



Vermonters for a Clean Environment

January 17, 2025

John Sinclair, Reviewing Officer
Attn: EPS Objections
Suite 800, USDA Forest Service, Eastern Region
626 East Wisconsin Avenue
Milwaukee, WI 53202

Submitted via: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=60192>

Re: Objection Pursuant to 36 C.F.R. § 218.8 to Telephone Gap Integrated Resource Project, Christopher Mattrick, District Ranger, Rochester and Middlebury Ranger Districts, Green Mountain National Forest

Dear Objection Reviewing Officer:

Vermonters for a Clean Environment respectfully files this objection to the Telephone Gap Integrated Resource Project (“IRP”) (the “Project”) under the process identified in 36 C.F.R. § 218.8. Notice of availability of the Draft Decision Notice (“DDN”), Final Environmental Assessment (“Final EA”), and Finding of No Significant Impact (“FONSI”) was published in the newspaper of record, *Rutland Herald*, Rutland, Vermont. This objection is timely as the deadline to submit objections is January 17, 2025. Vermonters for a Clean Environment submits this objection electronically.

PROJECT

Pursuant to 36 C.F.R. § 218.8(d)(4), Vermonters for a Clean Environment objects to the following project:

Project: Telephone Gap Integrated Resource Project.

Responsible Official and Forest/Ranger District: John Sinclair, Green Mountain National Forest Supervisor and Rochester and Middlebury Ranger Districts, Green Mountain National Forest

ELIGIBILITY TO OBJECT

Vermonters for a Clean Environment is a grassroots membership organization that VCE advocates for the wellbeing of all Vermonters, striving for the protection of the natural world: land, air, water, wildlife, people, and especially the web of life. VCE has members who

regularly visit and recreate throughout the Green Mountain National Forest (“GMNF”), including the area impacted by the Telephone Gap IRP.

Vermonters for a Clean Environment filed a timely, specific, and substantive comment during the Draft Environmental Assessment (“Draft EA”) comment period for the Project at issue on September 6, 2022. Under 36 C.F.R. § 218.8, Vermonters for a Clean Environment has standing to file an Objection. All points and issues raised in this objection refer to issues raised in our April 8, 2024 comments on the Draft EA or are related to new information, pursuant to 36 C.F.R. § 218.8(c).

LEAD OBJECTOR

Pursuant to 36 C.F.R. § 218.8(d)(3), the “Lead Objector” is:

Annette Smith
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CONCISE STATEMENT OF OBJECTIONS

The Forest Service’s founding motto expects the agency to *manage our public forests for the benefit of the greatest good for the greatest number for the longest time*. The public interest is best served by protecting the biodiversity and mature forests of the Green Mountain National Forest. As proposed, the Telephone Gap IRP offends the purpose of the GMNF Forest Plan and threatens forest health, climate resilience, water quality, habitat for imperiled species, the area’s scenic beauty and recreational opportunities, and opens up more than 10,000 acres to invasive species to be controlled by pesticides.

The Telephone Gap IRP is a multi-phase, multi-year project that will significantly affect the environment. The Project will likely have both short and long-term effects because of its excessive scope and size. The Project has not adequately evaluated the private lands that represent more than 40% of the Telephone Gap Project area. The Project will significantly impact mature interior forests and contribute to the loss of mature and old stands of forest in violation of Executive Order 14,072. The Project would significantly impact roadless areas and will degrade wildlife habitat, water quality, increase runoff and sedimentation.

Without meaningful justification and after sidestepping substantive and procedural requirements of federal law, the Forest Service has erroneously decided the Telephone Gap IRP is needed to implement the management direction in the out-dated 2006 Forest Plan

and meet the Plan's goals, objectives, and desired conditions for vegetation, wildlife, and other resources. Yet the Forest Service failed to demonstrate compliance with the National Environmental Policy Act ("NEPA"), National Forest Management Act ("NFMA"), Clean Water Act ("CWA"), and Endangered Species Act ("ESA"), and the DDN, Final EA, and FONSI violate specific provisions of NEPA, NFMA, ESA, Council on Environmental Quality ("CEQ") guidance, and recent executive orders. As a result, any final decision to proceed with the Project as currently proposed would violate the Administrative Procedure Act and its prohibition of agency decision-making that is arbitrary, capricious, or otherwise contrary to law.

Vermonters for a Clean Environment, therefore, objects to the Project on the ground that it requires an Environmental Impact Statement ("EIS") instead of an EA under NEPA and, if pursued, must be changed to avoid, minimize, or mitigate the full range of the Project's deleterious environmental impacts. Vermonters for a Clean Environment also objects to the Project because it violates the ESA by failing to protect the endangered Northern Long-Eared Bat and other threatened and endangered species and because it is inconsistent with the Forest Plan in contravention of NFMA.

SUMMARY OF PROJECT

The Telephone Gap IRP Project Area involves more than 72,000 acres, 49.1% of which is National Forest land. The remainder, 44.4%, is mostly private land, plus state-owned, 3.3%, and town-owned, 3.2%. The Telephone Gap IRP proposes a collection of management activities to be located only on National Forest Service Lands, but includes the private lands "to help identify opportunities for partnerships and better ascertain potential environmental effects across land ownership boundaries."

The TGIRP proposes to log approximately 1,800 acres of the 16,000-acre Pittenden Inventoried Roadless Area, one of the largest tracts of wild land in the state, and proposes to log 11,000 acres within the National Forest project area, 91% of which is classified by the Forest Service as mature or old, with 817 acres of old-growth forest to be logged, including the oldest forest in the Project area, which are over 160 years of age.

Canada lynx, Northern Long-Eared Bats, and other imperiled species are found in the Project area.

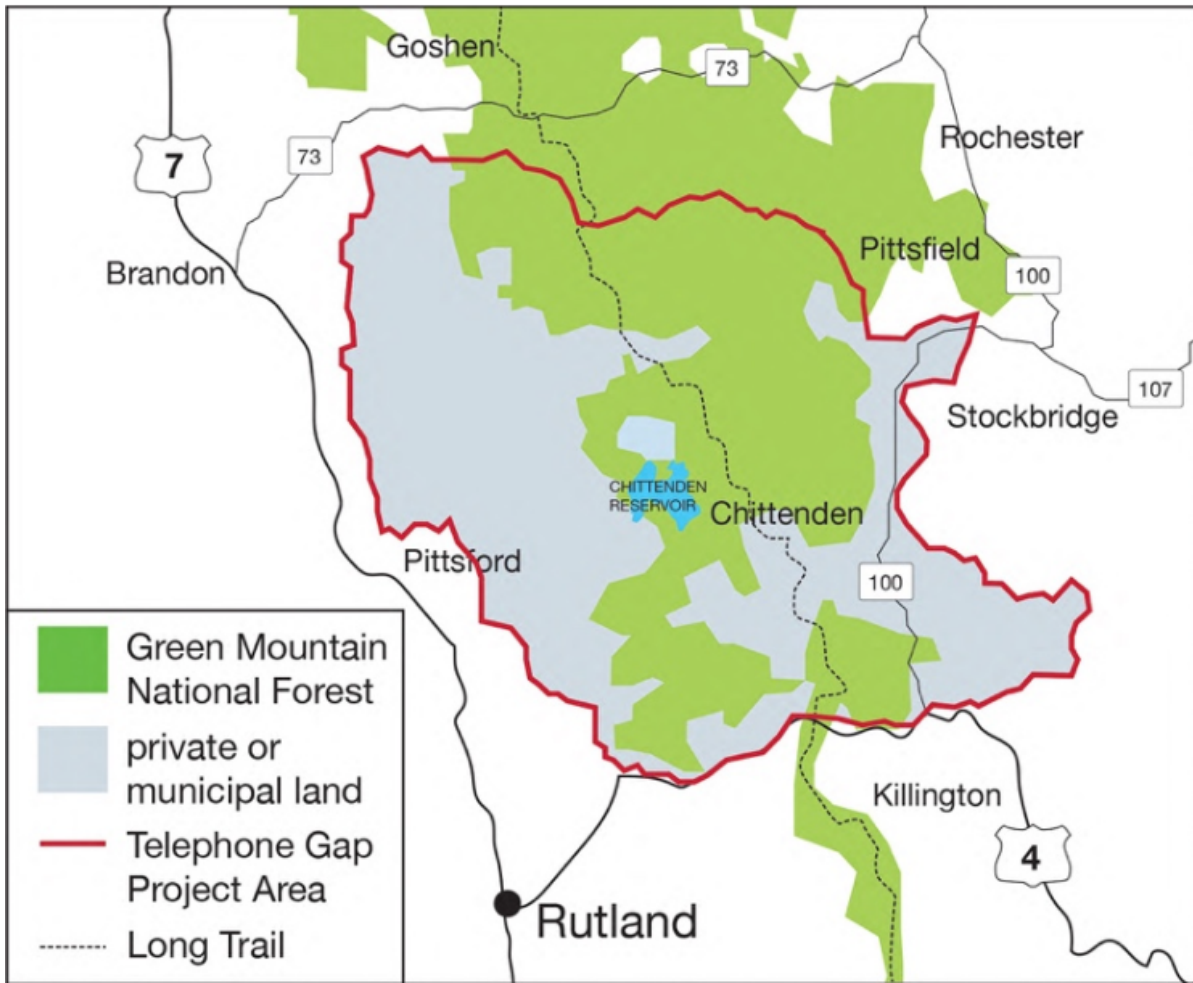
The Forest Service scientist presented the Project area as a "Biodiversity Hotspot".

DETAILED OBJECTIONS

Inadequate Process

Vermonters for a Clean Environment commented on the inadequate public process that occurred in the development of the EA. With the EA, we are now seeing more gaps in the process.

Specifically, the EA is flawed because it evaluates less than half of the Project Area while making assumptions about the private lands that the GMNF chose to include in the full Project area but neglected to fully consider in development of the EA.



The Final EA on p. 5 contains Table 1-3 which identifies 43 acres of “open land” on “National Forest land in the project area”, and Table 1.4 on p. 6 identifies 57 acres of northern hardwood forest in the 0-9 yr age class, again just in the NF. The Forest Service then opines that this collective figure of 100 acres is far below objectives for young forest/early successional habitat in the Forest.

However, there is a considerable amount of open land throughout the Telephone Gap Project Area supporting young forest/early successional species. A cursory look at aerial photos, especially west and northwest of the Chittenden Reservoir, but surrounding the National Forest, finds farms and rural communities with fields and roadsides and abundant forest edge. These are the places early successional (and invasive) species thrive. From the perspective of the entire Project Area, it makes no sense to invite these common species into the Forest.

The Forest Service has failed to conduct a full analysis of the Telephone Gap Project Area in a number of ways. Such an analysis would have provided an Alternative to creating early successional habitat within the NF by the simple conclusion that the regional objectives for young forest/early successional habitat in the Project Area had already been exceeded 5 times over.

The Final EA on p.103 includes the following:

- "On privately-owned, town, and state lands the amount of past and future planned harvest is low."

Question: How much additional land might have been cut, or will be cut in the future, that isn't enrolled in the Use Value Appraisal Program? How do they get to decide that 6,553 acres of past and predicted logging from 2006-2038 is low, including 1,130 acres of regeneration harvest? Isn't it arbitrary to call it "low"?

- "Vermont Acceptable Management Practices (AMP) are assumed to be fully applied on state and town lands, and at least the most critical protective recommendations on private lands."

Question: Are towns are required to use AMPs?

- "With AMP protective measures in place for all harvest activities on both non-NFS and NFS lands, soil-related cumulative effects are expected to be minimal and not exceed soil quality standard thresholds."

Question: How can the EA say AMP measures are in place for "all harvest activities on non-NFS" lands? There is no evidence to support this.

- "The amount of development on private lands within the project has also been relatively low compared to lands outside the project area, and it is reasonable to expect that low levels of development will continue in the future."

Question: Based on what information? This project area is close to Rutland and Killington Resort.

There are several other locations throughout the Final EA where the amount of past and foreseeable logging on private lands is described as "low," while providing no evidence that the private, town and state lands have been adequately evaluated.

Inclusion of more than 50% of Private lands in the Project Area unquestionably skews the EA to come to conclusions that may not be reached if the entire Project Area was evaluated. By defining the Project Area to include more than 50% of private lands and then failing to conduct a full analysis of the entire Project Area, the EA dilutes and diminishes the environmental values that exist within the GMNF public lands.

The Telephone Gap Project Requires an Environmental Impact Statement

Section 3.2.1 and Table 3-2 accurately capture the Issues associated with the logging activities proposed for the Project Area within the GMNF. However, the 3.2.2 Analysis and 3.2.3 Affected Environment sections make it clear that diversity of forest age is favored over the biodiversity and protection from invasive species (and associated pesticide application that will follow).

The EA reflects an out-of-date approach to forest management that would undoubtedly be addressed in an updated Forest Plan for the GMNF, which is long overdue and not expected until 2030.

Critically important, since the last comment period on the Telephone Gap IRP, the FS has announced there will be limitations on staffing, to the extent that it calls into question whether the proposals contained in this EA can be adequately implemented and monitored.

Circumstances have changed since 2006 when the Forest Plan was adopted. Science has confirmed the tremendous ecological and societal benefits of mature forests. The EA appears to be the product of timber-harvest and game-harvest -focused special interests that seem to have captured USDA/FS staff at a time that protection of mature forests could not be more important.

After referring to the Project Area in public presentations as a “Biodiversity Hotspot”, the word “Biodiversity” appears only 5 times, while the word “Diversity” (associated with ages of trees) appears 71 times.

Vermonters for a Clean Environment’s members who enjoy the Green Mountain National Forest’s Telephone Gap area have reported being shocked and dismayed when encountering nearby logging activities that have already diminished the public health benefits in the Rochester area.

The EA lacks the balance necessary to adapt to changing environmental conditions changing scientific knowledge, and societal needs for natural areas for mental health, peace quiet, and it lacks a thorough evaluation of the entire Project area. For these reasons, if the Forest Service chooses to proceed with this Project, an EIS is necessary.

Requested Remedy: The Forest Service must prepare an EIS for the Telephone Gap IRP.

CONCLUSION

For the foregoing reasons, Vermonters for a Clean Environment objects to the Telephone Gap IRP. To cure the manifest errors in the Final EA and FONSI, and given the significance of this Project, the Forest Service should prepare an EIS to adequately evaluate the significant impacts posed by the Telephone Gap IRP.

Respectfully submitted,

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