

Shane L. Murphy

(b) (6)

October 27, 2024

Via E-Mail; objections-eastern-region@usda.gov

ATTN: Administrative Review Staff
USDA Forest Service, Eastern Region,
626 E. Wisconsin Avenue,
Milwaukee, WI 53202

and

Chris Thornton
District Ranger
christopher.thornton@usda.gov

Subject: Objection, Buffalo Springs (BS) Restoration Project

Reviewing Official and Staff:

I'm writing once again regarding the Buffalo Springs (BS) Project and my opposition to it. Draft Environmental Assessment (DEA) comment responses were provided and a requirement was met, although National Environmental Protection Agency (NEPA) purpose and intent were once again entirely missed by USFS. Comment responses lacked substance and relevant data. Discussion follows:

Draft Environmental Assessment (DEA) Comment Period (Comment 1-67):

Complacently mismanaged or strategically placed over the primary weeks of the Indiana whitetail season and arguably the busiest time of the year, an already insufficient DEA comment period was strained to minimal effectiveness; it's impossible to absorb a document like the BS DEA, create Freedom of Information Act (FOIA) requests and get responses back from respective regional US Forest Service (USFS) offices with time to generate comments using USFS responses or negative replies. Based on documented FOIA timelines in case of the BS Project, DEA comment periods should be extended from 30 days to 150-180 days.

Aligning with USFS response to comment 1-67 which was copy and paste two semi-applicable CFR paragraphs (36 218.25 (a)(1)(i), 36 218.25 (a)(1)(iv)) into a comment response document, DEA comment period demonstrated a bare minimum output from USFS regarding

project impacts in order to meet published, yet questionable standards. BS project DEA comment period was handled in a way that demonstrates a lack of USFS regard for public input and subsequently their shortfalls in terms of National Forest stewardship. Despite repeal of the Appeal Reform Act making an extension at USFS discretion feasible, friction surrounding the comment period could've been avoided by any USFS key leader or decision maker who acknowledges value in public input and knew where the comment period would fall; simply open it over dates facilitating maximum public input. Slanted material, opinions, and 'fluff' comprising the excessively large DEA given its lack of content, coupled with management of the comment period, was a first and relatively solidified impression of USFS tactics, practices, and projects. I'm convinced a significant portion of USFS public trust issues originate with intentional USFS leadership choices and largely self-inflicted. Recommend USFS make adjustments in efforts to include public insight and see major improvements in public relations. Change USFS mindset and approach of including the public due to regulatory requirements, viewing public comment periods and input as only a procedural step, and include public insight through all phases of planning because the individuals who reside around HNF matter, know HNF better than most USFS personnel, and know HNF will be fine without USFS management. I've observed multiple public working groups analyzing very complex forest management problem sets, generate brilliant ideas, and piece things together in a way that meets not only their own incentives but USFS goals as well, as they simply care about HNF and everything that comes with it. Additionally, recruit talent and place leaders in key positions who want public input for the right reasons and start building better public relations; all will benefit.

Forest Plan Revision (Comment 1-68):

Forest Plan is first addressed at DEA Comment 1-2; a USFS response to 'many' stated:

"around the nation there are many National Forests with plans that are far older than 2006. Many plan revisions have been delayed due to procedural considerations, staffing, and budget."

Highlighting sister or external agencies further behind than yours in order to justify internal deficiencies is unprofessional and unacceptable in most organizations. I heard Chris Thornton make the same statement during a 2022 Protect Our Woods meeting with Senator Braun and Undersecretary Wilkes; I laughed in disbelief that a District Ranger would employ such a comment as justification but hear it is again; published, approved, and distributed as an acceptable response to the public. If USFS leaders see 'everybody else is doing it' as an acceptable justification, present friction points with citizens will never go away and only fester, and HNF will never reach full potential.

The 2006 Forest Plan, HNF analysis, USFS staffing, budget planning and the BS project need a calculated reset; impacts to HNF from delaying the BS project truly are 'No Significant Impact.' A tactical pause should be directed in order for referenced "procedural considerations, staffing, and budget" to be addressed. USFS has it backwards; delay the project, not the plan. Delay the project and USFS staff will be more available and maybe budget/funding goals are

erroneously established either way. I understand if you don't utilize your fiscal allocations you may not receive all of it the next year, but maybe USFS doesn't need it.

Buffalo Springs Project Environmental Impact Statement (Comment 1-69):

USFS response to referenced comment contains zero substance. Furthermore, portions of response statements are blatantly false and impractical. A thorough analysis was not conducted and proposed, and project may be consistent with a Forest Plan, but it's severely outdated by several years due to "procedural considerations, staffing, and budget" (Ref. USFS response quoted above or USFS response to Comment 1-2). Environmental effects have not been analyzed and disclosed in the EA and the FONSI does not document reasons why multiple actions will not have a significant effect on the human environment. In fact, the BS project FONSI somehow got approved and released with contents more useless than preceding USFS-produced BS NEPA products/documents.

Delaying the project will have no negative impacts to HNF or surrounding communities. Delaying the project will allow USFS to efficiently address "procedural considerations, staffing, and budget" issues highlighted in USFS comment responses. Delaying the project will allow experts to do testing, analysis and research needed to create an EIS or EAs that have meaning, substance, and relevance to HNF, the BS project, and any future USFS management intent. Delaying the project will ensure HNF and respective projects align with a Forest Plan that hasn't been neglected and captures 20 years of significant environmental changes, lessons learned, and best practices. Delaying the project for an EIS will have potential to initiate quality-of-life improvements for our children, grandchildren, and many future generations. Do the right thing and implement the tactical pause, generate a Forest Plan based on new research and findings, and bridge gaps between USFS goals and public concerns.

Environmental Assessment (Comment 5-32):

Everything in my original comment stands. USFS comment responses carry no relevance to matters highlighted during comment period. USFS comment response states:

"the impacts to Ginseng, and all other RFSS, were analyzed and disclosed in the EA. It should also be noted that the gathering of Ginseng on the Hoosier National Forest is illegal."

BS project EA states:

*"American Ginseng is the most abundant plant RFSS on the Forest. Kauffman (2006) reported that botanists on National Forests **believe** root harvesting **has** the greatest impact on ginseng populations. In mesic hardwood forests, prescribed fire applications are **typically** a low-intensity, low-severity fire during the dormant season, where individual plants **usually** remain the following year after the burn (Kauffman 2006). Due to ginseng's occurrence in the project area, it is also **plausible to assume** the species is fire adapted, as fires historically occurred in this region of Indiana. Because the species is vulnerable to reductions in canopy closure, the proposed overstory/midstory thinning could have the potential for indirect effects to the species. However, Kauffman (2006) stated that botanists suspect that either thinning or single-tree removal may favor ginseng by increasing incidental light to the forest floor.*

Likewise, since plants tend to occur in mesic forest habitat near streams or near small moist, rocky outcroppings, they are less likely to occur in timber harvest areas where tree removal would be targeted. Enough unaffected habitat would exist nearby and between the proposed timber implementation areas for this species."

I'll avoid spending much time on how USFS opened yet another response by highlighting negative and unrelated implications of harvesters from 18 years ago to deflect attention from USFS practices in 2024 instead of outlining some quantifiable or tangible data from professional research and testing. Likely, because USFS has to write something here to address RFSS and have nothing better to reference. Second sentence in comment response is negligent and has to be placed to purposely mislead. USFS officials can't believe adequate staff work includes a sentence like, "*Kauffman (2006) reported that botanists on National Forests **believe** root harvesting **has** the greatest impact on ginseng populations*" when there have been countless changes in harvesting ginseng, buying and selling ginseng, applicable laws and regulations, the botanical industry, and global climate itself. Paragraph on American Ginseng is wasted space and states nothing solid.

Only referenced document in the BS EA regarding ginseng is an unpublished report to USDA Forest Service Eastern Region, *Conservation Assessment for American Ginseng (Panax quinquefolius)* compiled by G. Kauffman in 2006. Below are some quotes from Kauffman's report:

- ***"There is a lack of any detailed study following ginseng populations following timber harvest."***
- *"major harvest states have not varied dramatically during the past 15 years"*
- ***"Most national forests and heritage programs that evaluate the status of ginseng within their respective state or forest indicate extensive harvesting is the single greatest threat to the species and thereby could affect its viability."***
- *"Within the last **15 years** there has been a reduction in the annual US harvest (see table 1), however the general trend has been relatively constant from **1990 to 1997**"*
- ***"It is uncertain if this decline in number of permits is reflective of population decline within the respective Forest since only one unit (National Forests in North Carolina) has a representative monitoring system. Other factors that may be reflective of the decline are recent increases in permit cost or local regional economic trends."***
- ***"threats that may be impacting wild Panax quinquefolius populations include deer browse, poaching, genetic degradation, and vegetation management including logging, prescribed fire, and the urbanization of the landscape"***
- *"The National Forest Management Act and U.S. Forests Service policy require that forest service lands be managed to **maintain viable populations of all native plant** and animal species."*
- ***"There are inventory and monitoring information gaps within most of the national forests units that limit the ability to determine viability on the unit."***

It appears USFS uses Kauffman's report because citations are done, beneficial points already extracted, requires no initiative or even work, responses are already drafted, and it can

be spun to support USFS projects. It's certainly not the reference used because of data or relevance. Kauffman's report references trend lines 15 years prior to 2006 and appears to be based mostly on conversations and hearsay; not sure how anyone without ulterior motives or having regard for this RFSS species could approve this data and source as the best USFS can do, although it does highlight information gaps and lacking studies which is likely the only portion still relevant. And, of course it's illegal to harvest ginseng on Hoosier National Forest; it's an RFSS species, needs protected from harvesters and large scale projects with unknown impacts, and it's critical to ginseng population on Indiana private lands as well.

Lastly, I found a document produced by USFS Eastern Region in 2003 that looked very similar to Kauffman's report to include page count and references, only it had multiple points worded differently. Three years after it was created, Kauffman's report said a lot of the same stuff with some subjective material and wording added that sounds slightly more favorable for USFS projects. Obviously, USFS couldn't keep a report as a primary source of information that included statements like the two below, although I like the sense of urgency in replacing the 2003 report; three years is seeming quick and relatively recent for USFS documents at this point. Acquiring a source that fits a project plan and hanging onto it forever, like Kauffman's report and outdated Forest Plan ironically produced the same year (2006), is one of the worst USFS practices I've witnessed to date. Quotes from 2003 USFS document follow:

*"This Conservation Assessment was prepared to compile the published and unpublished information and serves as a Conservation Assessment for the Eastern Region of the Forest Service. It does not represent a management decision by the U.S. Forest Service. Though the **best scientific information available was used** and subject experts were consulted in preparation of this document, it is **expected that new information will arise. In the spirit of continuous learning and adaptive management, if you have information that will assist in conserving the subject community**, please contact the Eastern Region of the Forest Service - Threatened and Endangered Species Program"*

*"HABITAT: Panax quinquefolius can be found in **undisturbed mesic upland forest** and woodland with greater occurrence on north facing slopes."*

USFS Environmental Assessment Process is Biased and Flawed (Comment 1-70):

Again, everything from my original comment still stands; a comment submitted and a meaningless response provided. More time and man-hours wasted, staffs allocated improperly, and budget projections and execution skewed. Manner in which respective regional USFS agencies disregard intent and purpose of the NEPA process and the substance and quality assurance it's designed to generate, renders the whole process useless and wastes time on all fronts. Furthermore, it is reckless. USFS response to Comment1-70 follows:

"The EA, DN, and FONSI were the anticipated documents necessary for this project. Regulations at 36 CFR 220.7 (3)(i) state, "The EA: Shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI."

Clearly, the anticipated documents were EA, DA, and FONSI because our respective USFS offices have been using the same generic and severely outdated data since at least 2006 and

surely have the generic responses that citizens can't even challenge because they contain no quantifiable content, trends, or tangible information. I don't think anything else can be said on this matter. USFS needs our brightest and

6. *Delay or Cancel the Project.* Do the research, work, and staff analysis required. Adjust accordingly. Put the BS Project in EIS channels where it might get a small bit of the attention and diligence it deserves, and where anyone who cares about HNF would want it. BS Project belongs in EIS, and needs an outside look conducted by open-minded professionals. Implement a tactical pause with purpose.

Views in above are my own and do not reflect those of Department of Defense.

Sincerely,

SHANE L. MURPHY
LTC, USA Retired