

Comments and Objections to US Forest Service Regarding Proposed Midnight Restoration Project

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Project: Midnight Restoration Project #63933
Objections: EA fails to address indirect and cumulative effects
Solutions: Eliminate 2:00AM log haul schedule- comply with FMCSA regs
Attention: Tara Trebon, Methow Valley Ranger District #24

November 29, 2025

I am very concerned about the amount of noise that will be caused by the Midnight Restoration Project as a result of the thousands of logging trucks projected in the EA to be passing by our house in the middle of the night over the 7 years of the project. I feel uniquely qualified to give expert testimony on the negative quality of life effects caused the noise level, intensity, and frequency associated with a convoy of logging trucks passing by our property at 2:00AM to 3:30 am in the morning because, like the comments already submitted to you in the previous comment period in letter # 6 from Emily Warn, Eliot Waldron, Amy Roberts, Mac Shelton, Frauke Rynd, and Rick and Valerie Rappor, noise from logging trucks, especially in the 2:00AM-3:00AM time frame, has had significant negative effects to our ability to sleep and a significant degradation to our quality of life in general. My neighbors and I have had our sleep continuously disrupted and our quality of life degraded by the noise pollution generated by logging trucks from the ongoing Mission Project and other Forest Service and DNR logging activities waking us up at 2:00 AM for the past 10 years. If anyone at the Forest Service is interested in knowing what these trucks actually sound like and the effects they have on your ability to sleep, I invite you to spend a couple of nights here in our guest bedroom when the trucks are running at 2:00AM. I have studied the Midnight Final EA and the supporting Specialists reports carefully and I can find no evidence that **the indirect and cumulative effects of noise (as it relates to quality of life), and the indirect effects of the project on public safety** were ever properly evaluated in the EA as required by law.

In addition to these procedural defects relative to noise and public safety, I need your help to determine what the actual size/scale of the Midnight Timber sale actually is. The Transportation report estimate is only 50% of the Economic report estimates of total harvest both in terms of estimated total board feet and total number of truckloads of logs to be generated. This inconsistency makes it impossible for the EA to make an accurate determination of all the effects caused by the project.

How many trees and how many truckloads of logs? The Economic report is uses 59mmbf as the estimated Midnight harvest total. The Transportation report estimates the total harvest to be 6,400 truckloads of logs. To get an apples to apples comparison, I took the total transportation harvest estimate of 6,400 truckloads and converted it to board feet using the standard Forest service formula of 5,000bf per truckload, multiplied 6,400 truckloads by 5000bf to and determined the Transportation harvest estimate of 32MMBF. Conversely, when you take the Economics harvest estimate of 59mmbf and convert it to truckloads by dividing 59mmbf by 5,000bf you arrive at a total of 11,800 truckload. *My question now is... how is it possible to make any kind of an accurate determination of whether the Midnight project has the potential to cause significant environmental effects with huge discrepancies in*

its core measurements like how many trees are going to be cut down and how many truckloads will it yield?

Inadequate evaluation of indirect and cumulative effects of Noise and Quality of Life

Indirect and cumulative effects need to be addressed-The next thing I noticed was something that was very conspicuously absent from the EA, which by its simple omission, constitutes a failure of the EA to accomplish its most basic core mission requirement "to determine all environmental effects caused by the proposed action, including direct, indirect, and cumulative effects". Despite pleas from the Twisp River residential community submitting public comments about their specific concerns over, public safety, noise pollution "disrupting sleep and daily activities" and "causing a degraded quality of life" caused by past truck hauls, the Economic Specialists' response was limited to : logging trucks will be required to adhere to speed limits, forest roads would be signed at major intersections, and some trails and NFS roads would be temporarily closed during logging, hazard tree felling and prescribed fire operations for public safety.....that's it: **No mention of indirect and cumulative effects noise caused the noise pollution associated with the 2:00AM log haul schedule.**

Noise and Quality of Life issues not adequately addressed

Questions that need to be answered:

- **Quality of Life**- Did the EA neglect to consider the possible negative effects on quality of life on a whole effected residential community caused by a convoy of logging trucks waking them up at 2:00AM even after they made the forest service aware of their plight?
- **Sensitive Areas**-Did the forest EA even attempt to identify sensitive areas and neglect to consider any possible negative effects associated with the 2:00am haul on sensitive areas along the haul route on the way through residential areas of Twisp River Road, Twisp, Winthrop, Mazama, and then through the North Cascade National Park's many recreational areas and campgrounds
- **Cumulative Effects**- Did the EA neglect to consider the cumulative effects caused by up to 20 logging trucks per day (up to half of them between 2:00am and 3:00am) going on 5 days a week, 120 days per summer for seven years on the quality of life of people living, camping, and recreating in these sensitive areas?
- **Mitigation efforts**-- Did the EA fail to consider or identify any noise mitigation procedures like eliminating the recommended 2:00AM haul strategy, or regulating use of compression brakes, and reducing speeds in noise sensitive areas?
- **Federal, state, and local regulations**-Did the Forest Service ever conduct a study or take measurements to determine compliance of haul noise to meet existing Federal, State and

local noise "quiet time" ordinances and noise pollution laws regarding maximum permissible dBA thresholds?

Public Safety issues not adequately addressed

Public Safety Regulations-The Federal Motor Carrier Safety Administration (FMCSA) sets Hours of Service (HOS) regulations for commercial drivers to reduce crashes, injuries, and fatalities by limiting the hours of service that a driver can drive and work. These regulations aim to ensure that drivers get sufficient rest, remain alert, and are less likely to be fatigued, which can cause accidents. The Forest Service is not directly responsible for enforcing FMCSA regulation but the EA must evaluate the log haul recommendation and driving time schedule to determine if the Transportation haul plan can be accomplished safely and legally within FMCSA hours of service regulations. Limited information of the Midnight log haul route and timing are found in the Economic Specialists Report (not the Transportation Specialists Report), and is based solely on what works for the economic model, and fails to consider what is legally compliant and required to meet FMCSA regulations for public safety.

Short-haul operators are exempt from certain Federal Motor Carrier Safety Administration (FMCSA) [Hours of Service \(HOS\)](#) rules, including the ELD mandate and 30-minute break requirement, if they meet specific criteria. To qualify, drivers must operate within a 150 air-mile radius, return to their starting location within 14 hours, have 10 consecutive hours off before each new duty day, and not drive more than 11 hours after 10 consecutive hours off duty.

Key short-haul exemption criteria

- **Radius:** Operate within a 150 air-mile radius of the normal work reporting location.
- **Duty Period:** Return to the same location within 14 consecutive hours.
- **Driving Time:** Do not drive more than 11 hours after 10 consecutive hours off-duty.
- **Off-Duty Time:** Must have at least 10 consecutive hours off-duty before starting a new duty day.
- **Record Keeping:** Must still maintain accurate Records of Duty Status (RODS).

Analysis of Midnight Log Haul Route-Based on the analysis I have done, it will take a logging truck owner/operator an average of 14.5 hours of driving time and 16 hours of on duty time to make the two required round trips. Total Driving time 14.5 hours/ Mileage 540 - Breakdown of time and mileage:

Description	Time	Miles
Home/Workshop to Twisp River haul/load site	.5 hours	12-14
Drive back to Twisp	.5 hours	12-14
Description	Time	Miles
From Twisp to Darrington loaded	3.25	122
Drive back to Twisp empty	3.0	122
Drive Twisp to haul site	.5	12-14
Drive back to Twisp	.5	12-14
Drive from Twisp to Darrington loaded	3.25	122
Drive from Darrington back to home/workshop	3.0	122
Total estimate driving time and mileage:	14.5	540

Log Haul plan in EA does not consider compliance with FMCSA Forest Service EA log hauling plan must consider hours of service (HOS) regulations, including the short-haul exemption criteria, because the plan must demonstrate compliance with federal rules for commercial drivers. The EA needs to show how the hauling plan ensures drivers stay within the limitations of the short-haul exemption (e.g., the 150-air mile radius, 11hr driving time limit, and 14 hr on duty limit) and take mandatory breaks and revert to more stringent daily log requirements when the short haul exemption doesn't apply.

Questions that need to be answered:

- **EA violates FMCSA Regulations**-Did the EA log haul plan fail to consider the indirect effects of omitting consideration and compliance of FMCSA hours of service regulations and thereby have a negative indirect effect on public safety-
- **Compliance condition for Prime contractor**- Did the EA fail to consider the indirect effects on public safety caused by not including conditions requiring FMCSA compliance by the Prime Contractor and subcontractors as a part of the transportation plan?
- **Was any analysis done**- Did the EA ever conduct any kind of analysis on the actual driving time and on duty time for the recommended log haul route, or any kind of review of the drivers required daily log book records of daily driving time and on duty time?
- **Race the clock mentality**- did the EA fail to consider risks and effects on public safety associated with a log haul schedule that even comes close to exceeding the 11 hour driving time limit thereby forcing drivers into a "race the clock mentality"

Other Questions about indirect effects that need to be answered

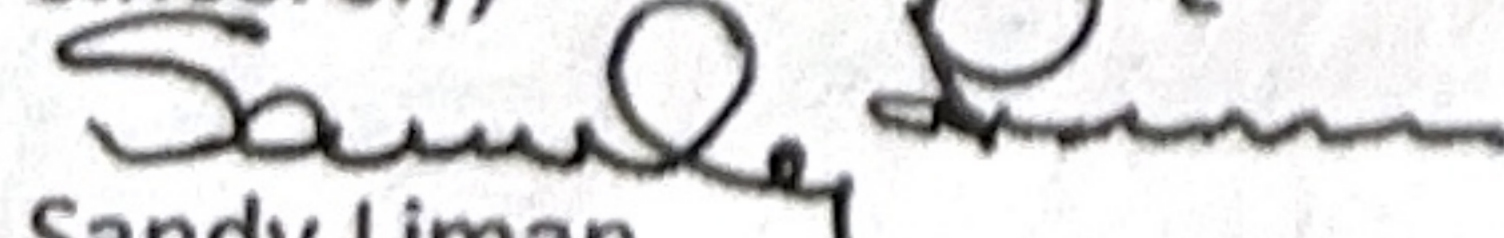
- **Road Wear**- The estimated 13,000 (Transportation estimate)to 24,000 (Economic estimate) individual trips, (counting both the haul leg and return leg), by trucks with a gross vehicle rating of 80,000lb on primitive roads, bridges, secondary roads and residential streets could be significant. Question- Did the EA fail to consider the negative indirect and cumulative effects of heavy traffic on secondary county roads and local town streets caused by the proposed action and fail to determine who is responsible to cover the costs

- **Property Values-** Properties in the Methow Valley are unique in terms of their ability to reflect a environment rich in natural beauty, rural in nature, and peaceful and quiet, especially at night. . Property values in the Methow reflect premium prices based on being able to deliver this unique, calming, environment and the quality of life associated with it. Question- Did the EA fail to consider the negative indirect and cumulative effects on property values for both property owners in sensitive areas and Methow Valley properties in general as a result of the log haul's disruptive heavy industry effects (noise pollution, air pollution, degradation of quality of life, and public safety) being in direct conflict with the core environmental values and characterizes reflected with the existing property values?
- **Methow Valley economy vs Okanogan** The Economic specialists report describes the Okanogan economy as *dysfunctional* in a very detailed analysis of economic factors of the project as it relates to the Okanogan county economy. Question- Did the EA fail to consider the possible negative indirect and cumulative effects on the *very functional* Methow Valley economy which is based on quality of life, tourism and recreational activities not logging operations.
- **Why 2 round trips per day?** The economic report states" Log hauls are expected to be long hauls of up to 200 miles, so two trips per truck was used as the estimate. Question- Why does a 200 mile long haul to the mill over multiple mountain passes, fighting traffic caused by motorhomes and campers, through a National park, automatically lead a 2 round trip haul strategy-especially when one the hauls is scheduled in the middle of the night (2:00AM)? Are 7 trucks making 2 round trips per day less efficient economically than 14 trucks making one trip?

Solutions- The solution for solving/mitigating quality of life and noise effects caused by the 2:00AM log haul is to eliminate the 2:00AM schedule and go to single log haul strategy beginning at a time that is less disruptive to sensitive areas. The solution to solving the public safety compromises and violations of FMCSA hours of service (HOS) laws would also be to eliminate the 2:00AM log haul schedule and limit trucks to just one round trip from the haul site to the mill per day.

Conclusion -The Midnight EA fails in its core legal requirement to address all the effects, direct, indirect and cumulative, that the proposed logging activities will have on the human environment. By law the EA must include all possible foreseeable effects (including indirect and cumulative effects) occurring at a later time or further away from the project area. The EA, as it exists now, is very narrowly focused on just the direct effects occurring within the project area. Public comments concerning the possible negative effects, both indirect and cumulative, associated with noise pollution, quality of life, and public safety as a result of log haul operations are being ignored in the EA and Specialists reports and responses. I therefore object to the conclusions of this legally flawed and incomplete EA, and object to any findings of effects until all the Midnight Project's full range of effects (direct, indirect, cumulative) on the human environment, specifically as they relate to noise, quality of life, and public safety have been identified and their significance properly assessed.

Sincerely,


Sandy Liman