EA, resource specialists considered the likely effects of the project. Please see the EA and draft Decision Notice (DN) and Finding of No Significant Impacts (FONSI) for a discussion of project effects to various resources. The use of an EA does not mean that there will be no impacts caused by the Federal action. The EA is the document used to disclose environmental impacts that are to be expected from the

proposed action/alternatives when the impacts are not anticipated to meet the threshold of significance in CEQ regulation 40 CFR 1501.3 (b)(2).

PDO Response: While I am glad to see that there is now a more thorough Environmental Assessment than there was at the time of my original comment, I maintain that the Final EA and Draft Decision Notice do not result in a Finding of No Significant Impact.

In the Draft Decision Notice, the Finding of No Significant Impact Section states that an Environmental Impact Statement will not be prepared. One cannot come to the conclusion of FONSI without a thorough Environmental Impact Statement to analyze.

I understand that you are citing the Final EA as a sufficient replacement to an Environmental Impact Statement, but the Final EA leaves several issues regarding the environmental impact that this project will have unaddressed.

One issue that needs more attention is the use of herbicides. The Final EA sites Glyphosate data based on research from 2011, which is over 13 years ago. Since then, there have been multiple studies and lawsuits settled in regard to Glyphosate usage. For example, in January of 2024, a jury in Philadelphia, PA, USA awarded \$2.25 billion dollars linking negative health affects specifically to Glyphosate usage.

My home is directly across from an area that is slated for Glyphosate application. The US Forest Service is not only subjecting my family, my neighbors, and I to serious health risks, but is opening itself, its employees, and agents up to lawsuits and other legal action regarding the usage of this toxic chemical.

The Forest Service states in Table 9 on Page 58 of the EA that: *"The studies showing adverse effects are using formulations that are not legal, or available, in the U.S."* While I understand that the formulation of Glyphosate may be different in other countries, and that studies showing adverse effects in 2011 were based on those specific formulations, it is necessary for the US Forest Service to reevaluate their decisions based on more recent information. I cannot imagine that the current studies, done in the US or elsewhere, indicate that Glyphosate usages *"don't reach an adequate level of concern"* (which is also stated in Table 9), if US Courts have recently awarded billions of dollars to be paid out by the manufacturers of these chemicals.

Also addressed in Table 9 in the EA is the topic of Soil Microorganisms. In this section, The US Forest Service admits that *"decreases in the population of soil fungi and bacteria may occur in the field after the application of glyphosate at application rates that are substantially less than those used in Forest Service programs."* This statement alone clearly indicates a finding of significant impact.

The paragraph goes on to state non definitive information on how Glyphosate affects microorganisms in the soil. It is unreasonable for The US Forest Service to not only use

outdated studies as basis of fact, but then to insert non conclusive evidence to negate a clear finding of Significant Impact.

The way that the Forest Service discusses the subject of Microorganisms does not inspire confidence. The lack of scientific rigor is not adequate for a document that is supposed to be showing the public that there is no finding of significant impact. Citing things as “*plausible*” and having contradictory field study evidence clearly means that more research is warranted.

I am also interested to know how the chemicals that The Forest Service is planning on using will affect the well water on my property, as we are downhill from a large area in which The Forest Service will be using these chemicals. Again, this is another issue that should be properly addressed in A\an Environmental Impact Statement. Can you please give me current, definitive information on what these chemicals will do to our well water?

In addition to the effect the chemicals will have on our well water, I would also like information on the impact the prescribed burn will have on our well water. Will you be testing the well water in the area? I see that you will be monitoring some other water sources, will you also be monitoring the well and spring water that so many of the people in this area rely on? Are there dangers associated with controlled burning sediment and toxins leaching into our water?

There are still too many questions left unanswered, or insufficiently answered in order to say that an Environmental Impact Statement is not needed.

Comment Number: 1-55

Original Comment: In addition to requesting a full Environmental Impact Statement, I would also like to request that the United States Forest Service update the National Land and Resource Management Plan. While learning about this project, it has come to my attention that the United States Forest Service has not updated this plan in over 17 years. It is my understanding that it is a Federal Law that this plan must be updated at least every 15 years.

Even if I were to disregard the law that requires this update, I would think that the United States Forest Service would prioritize this update due to the mission statement of the Forest Service. “To sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations” I think it would be necessary to be constantly adjusting this plan. The climate is changing, the endangered species list is growing, and our means of research and critical thinking about the way humans exist in nature is progressing. With this, I find it unacceptable that the United States Forest Service has not been continually updating the National Land and Resource Management plan to align with the changes and progressions that are happening around

us. I would like to understand why updates to this plan have not been made, and I would like to encourage the United States Forest Service to act on these critical updates.

Agency Response: Congress, through its appropriations authority, has recognized that forest plan activities are supported even where the forest plan is more than fifteen years old, provided that the Secretary is working in good faith to complete the plan revision. H.R. 2617, Division G, Title IV, Sec. 407 (117th Congress (2021-2022)), Department of the Interior, Environment, and Related Agencies Appropriations Bill 2023.

As Forest Plan revisions are proceeding on other National Forests across the country in a prioritized manner, the Secretary is making that “good faith” effort. The Hoosier NF’s Plan authorizing this Project remains valid until revised or amended.

The order of revisions of Forest Plans is a national process. Revision of the Hoosier NF’s Plan will occur eventually but is still likely several years into the future. In the meantime, the 2006 plan remains in effect, and the latest relevant science is considered as projects are analyzed.

PDO Response: I understand that there is a law in place that allows the Forest Service to operate under the 2006 plan, so I appreciate your consideration of using “*the latest relevant science*” as you are analyzing the project. However, a concrete argument can be made that you are not, in fact, “*considering the latest relevant science*” since the Final EA is based on outdated studies. In the over 14 pages of references cited in the Final EA, only a handful of them are dated after 2021. There have been many environmental changes in the past three years alone, never mind since 2006.

For instance, 17 years ago, the *Lymantria Dispar* (Gypsy Moth) was less prevalent in Indiana than it is today. As your plan is so invested in the propagation of Oaks, this bit of information would seem pertinent.

If the HNF Land and Resource Management Plan is not at the top of the Secretary’s priority list, and other National Forests across the country have plans that are more current, it would be logical to focus on Restoration Plans that are within the boundaries of National Forests that have current Land and Resource Management Plans.

Again, as I stated in my original comment, the Forest Services mission statement to “*Sustain the health, diversity, and productivity of the Nations forests and grasslands to meet the needs of present a future generations*” is being violated by the fact that the Land and Resource Plan has not been updated. The notion that the revision of the plan will occur “*eventually*” further violates the mission statement.

Comment Number: 1-56

Original Comment: I see that on Page 92 of the Draft Environmental Assessment, "Comments were also sought from organizations and individuals, including landowners adjacent to the project areas." I would like to know specifically which landowners adjacent to the project area around Lick Creek were sought out. What were their comments?

As far as I am aware, none of my neighbors have been contacted by a representative of the United States Forest Service. As a homeowner that can see the trail head from her front door, I would have expected to have been one of the first people that the United States Forest Service would seek a comment from.

I do not believe that the United States Forest Service has given adequate time for the public to learn about this project. I do not believe that there have been sufficient public meetings by the Forest Service in order for the community to ask questions about this project. The Hoosier National Forest is owned by the people, not the United States Forest Service itself. The Forest Service should have to, at the very least, listen and consider the opinions and concerns of the Forest's owners. Please take my concerns into account.

Agency Response: Scoping letters were mailed via USPS to the owners of property directly adjacent to an area proposed for treatment. The letters were also sent to individuals or groups who had previously shown an interest in the project during pre-scoping activities.

See Public Engagement at:

<https://www.fs.usda.gov/detail/hoosier/home/?cid=fseprd872762>

See Public Involvement and Tribal Consultation on pages 13-14 of the Final EA.

PDO Response: My household did not receive a scoping letter, nor did my neighbors. We live directly adjacent to an area proposed for treatment. Can you please provide proof of these mailings that went out to property owners directly adjacent to areas proposed for treatment? And can you please provide the list of addresses that they were sent to? In particular I am interested in the Lick Creek area, as I would like to confirm that there was in fact, attempted to by the Forest Service to contact me.

Many more people that are outside of the directly adjacent areas will be affected by the burning of Lick Creek, and it seems as though letters to every household that is in the VSmoke Model Output in Figures 6 and 7 on Page 33 of the EA should be contacted directly.

The public meetings you mention were few and far between in relation to the amount of local objection to this project. The Public Outreach link that you provided in your response to my original comment, only lists two meetings in which the public had the ability to engage in the conversation in April of 2022.

The virtual meeting, held on April 26, 2022, is not an acceptable form of public meeting because many of the people that will be affected by this plan live in the forest, without reliable internet connections, making virtual meetings impossible to attend. The four public field tours on April 22, 2022, were held during normal business hours, which makes it incredibly hard for working citizens to attend.

The EA and Draft Decision Notice were released less than two months ago, and the comments are limited to people that have previously commented. Taken together, all of these actions seem to be designed to limit public engagement.

Comment Number: 4-17

Original Comment: Trail closures, no matter how minimal they are planned to be, will alter our ability to spend time in the forest by our home.

Agency Response: Impacts to recreationist was analyzed and disclosed in the EA. Proposed treatment areas would only affect recreational use while operations are actively occurring. Other nearby Forest lands will remain open for public use.

PDO Response: The proposed treatment areas of the Buffalo Springs Restoration Project represent a long and large process that will be very disruptive. Often, equipment is parked in areas that are not being actively worked on.

Areas that have been prescribed burned are drastically altered after the burn for quite a long time. It is preposterous to say that *“proposed treatment areas would only affect recreational use while operations are actively occurring.”*.

How exactly are you defining how this will be affecting recreational use? The Forest Service seems to be using a definition relating to whether or not the public will be able to access areas of the National Forest that are being actively worked on. What I, and many of my neighbors are concerned about, is not only the inability to access the parts of the forest we are used to being able to access, but the change in scenery that burning and clearing the forest will create.

Removing large stands of mature trees and burning sections of the forest significantly impacts the beauty of the forest, which is one of the main draws for recreationalists. To the public, the proposed treatment will affect recreational use long after operations have actively occurred, because the Forest Service will have changed the landscape significantly.

Comment Number: 10-9

Original Comment: Smoke: My children's bodies are still growing and developing. I am worried about the long-term effects to their health. Our home is located inside the red

circle in the VSmoke projection in Figures 7 and 8 on page 25 of the Draft Environmental Assessment. Have specific studies been done to conclude that there will be no negative impacts to children of their age? If they happen to have any underlying conditions, would the amount of smoke pollution that is generated from these prescribed burns set off any medical issues? If no, how can you be sure?

Our immediate neighbors, who also fall into the red circle in the above-mentioned Figures, do have current autoimmune and sensitive health issues. Will they be confined to the inside of their homes while these burns are happening? I am requesting that if the No Action Alternative is not immediately taken, that an Environmental Impact Statement is completed, and in it, the specific concerns of how smoke on health-compromised adults and developing children will be affected in the best and worst case scenarios.

I would like to know what the effects of smoke on the food we grow for ourselves and food we grow to sell would be. And what are the effects of smoke on high tunnels or other non-closed structures on our property? Is there a comprehensive study that has been done to show the effects of smoke on the animals that live on our property that do not have the ability to go indoors?

Agency Response: This proposed project does not threaten to lead to a violation of any Federal, State, or Local laws or regulations related to air quality.

Fine particulates found in smoke can affect human and animal health, including effects to the respiratory system and eye irritation; however, Prescribed fires are planned and carried out in ways to minimize smoke impact to the area.

A prescription is written for each prescribed fire unit that dictates when and under what specific weather conditions the unit can be burned. The prescriptions are written with the intent to minimize any potential impacts to neighboring properties.

Smoke is an unavoidable consequence of prescribed burning. Fire managers burn only under atmospheric conditions specified in a burn plan and rely on meteorologic data to choose days in which the impacts of smoke are minimized. Smoke plumes from a prescribed fire usually rise high into the air where the smoke dissipates.

Forest neighbors who wish to be notified of a specific date of a burn, or those who wish to report medical conditions that could be affected by smoke, may contact the Indiana Interagency Coordination Center Dispatcher at 812-547-9262.

A risk assessment was completed by the University of California in conjunction with Master Gardeners regarding the safety of eating vegetables exposed to wildfire smoke. The study found no detectable levels of toxins, PAHs, or dioxins in the produce and stated there was a "low concern" to eating vegetables and fruits after exposure to ash and smoke. The final report can be found here:

Cumulative risk assessment of local produce exposed to urban wildfire smoke

PDO Response: In your response to my original comment, you say, *“Fine particulates found in smoke can affect human and animal health, including effects to the respiratory system and eye irritation”*, and *“Smoke is an unavoidable consequence of prescribed burning”*. Please explain to me how you can make these statements and then say in the Draft Decision Notice that there is a Finding of No significant Impact.

My family, our homestead, and our immediate neighbors will have a significant negative impact if this plan is to be implemented. While being alerted as to when prescribed burns will happen is a nice sentiment, it does not change the fact that the smoke will surround our homes and our entire properties. This will cause health issues for our family, our pets, and our livestock. As I mentioned in my original comments, our neighbors have limited mobility, are immunocompromised, and are at extremely high risk. Their already compromised health conditions will be exacerbated by smoke in and around their home.

My husband and I both made a conscious decision to stop smoking prior to having children to avoid the adverse health effects of secondhand smoke. Blanketing our home and the surrounding area in smoke from prescribed burns intermittently for many years is unacceptable.

Our 96'x30' high tunnel and several similar sized unprotected food plots, are used to grow produce that we sell and feed our family. Smokey produce will be unmarketable, causing us to lose established customers and revenue for our family. It will negatively impact our farming operations.

The report you provided as evidence that smoke will have no impact on produce, and that there was, *““low concern” to eating vegetables and fruits after exposure to ash and smoke.”*, actually supports what I was originally concerned about. While the Executive Summary of the report that you cite, does mention *“low concern”*, the Conclusion goes on to say, in bold, italic, different colored lettering, that: *“more analysis is needed, particularly on dioxin in Santa Rosa soils”*, and *“Further research is needed to continue to investigate this hypothesis. More research is needed on the long-term impacts of trace contaminants on other local foods such as eggs and meat where fat-soluble chemicals can bioaccumulate”*.

The Conclusion of this report says *“Food safety of produce following an urban wildfire event is under-investigated, and much is unknown. Despite the dearth of information, by using a cumulative risk approach informed by the social determinants of health, we conclude that the nutritional, social, and economic benefits of promoting a strong local food system outweigh the potential risks.”* If this statement, and the conclusion as a whole, are critically analyzed, you can see that the point they are making is not that there is *“low concern”* and there are no adverse health effects, it is that local food is very important to

communities. This means that calculating the negative impact of this smoke damage on our produce is higher than its simple monetary value; it has larger, sociological impacts.

The authors of this document acknowledge that there are health risks to smoke and make quite clear that more studies need to be done before solid conclusions can be formed.

Since you specifically linked me to a study that talks about wildfires in California, I am sure you are aware of the major economic damage that smoke had on their agricultural sector. While I understand that the prescribed burns you are planning in this project are not wildfires, the smoke damage to our property and homestead livelihood would be quite similar.

In addition to that, I would like to see specific studies or research done on smoke damage to UV, anticondensation, greenhouse plastics, as our high tunnel will certainly be subjected to smoke damage as well.

I am also respectfully requesting that the Forest Service provides me with the parameters that are used in writing the prescriptions for these burns. In your response to my original comment, you say, "*Fire managers burn only under atmospheric conditions specified in a burn plan and rely on meteorologic data to choose days in which the impacts of smoke are minimized.*" I would like to know specifically what these atmospheric conditions are, and what meteorologic data conditions must be met in order to meet the qualification standards of the Forest Service.

Comment Number: 20-6

Original Comment: ...regarding the Herbicide Risk Characterizations for Wildlife put forth on Pages 48-51 of the Draft Environmental Assessment. I do not think that the following statements in this table are acceptable as showing an in-depth analysis of impact, and these statements further warrant the necessity for an Environmental Impact Statement.

On Page 50:

"Imazapyr does not appear to be very toxic to aquatic fish or invertebrates."

"Imazapyr is not expected to bioaccumulate in the food chain."

"The potential for substantial effects on soil microorganisms appears to be low."

General statements that are made to describe effects of herbicides on any type of organisms that include "does not appear", "not expected to", and "appears to be" are not sufficient. Even if it was determined that there are no effects from the use of the herbicides that the plan is proposing, the United States Forest Service is required to show that due diligence has been done, and scientific research has been conducted on all issues of the

plan. The statements that are listed above do not seem to be based on any formal, long-term studies, they seem to be guesses, or observations with no basis in prior research.

Agency Response: The herbicides that were selected for use under this proposed action have all undergone the Human Health and Ecological Risk Assessment process. This process includes an in-depth review of independent scientific literature as well as literature produced by the EPA and other Government agencies. The risk assessment documents can be found at:

<https://www.fs.usda.gov/foresthealth/protecting-forest/integrated-pest-management/pesticide-management/pesticide-risk-assessments.shtml>

The literature indicates that these herbicides are safe and effective tools for habitat management. Wording such as “not expected” or “does not appear” is there out of an abundance of caution.

PDO Response: As stated before in my response to 1-54, Glyphosate, which is only one of the concerning chemicals that are planned to be used in this project, has not recently been proven to be a safe tool for habitat management. The link to the Pesticide-Use Risk Assessments and Worksheets that you provided were created in 2011, and revisions to these worksheets are needed, so they can take into account more current data.

Can you please provide me with updated literature showing that all of the chemicals you are planning to use in this process are safe? This seems like something that could easily be addressed in an Environmental Impact Statement. Again, I urge you to complete one. It is a necessary step in being able to make informed decisions on a Finding of No Significant Impact.

The Forest Service should not need to use imprecise and non-scientific language such as “*not expected*” or “*does not appear*” as “*an abundance of caution*” if proper and up to date research on the subject has been completed. The response to my original comment feels not only outdated, but seems irresponsible, flippant, and dismissive of the concerns of the use of these chemicals. The Forest service is showing their negligence and lack of due diligence regarding this issue.

Imagine someone gave you a glass of drinking water and said, as stated in the EA on Table 9, Page 58 regarding Imazapyr’s impact on aquatic organisms, “*It does not appear to be very toxic.*”. Would you serve this glass of water to your children?

Comment Number: 21-12

Original Comment: I am writing to request that the United States Forest Service choose the No Action Alternative and continue the current level of management and use in the proposed Buffalo Springs Restoration Project area, specifically in the Lick Creek area of the project.

There are many reasons why I would like to request the No Action Alternative, but the biggest reason is the fact that my family and I reside next door to the project area that is planned for prescribed burning.

Creating fire lines with leaf blowers and chainsaws will be loud. We specifically moved out of the city so that we would not be subject to noise pollution. We enjoy being able to go outside and hear sounds of nature as opposed to man made noises.

While I understand that precautions will be made to make sure that the burns by our home will be properly performed and maintained, recent events have shown that The United States Forest Service is not always in control of the fires that they start. As I am sure you are aware, the recent prescribed burn in New Mexico that The United States Forest Service oversaw, got out of control and turned into the largest fire in New Mexico's recorded history.

I understand that accidents happen, but this does not instill confidence in my belief that the fires that are planned for this project will stay in control of the people who have started them. I would like these concerns to be properly addressed, and I would like to know what steps will be taken so that history does not repeat itself and I am not at risk of losing my home.

Agency Response: Noise created by fireline construction would be very short in duration and is of a similar level as a person conducting lawn maintenance.

The probability of an escaped prescribed burn resulting in catastrophic damages are much lower in Indiana than New Mexico. The climate, weather patterns, and fuel types here are much less conducive to that type of fire behavior. As a result of the incident in New Mexico, the Forest Service has enacted additional reviews of fire prescriptions to ensure prescribed fires are being conducted as safely as possible.

PDO Response: I very much appreciate that the Forest Service has enacted additional reviews of fire prescriptions to ensure that fires are being conducted as safely as possible. Can you please elaborate on exactly what reviews and precautions have been taken? As I am sure you are aware from my above comments, I do not believe that The Forest Service has demonstrated its ability to provide proof of evidence-based decision making, which makes me weary that adequate additional reviews have actually been enacted.

Now that the Final EA has arrived, I understand that the area directly across the street from my home will be burned not only once, but multiple times. I would like to know how many times The Forest Service believes that the Lick Creek area will need to be burned prior to *"reach and maintain the desired condition"* (as you mention on Page 21 of the EA). How far apart in time are these burns expected to be performed? Where are the areas of *"limited situations where fire lines will be installed with heavy equipment"* (as you mention on Page 21 of the EA)? Where exactly will the fire lines be in the Lick Creek area? Will they just be

installed on the edges of the burn area shown on the treatment area map? If so, does that mean that the entire swath of National Forest in this area less the small section that has been deemed a cultural site at the farthest point in the trail loop will be burned all at once?

I am again urging the Forest Service to reconsider the No Action Alternative and continue the current level of management and use in the proposed Buffalo Springs Restoration Project area, specifically in the Lick Creek area of the project. If, as the EA states on Page 24, the objective of the No Action Alternative is only to provide a baseline to compare the effects of the action alternative, I implore you to create a complete Environmental Impact statement that compares in detail, with current, unbiased research of the pros and cons of the action vs no action plans and concludes with a finding of no significant impact.

Sincerely,

A handwritten signature in black ink that reads "Jessica Dubay". The signature is fluid and cursive, with the first name "Jessica" and the last name "Dubay" clearly legible.

Jessica Dubay

(b) (6)