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Christopher Mattrick, District Ranger
Rochester and Middlebury Ranger Districts
Green Mountain National Forest
January 17, 2025

Re: Objection Pursuant to 36 C.F.R. § 218.8 to Telephone Gap Integrated Resource Project #60192, Rochester and Middlebury Ranger Districts, Green Mountain National Forest.

Dear Ranger Mattrick:

The Conservation Cooperative 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 on December 3, 2024. The deadline to submit objections is January 17, 2024. The Conservation Cooperative submits this objection electronically.

Richard Enser (Principal Conservation Biologist for the Conservation Cooperative) filed a timely, specific, and substantive comment during the Draft Environmental Assessment ("Draft EA") comment period for the Project at issue on March 3, 2023. Under 36 C.F.R. § 218.8, Richard Enser has standing to file an Objection. All points and issues raised in this objection refer to issues raised in the March 3, 2023 comments on the Draft EA or are related to new information, pursuant to 36 C.F.R. § 218.8(c).

Detailed Objections

The Telephone Gap IRP is a major federal action that is likely to significantly affect the quality of the human environment, warranting an Environmental Impact Statement (EIS) pursuant to 40 C.F.R. § 1502.3.9. NEPA has "twin aims," imposing on "an agency the obligation to consider every significant aspect of the environmental impact of a proposed action . . . and ensure that the agency will inform the public that it has indeed considered environmental concerns in its decision-making process." Preparation of an EIS is required when an agency's action may have a significant effect on the environment. As discussed below, the Final EA does not satisfy NEPA's requirements.

Objection #1. The Telephone Gap IRP Environmental Assessment is deficient and incomplete.
According to the TGIRP Final EA (pages 1-2): The project area consists of approximately 72,253 acres located in portions of four watersheds. The Telephone Gap project area consists of multiple land ownership and management responsibilities including the Forest Service, State of Vermont, Towns, and private entities (see Table 1-1). Although proposed activities are only located on National Forest System (NFS) lands, the project area generally follows watershed boundaries and includes non-NFS lands to help identify opportunities for partnerships and better ascertain potential environmental effects across landownership boundaries.

Forest Service holdings in the project area amount to 35,489 acres, or about half of the project area. However, the analysis of impacts from proposed activities is limited to Forest Service lands, creating a major deficiency of the EA - only half the project area has been analyzed. This passage from the EA illustrates why this is a critically important issue.

"Regenerating/Early Successional Habitat. There is a need to increase the amount of the regenerating age class (0 to 9 years old) to meet HMU age class objectives on suitable lands. Aside from the small amount of existing permanent upland openings, the project area is relatively devoid of stands in the regenerating age class (0 to 9 years old). There are just 57 acres (less than 1 percent of all NFS lands) on four stands of regenerating northern hardwoods. The HMU objectives for the regenerating age class range from 100 to 1,790 acres depending on forest type. Although there are 43 acres of existing upland openings providing early successional habitat, mostly occurring in utility corridors within the project area, there are no stands over one acre in the regenerating age class on suitable lands. (Final EA, page 8).

This paragraph is quite clear. The Forest Service has analyzed the need for early successional habitat only on NFS land (again, roughly half the project area), then pretended that the need extends throughout the project area. The word used is "devoid" which means "empty of; completely without".

Figure 1 (attached) is an aerial photo of the western portion of the project area from Bing Maps. (I'm sure the Forest Service has the GIS capabilities to analyze the land use patterns in the project area). In particular, the non-NFS land northwest of the Chittenden Reservoir circled in red clearly shows the land use patterns of rural roads dotted with fields and yards backing up to forest, creating long stretches of forest edge that is favored habitat for many early successional species. Seen from the perspective of this photo, it is apparent that land uses occurring off NFS properties are providing more than enough early successional habitat to satisfy goals for the project area.

The photo's satellite imagery view highlights how the NFS land in the project area is literally surrounded by fragmented forest on three sides. Why does the Forest Service insist that the kind of forest fragmentation occurring in the surrounding landscape should be introduced into the GMNF? A proper analysis of the entire project area would conclude there is no need to sacrifice forest in

In this case, a proper analysis of the entire Project Area would conclude there was no need to sacrifice NFS forest for the sake of already achieved goals. The "diversity" that the Forest Service wants to enhance in the project area has already been accomplished. But, there is more!

Other analyses conducted only on NFS lands but passed off as representing the project area include these references to the EA:

Page 4. To develop site-specific composition and age class objectives, a habitat management unit (HMU) analysis was completed for the Telephone Gap project area. (Not true).

Page 36. The analysis for forest habitat and diversity is associated with proposed timber harvest, non-commercial, and other habitat treatments within the project area. (Not true).

Page 48: Proposed harvest treatments would create temporary openings to fulfill short-term early successional habitat needs within the project area. (Not True).

Page 60 (Table 3-6). Non-native invasive plants in the Telephone Gap project area and their potential effects. (Incomplete).

The Forest Service is responsible for creating the Telephone Gap Project Area to help identify opportunities for partnerships and better ascertain potential environmental effects across landownership boundaries. The Forest Service is responsible for this major deficiency in the Final EA. The only way to rectify this deficiency is to rescind the EA and move on to a full EIS.

Objection #2. The Final EA fails to consider the Project's significant environmental impacts to biodiversity.
My comment letter of March 3, 2023 included the following assessment of the Forest Service's failure to address biodiversity in the Preliminary EA:

Attached are comments concerning biodiversity, which is not identified by the Forest Service as a resource worthy of consideration. Although the Forest Service has mostly fulfilled its requirements under State and Federal Endangered Species regulations, simply focusing on rare species is a woefully incomplete assessment of the biodiversity in a forest. It is obvious the Forest Service is uncomfortable about the issue of biodiversity. Biodiversity complicates things, as well it should. But when you only worry about the small points on the land that harbor the few regulated species, you are free to pursue management actions that can damage entire ecosystems and the myriad unregulated species they harbor.
The Forest Service Response to this comment (identified in the Response to Comments Received as Enser #9) states:

The effects to mature and old forest are disclosed in the Preliminary EA including consideration of non-National Forest System lands in the cumulative effects analysis (Section 3.2, pp. 33 to 50). Two action alternatives (Alternative C and D) were developed specifically to address issues associated with harvest of mature and old forest within the project area (Preliminary EA, Section 2.3 and 2.4, pp. 21 to 26.

This response, which does not even include the word biodiversity, is clear: the Forest Service has failed to consider biodiversity in the Project EA, despite direction from the Council on Environmental Quality (CEQ) in 1993 that biodiversity must be addressed in EA and EIS analyses. This direction was provided in the following publication:

Incorporating Biodiversity Considerations Into Environmental Impact Analysis Under the National Environmental Policy Act. Council on Environmental Quality Executive Office of the President, 722 Jackson Place, NW Washington, DC 20503. January 1993.
This report presented results of consultations by the Council on Environmental Quality (CEQ) concerning the consideration of biological diversity in analyses prepared under the National Environmental Policy Act (NEPA). The report was intended to provide background on the "emerging, complex subject of biodiversity, outline some general concepts that underlie biological diversity analysis and management, describe how the issue is currently addressed in NEPA analyses, and provide options for agencies undertaking NEPA analyses that consider biodiversity" (CEQ 1993).
The introduction to this report states in part:
The National Environmental Policy Act (NEPA) provides a mandate and a framework for federal agencies to consider all reasonably foreseeable environmental effects of their actions. To the extent that federal actions affect biodiversity, and to the extent that it is possible to both anticipate and evaluate those effects, NEPA requires federal agencies to do so.
Emerging concern about biodiversity reflects an empirically-based recognition of the fundamental connections within and among various levels of ecological organization. Ecological organization, and therefore biodiversity, is a hierarchically arranged continuum, and reduction of diversity at any level will have effects at the other levels. Fundamental to our understanding of biodiversity is recognition that the biological world is not a series of unconnected elements, and that the richness of the mix of elements and the connections between those elements are what sustains the system as a whole.

Concern for biodiversity is often misinterpreted as a desire to maximize the diversity (usually species diversity) of every area. In fact, managing for maximum diversity may actually impoverish natural biodiversity. For example, introducing small-scale habitat disturbances might increase local biodiversity by favoring the spread of opportunistic "weedy" species. However, the same activity may decrease the available habitat for species at risk regionally, and regional or global biodiversity may be diminished. Timber production and grazing practices involve management for a few desired species that results in the reduction of physical heterogeneity and the disruption of species interactions and ecosystem processes.

Although federal agencies have routinely evaluated the effects of their proposed actions on certain specific resources (primarily wetlands and endangered species) in their NEPA analyses, they have not usually included the full range of effects or the appropriate scale required for adequate consideration of biodiversity.

In addition to broadening their NEPA analysis to include biodiversity, many agencies need to strengthen the effectiveness with which they utilize the NEPA process. The ultimate effectiveness of NEPA depends upon the degree to which federal agencies use it to integrate environmental objectives into their planning and decision-making processes. NEPA should be used as a planning tool, not simply as a mechanism for tabulating impacts of projects that are already in the design stage. The extent to which biodiversity is considered in future NEPA analyses of federal actions will strongly affect whether biodiversity is adequately protected in the coming decades.

In most cases, determination of the level of discussion on biological diversity should, as with all impacts, be made during the scoping process. While scoping is mandatory only for the preparation of EISs, some agencies. such as the U.S. Forest Service, find it valuable to engage in an appropriate level of scoping for actions subject to the preparation of environmental assessments. The scoping process should be used to identify whether biological diversity will be an important consideration in the environmental analysis and also to allocate assignments for any special studies and analyses in that regard. Scoping is also the point at which an agency should determine which issues do not warrant further attention in the NEPA process.

Between December 1991 and June 1992, the Council on Environmental Quality (CEQ) in conjunction with the Environmental Protection Agency (EPA) and with support from the Departments of Defense, Interior, and Transportation, conducted a series of (five) conferences designed to explore the need for improved incorporation of concerns for ecosystem integrity and the protection of biological diversity into the decision-making process under the National Environmental Policy Act (NEPA) (CEQ 1993).

Not only were Forest Service staff in attendance at these conferences, but two FS representatives served as reviewers of the final report, CEQ 1993. (David T. Cleland and John R. Probst from the North Central Forest Experiment Station). However, despite this involvement in 1993, the Forest Service failed to analyze biodiversity in the EIS for the 2006 Green Mountain National Forest Plan, or for any projects conducted in the GMNF since 1993, including the Telephone Gap IRP.

Objection #3: The Final EA fails to consider the environmental impacts of the proposed management actions.

The Forest Service's Consideration of Comments received regarding the draft TGIRP EA, identify Enser #3 as: Creating early successional habitat negatively impacts wildlife dependent on interior forest habitat, and reduces old and mature forest.

The Forest Service response to this comment includes the following: Beneficial effects from creating early successional habitat through temporary openings with various proposed harvest treatments are disclosed with supporting scientific literature in the Preliminary EA.

It is clear that NEPA requires agencies to analyze both the beneficial and negative impacts of their actions. The failure of the Forest Service to disclose the negative effects of their actions in the Telephone Gap IRP is a direct violation of NEPA requirements.

Creation of early successional habitat is conducted to emulate a destructive processes. The heyday of early successional habitats was the late 1800's when most of the forest had been cut at least once. Much has been made of the loss of early successional habitats when the forest grew back, but as the photo in Figure 1 shows, early successional conditions are widely distributed across the anthropogenic landscape.

CEQ (1993) also identified the faults of NEPA-required studies that had been conducted prior to 1993, which included the inadequate consideration of "non-economically important" species. Studies conducted by resource

agencies consider the potential effects on species of recreational and commercial importance. However, some practices intended to maximize protection or production of these species conflict with wider biodiversity objectives. The creation of forest openings and edge habitat favoring game species is now recognized as causing severe impacts to interior forest dwelling species (CEQ 1993).

The TGIRP EA contains NO biological/ecological assessments of the species and ecosystems that would be negatively impacted by the project. In all TGIRP narratives, only species benefitting from the project are mentioned. An EIS would require the Forest Service to provide a biological and ecological assessment of the impacts to forest biodiversity from all harvest treatments.

Timber management to create early successional habitat and young forest disrupts interior forest blocks. Disrupting any habitat type will, by definition, disrupt the species that are using that location. The Telephone Gap IRP EA recognizes that species benefitting from the creation of early successional habitat are those recognized by The Vermont Wildlife Action Plan (VWAP) as Species of Greatest Conservation Need (SGCN). However, VWAP also identifies several forest interior species as SGCN and these species are not analyzed in the EA, despite the recognition in CEQ (1993) that The creation of forest openings and edge habitat favoring game species is now recognized as causing severe impacts to interior forest dwelling species.

Once again, the Final EA for the Telephone Gap IRP is deficient.

Summary:

There is one additional finding in the CEQ 1993 report that is pertinent to all three objections cited in this letter: No site exists in ecological isolation. Rather, they exist within a context defined by regional and local ecosystems. Understanding the potential effects of an action requires looking beyond local impacts, with an eye toward the relationship of the site to the local ecosystem and to larger regional systems. Biological resources must be protected and managed at a geographic scale commensurate with the scale of the systems that sustain them.

The Final EA for the Telephone Gap IRP is highly deficient. It is a highly parochial document focusing only on National Forest Lands as if the forest ends at Federal land boundaries. Only the supposed beneficial impacts of the project are considered while ignoring the detrimental impacts on both NFS and non-NFS lands.

As stated above, the only solution is to rescind the Final Environmental Assessment.

Respectfully submitted,

Richard Enser, The Conservation Cooperative