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Resources
Council**

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NOTICE OF OBJECTION AND STATEMENT OF REASONS

Jellico Vegetation Management Project (63037) *(Pursuant to 36 CFR Part 218, Subparts A and B)*

Date: March 9, 2026

H. Scott Ray
Forest Supervisor
United States Department of Agriculture Forest Service
Daniel Boone National Forest
Stearns Ranger District

Submitted electronically via:
<https://cara.fs2c.usda.gov/Public/CommentInput?Project=63037>

RE: Objections to Jellico Vegetation Management Project #63037

The Kentucky Resources Council submit the following objections to the Jellico Vegetation Management Project and Environmental Assessment.

1. Objector Information

Organization Name: Kentucky Resources Council, Inc.
Mailing Address: P.O. Box 1070, Frankfort, KY 40602
Telephone Number: 502 875 2428
Email Address: ashley@kyrc.org
Authorized Representative: Ashley Wilmes, Executive Director

[see authorized signature at conclusion of letter]

2. Project Information

This objection concerns the Jellico Vegetation Management Project Environmental Assessment, draft Decision Notice (DN), and draft Finding of No Significant Impact (FONSI).

Responsible Official: District Ranger Kyle Edmonds
National Forest: Daniel Boone National Forest
Ranger District: Stearns Ranger District
Location: McCreary and Whitley Counties, Kentucky

3. Standing to Object

Kentucky Resources Council, Inc. submitted specific written comments regarding this project during the designated public comment period on May 24, 2024. Pursuant to 36 CFR § 218.8(c), this objection is based on issues raised in our prior timely, specific written comments, which are attached and incorporated consistent with § 218.8(b).

4. Statement of Issues and Parts of the Project to Which the Objection Applies

This objection applies to the following components of the project:

- Proposed timber harvest and associated vegetation management treatments.
- Any associated ground disturbing actions, including access, road use, reconstruction, temporary roads, landings, stream crossings, or related disturbance to the extent included in the project.
- Wildlife habitat and threatened and endangered species effects analysis.
- Aquatic resource analysis, including steep slope sedimentation and landslide risks.
- Invasive species analysis and treatment strategy.
- Alternatives analysis and meaningful public participation in the development of alternatives.
- Cumulative impacts analysis.
- NEPA and ESA related reviews supporting the draft DN/FONSI and any post-comment consultation materials on which the decision now relies.

5. Concise Statement of Objection and Suggested Improvements

KRC limits the objections below to issues preserved in its May 24, 2024, comments. To the extent the record expanded after that comment period, including through project specific Endangered Species Act (ESA) materials, KRC addresses that later information only as it pertains to those preserved issues and the adequacy of the draft DN/FONSI.

Issue 1: The Environmental Assessment does not support a FONSI, and an EIS is required.

KRC preserved the central point that the EA lacks the evidence and analysis needed to support a FONSI for a large, long-term logging project affecting mature and old growth forest, water quality, ecological integrity, and listed species.

The draft Decision Notice and draft FONSI do not cure those defects. The project remains too consequential, too long in duration, and too environmentally significant to proceed on the current EA and a FONSI. The post-comment ESA materials reinforce that concern because they confirm that implementation still depends on assumptions about habitat protection, compliance, monitoring, and future conditions over a decades long period.

Suggested Improvement: The Forest Service should withdraw the draft FONSI and draft Decision Notice and prepare an EIS before proceeding further.

Issue 2: The 40-year implementation period is arbitrary and unreasonable considering the project's effects on threatened and endangered species, critical habitat, and sensitive aquatic resources.

KRC preserved the objection that a 40-year implementation period is too long to support meaningful, site specific review of impacts to threatened and endangered species and their habitat. That concern is reinforced by the post-comment ESA record. The project still assumes that habitat conditions, species use, stream protection, BMP performance, timing restrictions, and compliance will remain adequate from roughly 2025 through 2065, without defined intervals for renewed review.

That is not a reasonable project level approach. Over four decades, species status, critical habitat designations, hydrologic conditions, slope stability, invasive species distribution, and site conditions may materially change, and with them the effects analysis and the measures needed to avoid harm. A present tense decision cannot substitute for site specific review of those later conditions.

KRC preserved the objection that it is arbitrary to justify implementation through roughly 2065 under a Forest Plan adopted in 2004 under the 1982 rules, despite the 2012 rule's science based and collaborative requirements. For a decision of this duration, the Forest Service cannot simply project old plan era assumptions forward without periodic reevaluation.

Requested Remedy: The Forest Service should withdraw or revise the current decision to shorten the implementation period, require phased decision making with updated NEPA and ESA review at defined intervals, and require formal reevaluation before later phases proceed. At a minimum, the final decision should state that no later implementation phase may proceed without renewed review where new information arises, species status or habitat conditions materially change, implementation no longer conforms to the assumptions underlying the present analysis, or the project is no longer demonstrably consistent with the governing Forest Plan. The Forest Service should further require that later phases be reviewed for consistency with an updated Forest Plan.

Issue 3: The decision record still does not adequately support the project's threatened and endangered species determinations, particularly given the scale and duration of the project and the reliance on generalized assumptions about habitat protection.

KRC preserved the objection that the EA did not adequately analyze impacts to threatened and endangered species and their habitat, including bats and listed aquatic species, and that the record lacked the species-specific analysis needed to support a defensible project decision. That concern remains. Even with the post-comment ESA materials, the decision still rests on broad assumptions about habitat avoidance, buffers, BMP performance, and future compliance across a long implementation period.

The post-comment ESA record underscores that point. The bat consultation materials rely on a project specific Tier 2 framework for a project scheduled to run from approximately 2025 to 2065 and impose mandatory conservation measures, non-discretionary terms and conditions, annual monitoring and reporting beginning in 2026, and reinitiation triggers if take is exceeded, new information reveals unconsidered effects, the action is modified, or new listed resources may be affected.

Yet the draft decision does not clearly integrate those requirements into the implementation framework or explain how the habitat assumptions underlying the aquatic and bat determinations will be carried forward on the ground, particularly where later specialist reports identify elevated sediment and instability risks in steep terrain. If the decision depends on ESA derived limits, those limits must be stated clearly enough to function as binding implementation requirements, not background material buried in the file.

Requested Remedy: The Forest Service should revise the final decision to explicitly incorporate and enforce all species and habitat protective measures required by the ESA record, including seasonal timing restrictions, avoidance commitments, conservation measures, monitoring and reporting obligations, and reinitiation triggers. It should also provide clarifying maps that identify treatment areas, temporary roads, landings, stream crossings, riparian buffers, the ESA action area, designated critical habitat, and occupied or record reaches for listed species, because without that mapping the record does not allow meaningful evaluation of whether the ESA based protective measures are adequate or can be implemented as represented. If the Forest Service cannot clearly demonstrate that its threatened and endangered species determinations remain valid across the project's full implementation period and range of site conditions, it should revise the action, conduct additional analysis, and, as necessary, reinitiate or supplement ESA review before proceeding.

Issue 4: The project still underestimates invasive species risks.

KRC preserved the objection that the Forest Service's own Wildlife Specialist Report indicated the proposed action would likely increase existing populations of nonnative invasive plants and promote further establishment. That concern remains unresolved if the project continues to authorize disturbance without a project wide invasive species strategy that is independent of commercial harvest.

KRC also specifically requested a concerted effort across the Jellico project area to treat and control tree of heaven, including in areas regardless of planned timber harvest or other management. The current decision does not adequately respond if invasive species treatment remains merely ancillary to the logging program rather than a stand-alone ecological objective with project wide commitments, priorities, and timing.

Requested Remedy: The Forest Service should adopt and disclose a project wide invasive species control strategy, including treatment and control measures across the project area regardless of planned harvest, before any final decision. That strategy should specifically address invasive expansion in previously logged areas and commit to project wide treatment of tree of heaven and other priority invasive species.

Issue 5: The project record does not adequately resolve risks to threatened and endangered aquatic species and designated critical habitat in steep, unstable terrain.

KRC preserved the objection that the project understates the risk of sedimentation, habitat degradation, and other adverse effects to endangered aquatic species and designated critical habitat, particularly in steep and landslide prone terrain where generalized BMPs are not sufficient to ensure protection. That objection remains.

The project's ESA related materials rely on assumptions that there will be no direct impacts to perennial streams and no perennial stream crossings by equipment or temporary roads, while other project documents contemplate associated road work, temporary roads, and temporary stream crossings needed to facilitate commercial harvest. If the decision depends on those narrower habitat protection assumptions, they must be stated precisely and made binding in implementation.

Specialist materials identify site specific instability and sediment risks in and near aquatic habitat, including landslide features, unstable stream adjacent conditions, and other indicators of erosion vulnerability. Those field observations undercut the certainty of the project's generalized conclusion that habitat effects will be insignificant or discountable and reinforce KRC's preserved position that highly susceptible areas should not be disturbed without detailed, site specific evaluation.

Requested Remedy: The Forest Service should revise the final decision and implementation direction to make the aquatic habitat protection assumptions explicit, enforceable, and mappable, including no perennial stream crossings by roads or equipment, no treatment or staging within riparian corridors or aquatic buffers, and no new roads or heavy equipment disturbance in mapped landslide areas or stream adjacent instability zones identified in the specialist reports. It should also provide clarifying maps showing streams, riparian corridors and buffers, treatment units, temporary roads, landings, stream crossings, mapped instability areas, designated critical habitat, and occupied or record reaches for listed aquatic species. If those limitations cannot be made clear and binding, the Forest Service should revisit and, as necessary, reinstate or supplement its ESA effects analysis for listed aquatic species and designated critical habitat.

Issue 6: The Forest Service failed to provide full and meaningful public participation because the alternatives did not provide a genuine ecologically protective option, and the record still does not provide sufficient mapping for informed public review.

KRC preserved the objection that the Forest Service created false choices by combining ecologically desirable actions, such as invasive species treatment, with logging treatments that do not restore ecological integrity and may worsen invasive spread, rather than offering a genuine ecologically protective alternative. KRC also preserved the point that delayed ESA consultation left the EA without adequate analysis of impacts and alternatives and prevented meaningful and informed comment.

The current decision does not cure that defect. The project still covers a 19,185-acre analysis

area, includes silvicultural treatment across 252 stands totaling approximately 9,600 acres, and authorizes associated road work, including less than 10 miles of temporary road construction, temporary landings, and stream crossings where roads cross streams. For a project of that size, duration, and geographic spread, meaningful review depends on maps that allow the public to understand where proposed activities will occur and how they relate to named waterways, riparian areas, and listed species habitat.

The record still does not provide that level of disclosure. It does not include legible project scale maps showing treatment unit boundaries by treatment type, temporary roads, landings, stream crossings, riparian buffers, or the ESA action area. That gap is especially significant because the baseline and ESA materials identify listed aquatic species and critical habitat in the Stearns District, including Cumberland elktoe critical habitat in Marsh Creek and Rock Creek and occupied or record streams within the action area, yet the public is not given a map that would allow meaningful evaluation of where proposed treatments and access routes fall in relation to those resources.

That omission goes directly to whether the public can test the agency's assumptions about habitat avoidance, stream protection, sediment pathways, and the comparative effects of the alternatives. Without project scale maps, the public cannot determine which stands are proposed for treatment, where temporary roads or stream crossings may occur, or whether activities are within, adjacent to, or upstream of sensitive aquatic habitat and designated critical habitat. For a project spanning roughly 30 square miles and hundreds of stands over a 40-year implementation horizon, generalized narrative descriptions and small or unreadable figures are not enough to support meaningful public participation.

Requested Remedy: The Forest Service should provide a project mapping package sufficient for meaningful public review before issuing a final decision. At minimum, that package should include an overview map of the full project area; a project wide treatment index map; and multiple detail maps showing treatment units by type, proposed temporary roads and landings, stream crossings, riparian buffers, the ESA action area, and the location of designated critical habitat and occupied or record reaches for all listed aquatic species.

Issue 7: The draft DN/FONSI does not identify the operative ESA consultation record, and the post-comment ESA materials must be incorporated into the final decision.

KRC preserved the objection that delayed ESA review deprived the public of meaningful and informed review of impacts to threatened and endangered species. That preserved public review objection remains relevant, but the problem has shifted because the project file now appears to include project specific ESA materials that were not available during the original comment period, including a July 2025 Biological Assessment, an August 1, 2025 U.S. Fish and Wildlife Service concurrence letter, and an August 1, 2025 bat consultation package.

The draft DN/FONSI reduces this record to a single statement that ESA requirements were fulfilled, and concurrence was received on August 1, 2025. It does not identify the operative ESA documents by title, date, reference number, or consultation pathway. A generalized reference to the project record is not adequate where the decision depends on project specific

ESA determinations and implementation constraints.

The omission is material because the post-comment ESA record contains substantive effects determinations and binding implementation requirements that directly relate to KRC's preserved concerns about species impacts, habitat protection, and delayed ESA review. Those materials rely on stream buffers and BMP assumptions and include conservation measures, non-discretionary terms and conditions, reporting obligations, and reinitiation triggers. They also confirm the long implementation horizon and the continuing dependence of the effects analysis on assumptions about future conditions and compliance.

Issue 7.A: The final decision must identify and incorporate the operative ESA documents.

The final decision should expressly identify, by title and date, each project specific ESA document on which it relies, including the July 2025 Biological Assessment, the August 1, 2025, concurrence letter, and the August 1, 2025, bat consultation materials. It should also state that all applicable conservation measures, terms and conditions, reporting obligations, and reinitiation requirements are binding components of implementation, and explain how they will be applied and enforced throughout the full implementation period.

Bat consultation materials require full implementation of conservation measures, notification of personnel, operators, and contractors, annual reporting to the Service on project activity, conservation measure implementation, and monitoring results, and reinitiation where new information, project modification, exceeded take, or new listed resources may alter the effects analysis. If the Forest Service intends to rely on those materials, the decision must say so directly and make those requirements visible and enforceable.

KRC's Cumberland elktoe objection remains unresolved. KRC documented in its original comments that Cumberland elktoe has been identified in Jellico Creek, that sedimentation is a key threat, and that no comprehensive surveys have been conducted there since 2005. KRC therefore stated that a full survey was necessary before logging. The DN/FONSI draft does not disclose any new, project specific elktoe survey and instead relies on generalized ESA compliance statements.

For an action authorizing extensive harvest and ground disturbance over a 40-year implementation period, generalized assumptions and modeling are not a substitute for updated, site specific survey information for a sediment sensitive listed mussel. The aquatic analysis depends on assumptions about stream avoidance, temporary crossings, sediment control, and future implementation compliance. The present record does not show that KRC's preserved survey objection has been cured.

The final decision should also identify the fisheries or equivalent aquatic specialist whose analysis informed the listed fish and mussel determinations or otherwise explain how equivalent aquatic expertise was incorporated into the decision record. Where the project depends on species specific effects determinations for listed fish and mussels, that transparency is necessary for meaningful review and confidence that the Forest Service applied the best available scientific information.

Requested Remedy: The Forest Service should not proceed with the current draft DN/FONSI. The record does not adequately establish the presence or absence of the Cumberland elktoe, and that deficiency can only be cured through mussel survey work. Any final decision should, at a minimum: (1) identify the ESA and aquatic review documents on which it relies and explain what fisheries or equivalent aquatic expertise informed the listed fish and mussel determinations; (2) make binding all applicable conservation measures, terms and conditions, monitoring, reporting, and reinitiation requirements; (3) complete and disclose comprehensive Cumberland elktoe surveys in hydrologically connected reaches that could be affected before authorizing logging, road construction, stream crossings, or stream-adjacent disturbance that may increase sedimentation; (4) require renewed aquatic review, including updated survey work as appropriate, at defined intervals and whenever new information, project changes, or changed conditions may affect occupied or designated habitat; (5) update the Biological Assessment and consultation record to incorporate survey results, any revised effects analysis, and any additional conservation measures; and (6) reevaluate the project without predetermined timber outputs controlling the analysis or outcome. If the Forest Service cannot cure these deficiencies within the existing EA framework, it should withdraw the draft DN/FONSI, prepare an EIS, or issue a revised or supplemental EA for renewed public review.

Issue 8: The draft DN/FONSI does not resolve KRC's preserved objection that the project was structured around predetermined timber outputs rather than an unbiased environmental review.

KRC preserved the objection that the Forest Service adopted timber targets in advance and appears to have developed the proposed action and alternatives to meet those targets rather than taking the required hard look at recreation, forest health, water quality, and ecological integrity. That concern remains unresolved. KRC previously explained that the EA appears to have been shaped around predetermined outputs rather than an open-ended evaluation of how best to protect ecological integrity while addressing forest management needs. Nothing in the draft decision shows that the Forest Service revisited the project from a neutral starting point or cured that structural flaw. On the contrary, the agency's continued reliance on the same basic project framework, despite the unresolved issues identified elsewhere in KRC's objection, reinforces the concern that environmental review has been subordinated to preexisting harvest objectives.

Requested Remedy: The Forest Service should withdraw the draft decision and reevaluate the project without allowing predetermined timber outputs to control the analysis or outcome.

6. Failure to Consider Prior Comments

The draft Decision Notice and FONSI fail to meaningfully address the following issues raised in KRC's prior comments:

- The EA does not support a FONSI and an EIS is required.
- The 40-year implementation period is too long and undermines meaningful analysis.
- The project inadequately analyzes impacts on threatened and endangered species.
- The project understates invasive species risks.

This objection directly relates to the following previously submitted comments and preserved issue areas:

- The alternatives process failed to provide a genuine ecologically protective option and failed to provide full and meaningful public participation.
- Delayed ESA consultation undermined meaningful public review.
- The analysis appears tainted by timber target predetermination.

Additionally, the draft decision may conflict with NEPA, NFMA, ESA, 36 CFR Part 218, and 36 CFR Part 219 because it does not adequately address previously identified deficiencies in environmental analysis, scientific support, public participation, and species protection.

7. Connection Between Prior Comments and This Objection

This objection directly relates to the following previously submitted comments:

- Comment submitted on May 24, 2024, Section I: the EA does not support a FONSI and an EIS is required.
- Comment submitted on May 24, 2024, Section II: the 40-year plan, ecological integrity concerns, invasive species, steep slope logging, water quality, listed species impacts, Forest Plan consistency concerns, and the need for a better alternative.
- Comment submitted on May 24, 2024, Section III: failure to provide full and meaningful public participation, false choices in alternatives, and delayed ESA consultation.
- Comment submitted on May 24, 2024, Section IV: timber target predetermination taints the EA.
- Comment submitted on May 24, 2024, Section V: KRC urged preparation of an EIS and rejection of the proposed action.

Attached are copies of KRC's prior comments demonstrating this connection.

8. Conclusion

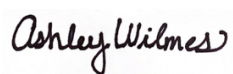
For the reasons stated above, Kentucky Resources Council, Inc. respectfully requests that the Reviewing Officer:

- Set aside the draft Decision Notice and draft FONSI.
- Require additional analysis and, if the project is to proceed, require preparation of an EIS or a revised or supplemented EA that is recirculated for public review if the changes are significant.
- Require phased decision making or otherwise require renewed NEPA and ESA review before later implementation phases proceed.
- Require a genuine ecologically protective alternative that is not built around commercial logging as the organizing premise.
- Require additional review and enforceable protective measures for steep slopes, aquatic resources, invasive species, mature and old growth forest, and threatened and endangered species.

- Require the Forest Service to identify the operative ESA documents and expressly incorporate all applicable conservation measures, terms and conditions, reporting obligations, and reinitiation requirements into the final decision.
- Require project specific Cumberland elktoe survey work and any related updated aquatic review necessary to support a final decision.

We request a meeting to discuss potential resolution of issues raised in this objection, pursuant to 36 C.F.R. § 218.11(a). We hope that the Forest Service will use the objection process and such a meeting as opportunities to engage with stakeholders, including the objector here, to develop a project that is legally and ecologically sound.

Sincerely,



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Optional Attachments Checklist

- ☒ Copy of prior submitted comments
- ☐ Supporting scientific documentation
- ☐ Maps or exhibits
- ☐ Legal citations