

Data Submitted (UTC 11): 12/13/2019 11:00:00 AM

First name: Jim

Last name: Scheff

Organization: Kentucky Heartwood

Title: Director

Comments: Attached is a letter from Kentucky Heartwood.

We appreciate the two-week extension granted by the Forest Service for the comment period on the Environmental Assessment for the Improving conditions in the Blackwater Watershed project. As we noted in our email on this matter to Supervisor Olsen, the concurrent periods for the Pine Creek project objection, the comment period for the South Red Bird EA, and the comment period for the Blackwater EA made providing thorough, and we hope useful, comments extremely difficult.

Upon further research, however, we have some uncertainty about the extension. The November 19, 2019 email from Jeff Lewis stated that an extension was granted, and that "The comment period will now end on December 27, 2019." However, the signed November 11, 2019 letter published with the EA states that "The time for the opportunity to comment on a proposed project or activity to be documented with an environmental assessment shall not be extended."

It is now our understanding that, absent publication of notice of the extension in the paper of record, anyone submitting comments after December 13, 2019 will not be eligible to file an objection. The signed EA letter states "Only those who submit timely and specific written comments ([sect]218.2) regarding the proposal during a public comment period established by the responsible official are eligible to file an objection ([sect]218.24(b)(6))."

If our interpretation is correct, we suggest that the Forest Service reissue notice so as not to preclude authentic participation during this NEPA comment period. To ensure that we retain our ability to object to the project, we are submitting this brief letter raising a few of the issues that we will address in detail in a subsequent letter, which we will submit prior to the December 27, 2019 comment deadline.

Following our initial review of the documents (those made available on the website as of December 13, 2019), our primary concern is that the condition-based management approach envisioned in this project circumvents key aspects of NEPA. While there are some aspects of the collaborative process described in the EA that we find compelling, there are critical flaws in the process. We will address this issue in detail in another letter.

We are also concerned about a lack of site-specific surveys to inform the decision. The Forest Service does not appear to have surveyed all areas where management could happen under the decision for the presence of rare species (e.g., Indiana bat maternity colonies), sensitive habitats, or other unique or rare features. That the proposal does not identify specific sites for management further complicates this, and stymies the ability of the public and partners to provide useful information to be considered before a formal decision to implement the project is made.

Again, we intend to address these issues, and others, in more detail in a subsequent letter.