

Data Submitted (UTC 11): 10/26/2017 11:00:00 AM

First name: Dick

Last name: Artley

Organization:

Title:

Comments: October 26, 2017

Dear Supervisor Grantham,

Scoping Comments Introductory Remarks

My scoping comments on the proposed Elk Creek timber sale are shown below. Each comment is clearly labeled. There are 4 comments. Please prepare 4 meaningful (emphasis added) responses to my comments and display them in the pending DEIS or pre-decisional EA. They are indented and numbered using the word **Comment #** that's bold, purple, 11-pitch font, and underlined.

Supervisor Grantham, based on the "treatments" described in the Elk Creek Watershed Project Proposal, you show the public that natural resource damage is an acceptable trade-off for volume on the Klamath National Forest. When your silviculturist presented you with this sale "opportunity" you should have culled it in the blink of an eye. You didn't because you know line-officers who don't make their cut and don't spend all their NFTM funding the same FY it was allocated are passed over for promotions.

When your non-timber resource specialists found out you planned to proceed with this sale in spite of the clear resource damage it will cause, they should have asked you to replace them on the IDT, but they didn't. They know USFS resource destruction that results from corporate natural resource extraction is accepted in the agency and they are expected to look the other way.

Despite what the USFS teaches you, you must know allowing skidders and tractors weighing 35,000 pounds with spinning wheels and tracks to operate in the forest will tear up and destroy countless natural resources. You have 1 or 2 caring, professional IDT members who know this is true. They are afraid to speak up. They are afraid of you.

Since best science in the attachments shows without
a doubt your proposed timber sale will cause resource
damage please forget the sale and spend my tax
dollar on actions that benefit the amenity resources
in the forest. Too many USFS line-officers unwittingly
serve their corporate masters and still believe they are
doing a good job of protecting the national forest land
for future generations. This is the case here.

In terms that will be understood by lay members of the public (without using silviculture jargon) please assure the

pending draft NEPA document explains how and why logging 7.2 square miles will not harm the bulleted resources listed below. Also, I ask you to explain why the science predictions in Opposing Views Attachment #1 don't apply to your proposed Elk Creek timber sale.

- * individual wildlife species and their habitat,

- * individual aquatic species and their habitat,

- * recreation and scenery,

- * air quality from burning,

- * water quality

- * soils (compaction and topsoil disruption), and

- * the loss of vegetation which (had it been left) will increase the organic material in the soil when it deteriorates.

Please assure the pending draft NEPA document explains how and why constructing 3 miles of new sediment producing road will not harm scenery, water quality, aquatic habitat and will not fragment wildlife habitat as Opposing Views Attachment #4 clearly describes. Also, I ask you to explain why the science predictions in Opposing Views Attachment #4 don't apply to your proposed Elk Creek timber sale.

Comment #1: Indeed, the best science statements in the Opposing Views Attachments predict many of the forest's precious natural resources will not function properly when subjected to logging/roading impacts. It's sad the agency twists, changes, and/or ignores science to assure its timber agenda will be satisfied. Even Supervisors with land values and ethics play the game to protect their career.

Comment #2: Understand the public will not accept amenity resource damage. Understand the public will not accept even short-term damage. Understand members of the public are becoming increasingly aware of the tragic resource destruction inflicted on the forest's natural resources by logging and roading identified in Opposing Views Attachments #1 and #4. Finally, understand the public is tired of being backhanded or ignored by USFS line-officers as you will do with these scoping comments.

The scoping process has just begun and you already know your Proposed Action described on the Elk Creek Watershed Project Proposal will be your alternative selected for implementation in the DN or ROD. You have no intention of modifying the Proposed Action based on these comments do you Ranger Supervisor Grantham?

You do not follow the NEPA process the way

Congress intended. They designed the NEPA

to encourage Federal Agencies to give

the public opportunities to submit

feedback on proposed projects.

Supervisor Grantham, you have consciously stifled the opportunity for the public to submit scoping comments. I

shouldn't need to quote the NEPA text describing the scoping process. Where did you hear the public is only allowed 30-days to submit scoping comments?

Of course the public is legally required to submit their comments on draft EAs in 30 days and draft EISs in 45 days. This does not apply to scoping comments.

Scoping comments are more effective if they are submitted early in the NEPA process, but they must be accepted by the Responsible Official up to and including the day the DN or ROD is signed. Some USFS Responsible Officials understand the public involvement laws and act accordingly.

Here is an excerpt of a Ochoco NF scoping letter approved by a competent, knowledgeable USFS line-officer of March 31, 2016

"We welcome your thoughts and discussions about the Black Mountain Project and the changes to the proposed action as your input is a vital part of our planning process. We are currently in the preliminary environmental analysis phase of the project. Our goal is to have analysis completed by October 2017 and a Draft Environmental Impact Statement available for review by March 2018. Comments are appreciated anytime, however, for input to be timely and considered in project design, comments should be received by May 15, 2017."

Link:

http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/99405_FSPL_T3_3987125.pdf

I am surprised that you aren't aware that the law requires Responsible Officials to bend over backwards to assure the public has the maximum opportunity to provide feedback on a project that may impact (either positively or negatively) their public land. There is no law or agency regulation that requires a 30-day scoping period.

[sect]1500.2 Policy.

Federal agencies shall to the fullest extent possible:

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

[sect]1506.6 Public involvement.

Agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

Please start your scoping process again. This will be one of my objection issues and when my objection is rejected by the Objection Deciding Officer it will become something you will be required to defend before a judge in Federal District court.

Please analyze at least 2 action alternatives in detail

Below I present information about NEPA alternatives that comes from the Shipley Group. The Shipley NEPA experts are contracted by the USFS to teach the NEPA process to USFS employees. Please be guided by the red highlighted text below.

"Remember not to be silent about the reasons for considering some alternatives and ignoring others. Silence is a gift to a possible plaintiff. So plan for and provide even a brief rationale about your range of alternatives. Such a discussion is especially important if your EA or EIS includes only a single action alternative. A single action alternative is a risky agency choice, especially if you determine that your EA or EIS is likely to be a high-risk and controversial document."

Range of Reasonable Alternatives

Feature Article, November 2009

by Larry Freeman, PhD

The Shipley Group, Senior Consultant

Link: <http://www.shipleygroup.com/news/articles/0911.pdf>

Comment #3: You know there is more than 1 way to solve any problem, therefore it's not unreasonable to develop a 2nd or 3rd action alternative in detail. Some are effective and some less effective. NEPA says you need not analyze an infinite number of alternatives but you must analyze "reasonable" alternatives.

Presenting the public with a "do it or not do it" choice exposes your motives and clearly indicates you are not about to let the NEPA process jeopardize the alternative you selected for implementation before you initiated scoping.

Please don't just jump through the NEPA hoops to make your selected alternative legal. NEPA is a process to guide the Responsible Official to a reasonable decision.

Comment #4: If the draft NEPA document has 1 action alternative and you show alternatives suggested by the public in an "alternatives considered but eliminated from detailed study" section please explain why you rejected the other alternatives.

It would be to your advantage to become familiar with 40 CFR 1502.9(b) to learn how to deal with the quotes in the Opposing Views Attachments.

Please alert me when the DEIS or pre-decisional EA is posted online and you are accepting comments. Studies show the vast majority of national forest visits are made by people seeking outdoor recreation experiences. Please assure the Proposed Action is consistent with what these people want to see and experience.

Future generations will seek-out natural undeveloped landscapes for solitude. How will they feel about your decision here? Will they support development of the Elk Creek sale area for short-term corporate profit? I'm sorry for you if you really believe your Purpose & Need defines real ecological needs. Your P&N contains cooked-up, unneeded needs to manipulate the forest that only logging will satisfy. There are 2 types of line-officers. A few are clueless and most are aware of what they are doing but justify it because the job pays well.

Sincerely,

Dick Artley (retired forest planner, forest NEPA and litigation coordinator and NEPA document legal compliance reviewer --- Nez Perce National Forest, Idaho)

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