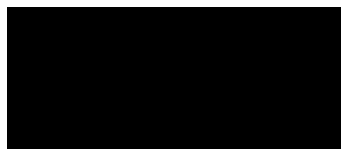



Objection Comments
On The Environmental Assessment
Foothills Landscape Project
Chattahooche National Forest

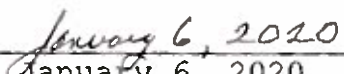
Rec'd
11/9/20


Responsible Official: Mrs. Betty Jewett and/or
Mrs. Stephanie Israel
Chattahooche Oconee National Forest
1755 Cleveland Hwy
Gainesville, GA 30501

Respectfully Submitted by: Robert L. Alexander




Signed: Robert L. Alexander


January 6, 2020

My qualifications: I have hunted, fished, and explored, the Warwoman WMA area since 1945 as a child of 7 with my father (74 years ago); the Warwoman areas and Rabun County being prominent. I have thousands of hours invested within the Forest. I have written numerous challenges, Appeals, and Scoping Letters concerning EAs and to DNs. One of your leading FS employees of years gone by stated "Bob, you have forgotten more than we will ever know about the area". I know what was in the area from 1945, what timber projects have occurred, (back then, select cutting was the proper cut) and the expectation of the devastation that was/and is being proposed. I have a Commercial Pilots license with Instrument rating, and have flown over the entire Warwoman Project area as proposed, which is inclusive of other portions of the Foothills Project. I also have an earned BA degree. Over the years many Appeals have been written and one Federal Court Suit has been won by my intervention.

I have no grudge toward any Forest Service employee, and have no animosity toward any person within the Service. Local Forest Service Employees do their work as directed by the Government Hierarchy and would lose their jobs if they did not. There are some who are opposed to various projects but cannot express their opinions outwardly. I am aware of this.

Ref: Foothills Project Environmental Assessment Objection Comments

1. My legal Constitutional right to file appeals and objections:

I maintain my Constitutional right to never give up my freedom of speech, to have it limited, or to give up my Constitutional right to Governmental Redress or to petition the Government. I note that the Foothills Project was approved and started under the Obama Administration and that tells me where this 157,600+ acre foolishness was started and continues. The Project contains another ploy to take away the rights of the American Citizen and give government control only to those who are deemed "Politically Correct." And, according to the National Environmental Protection Act (NEPA) I have the Legal Right to comment on the Foothills Project and I shall exercise that Right! The Appeal rights within the 36 CFR 215 Federal Code in 1973 as stated by the FS to have been replaced by Objection regulations found in 36 CFR 218 A & B is unconstitutional. Both the "Objection" process and the "Appeal" process are bonafide grievances but not to the exclusions of Freedom of Speech. And, within the 40 CFR 1500 Codes I also have a Constitutional Right to challenge or redress any FS plan I believe to be unlawful or out of order. "Congress shall make no law...abridging the freedom of speech...and to petition the government for a redress of grievances:" U.S. Constitution Amendment 1!

The fact that the Forest Service has even attempted to change the Regulations and Laws, and hide them in the "Farm Bill" shows a malicious attempt to circumvent the current Regulations and Laws. The thwarting of the Law or Regulations was such that the Public had no, or very limited, knowledge of the conspiracy. The FS has exercised, with full knowledge and contempt for the U.S. Citizen, an action designed to thwart any ability to enact litigation or have any exercise to do so thereof. The actions perpetrated on the American Public I consider to be fraudulent, disdainful, and unlawful. Since the action started under the Obama Administration I view this as just another attempt by Big Government and crooked politics to seduce the U.S. Citizen into unknowingly giving up his fundamental rights of Free speech and Redress: another attempt to socialize the Political realm of the Government and the American People. It is quite evident by various statements the Forest Service appears to have already, by its statements and attitudes, made up its', mind and drawn its' conclusions to enforce the Foothills landscape Project, (signed, sealed, and delivered), regardless of Law, Regulations, or Public input!

I challenge the Forest Service to write a legal treatise and submit it to the Supreme Court; there is no purpose or need for the massive Foothills Project. And, as of this date, I have spoken to no person in Rabun County that condones this Project. The integrity of the Land has been, is being, and will be, compromised with the initiation of the Foothills Project.

2. Information is to be made available to the public, 40 CFR 1500.1(b), 16 USC 1604 Sec. 6(d). Information is to be in hand before action is taken, 40 CFR 1500.1(b). Information is to be considered in detail, 36CFR 219.12(h). Information is to be sound and factual, 36 CFR 219.26, FSM 2532.1 2532.2 (3), 3570.42(2). I challenge the FS to prove the correctness by meeting the details within this, the Foothills Landscape Project. The FS must have the personnel capability and qualifications available to comply, 40 CFR 1507.2, 36 CFR 219.5(a)(7)(b). *Information was extremely scarce as to whom the responsible party is to mail the Objection to. I looked through numerous Forest Service Articles on the Internet over at least a 4 or 5 times and that many hours and there was no article that told where to mail the EA Objection to. I found no address, comment, listing, or article in any Forest Service or Government statement concerning the Foothills Landscape Project. This appears to be an intentional oversight so the Public would get frustrated and not turn in Objections. Therefore, by withholding the Forest Supervisor's and Stephanie Israel's name and address on any Foothills Landscape article they violated 40 CFR 1500.1(b). NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." So, you might want to start over again on the 30 day notification and extend the period! An "average citizen" would in all probability not find the proper address. I happened to goggle The Times paper of Gainesville, GA (I had already goggled every article on the Foothills Project I could find) and found the article stating that the Foothills Landscape Project was entered on December 11, 2019 and gave the address of the Forest Supervisor. I had called the District Ranger's Office and the Secretary told me I needed to talk with Ranger Foote and give him the information and he would give it to the Forest Supervisor's Office in Gainesville. I believe she may have given me miss-information as I wanted to mail the EA objection today (1/6/20) as per her conversation. I now am supposed to see Ranger Foote tomorrow 1/7/20 in Tallulah Falls at his convenience. I believe this to be an unnecessary trip, and, is FS inefficiency.

Within an Environmental Assessment, I believe, the FS has proposed rules, regulations, and Best Management Practices (BMPs) of an arbitrary nature which could very well hinder public input and limit the 1st Amendment right to Freedom of Speech. The context of the EA appears to limit the Public as to the oversight of the National Forests in question of which they own, not the Forest Service.

The National Environmental Protection Act (NEPA) requires of the Forest Service (FS) to provide **scientific evidence and date** to substantiate its claims concerning future actions. It appears to me the FS is attempting to scam the Public, Communities, Counties involved, the Citizens of Georgia, and the Tribal entities with the issuance of the Foothills Landscape project. 36 CFR 219.(a)(1) 36 CFR 219.5(a)(2) & (a)(7)(b), 36 CFR 219.19(a)(1), 40 CFR 1502.1, 16. The public is to have the right to participation: 36 CFR 219.1(11), 36 CFR 219.6(c-g), 40 CFR 1506.6(a)

The EA contains a massive amount of words but no real substance and very little **Scientific Information**: a violation of NEPA. The EA is to be written so as to present information in such a manner the public can understand the process and know what is intended to be done. 40 CFR 1500.1(b): statements shall be concise, clear and to the point. This EA has not accomplished the requirements of 36 CFR 27(a)(5)(7), 2672.4.

3. Biology: The project states that Oak forests types dominate, and that there are 55,000 acres; that 90% of the forest is of late successional stage habitat; and that there are no acres of young oak (less than 10 years within the landscape). In and of itself there may not be any acres of 100% Oak; but, there are many oaks under 10 years of age growing in the Forest. Most any massive burn will destroy the various trees and herbs but the unharmed Acorns will began to grow. I believe your statements to be hyperbole and unsubstantiated. The unworkable Best Manage Plans (BMP) of the Forest Service over the past 80-90 years have degraded the Forests and left them weakened. 36 CFR 219.27 Justified, FSM 2165.45

4. Biological Integrity: The proposed actions are to improve the Biologic Integrity or Evaluation of the Foothills Project. However I find little or no specifics as to how the FS is going to implement the actions and the end results of those actions. Appendix A has no specifics of How, When, Where, Why, or How Much is to be done. The Map shows the potential location of Stands and the colored blocks on the maps mean nothing without specific Stand identification: 36 CFR 219.12(g) (h), 36 CFR 219.5(a). FSM 2672.42, 40 CFR 1502.16, 40 CFR 1502.16. FSM 2672.42.

FSM 2165.45: In past years the FS has been known to not accomplish the necessary information prior to issuing the BE, and to leave out certain BEs or BAs; stating they were in existence. This fact was brought out in a court decision. I expect the FS to adhere to 2165.45 concerning the BA. The FA is a timely decision and must be made within 180 days of the Project. Since the EA is in its 30 day comment period I would expect all information to be turned in and the public to be able to make an intelligent decision as to the consequences of the Project. The Landscape Project is large enough to require a 180 day completion date on the BA since this is a major Federal action consisting of 157,600+ acres.

5. Bio-Diversity: NFMA requires protection of bio-diversity. 16 USC Sec. 1604(g)(3)(B). Sierra Club, et al v. Espy. Judge Parker ruled, "And this statutory duty clearly requires protection of the entire Biological community—not of one species...alone. Indeed, the imposition by the provision of such a broad and stringent duty to protect reflects the truism that the monoculture created by clear-cutting and resultant even-aged management techniques is contrary to NFMA-mandated bio-diversity."

6. Fish: Trout are being hurt and unable to thrive properly by the temperature rise of the water. Trout of good size (over 20") at one time were in abundance below the U.S. 76 Bridge over the **Chattooga River**. Now

one does not even need a Trout Stamp to fish for Trout. Trout Stamps are needed above the confluence of Warwoman Creek, miles above the 76 Bridge. I took the water **temperature** at the confluence of the West Prong of the Chattooga River and the East Prong many years ago and it was 75 degrees Fahrenheit. I have found Native Trout to be steadily growing less in numbers since the 1940s. Also, the little River Perch (the ones with Blue Backs and yellow bellies) are extremely low and down in number. The FS planted Pine plantations above the river on the Georgia side in the area of Corn Pen Gap road in the Warwoman area and this allowed silt and the water to produce **thermal warming** in the summer. Also, numerous planting of Pines were established in and along the area of the Willis Knob Road (the old Gold Mine Road). Biological Integrity appears not to be so good in various Warwoman watersheds by FS wrong BMPs. Thermal warming has been produced.

The Wild and Scenic Chattooga River: In my life time; I have fished the Chattooga River and hunted along its corridor for some 74 years. I know the River as well as anyone when it comes to the landscape.

The dominant edible fish is the **Coosa Bass** (Red eye, Goggle Eye, or Bass). The Bass is dominant in the River, both East and West Prongs. They can be caught from Lake Tugaloo to the falls above the Rock Cliffs a few miles above Reed Creek, and in the West Prong to the vicinity of the large Overflow Bridge. Hog Suckers and White Suckers were in much existence on the River but have been depleted for some reason, possibly siltation. These fish were in abundance in the 1940s and 1950s. I personally have not seen any, or heard, of these two species being caught in 50 years. There is a small aggressive, predatory **River Perch**, as we call them, in the River that has drastically disappeared. They are small fish with a bluish top and a light yellowish under side. In my early days we used to catch 40 or 50 a day; we did not keep them as they were small. The 1st few times I fished the River in after 2010 they were nearly non-existent, and there were very few fish beds to be seen anywhere. They should be considered at least a threatened species. 36 CFR 219.17 (a)(e). Watershed evaluation and protection play a major part in Stream integrity and non-pollution. 36 CFR 219.2323(e), 16 USC 1604 (g)(3)(E), temperature changes 36 CFR 219.27(E) 16 USC 1604(g)(3)(E)(iii).

7. I firmly believe **thermal warming** is going to eventually change the species of fish and the overall aquatic life in the Chattooga River. One of the reasonable estimations as to why would be the even-aged management perpetrated close to the River over the past 50 years by the FS. There are Pine Plantations and FS cuts on: Laurel Branch, Adeline Branch, 1st Nicholson Field, Reed Creek, North and South of the Hwy 28 bridge, the River end of the Gold Mine (Willis Knob) road, and numerous other places. During the summer these Pine Plantations heat the ground and the water from the rain run-off raises the temperature in the river. For years I was ridiculed and laughed at by the FS for telling them this. Now it is deemed a fact! Their BMPs were the culprit too. I have checked River

temperatures to be 75 and 76 degrees (F) from the Hwy 28 Bridge downstream during the summer. This becomes deadly to Trout sustainability. 36 CFR 219.27(E) 16 USC 1604(g) (3) (E) (iii).

There is currently no need for a **Trout Stamp** below the confluence of Warwoman Creek and the Chattooga River. Native Trout have taken a very hard hit. Yet, in years gone by large Trout were in abundance all the way to Tugaloo Lake. The rocks in the Chattooga River were smooth and slick in the 1940s-1970s; now they are covered with green slime. The Green slime and Canoe paint became abundant in the 1980s and is still in the River. I have lived here; FS personnel are imports from all over the U.S. They have little knowledge about these mountains except what they are taught in Government controlled Schools or told to do by the Hierarchy. Our mountains are paying a high cost because the Government has the "Correct answer" but, the old time local people are stupid. The Foothills Landscape Project will not necessarily help the small Creeks, nor enhance the Chattooga River, or stabilize the Forest, nor make any appreciable good changes for the most part. Throw it out the window and develop a Plan for a Scenic Area Designation.

8. Riparian areas: Perennial stream boundaries 36 CFR 219.27(e): there should be no adverse management practices along the streams inclusive of Fire within 100 feet from the stream bank.

9. Stream bank protection 16 USC 1604 (g) (3) (E) (iii): no fire, no cutting of trees. No Destruction. 36 CFR 27.(a) (1).

Slope and watershed damage 16 USC 1604(g) (3) (E) i): exact accordance with this law is to be expected.

10. Oak trees under Forest Service management have been for years over cut and Pine has been planted in "Plantations" in Oak dominated areas: 36 CFR 219.27(g). This is "Vegetation Manipulation" and a violation of the Law. Previous Forest Service (FS) documents have stated that "X-amount" of Oaks will be restored and so does this Environmental Assessment (EA). However I have not found this to be true and the 1700 acres of Oak and Oak-Pine is another useless statement by the FS. How much of each species (the 1700 acres) is Oak or Oak-Pine? How much of each is to be planted or restored? Regulations require a Sustained yield of products and service: The achievement and maintenance in perpetuity or a high level annual or regular periodic output of the various renewable resources of the National Forest System without impairment of the land is to be maintained. 36 CFR 219.15, 36 CFR 219.27(b) (1-7) and (e), 16 USC 1604(g) (3) (B) & (E) (i-iv).

11. There is much in in way of "unsuitable lands" within the Project area; therefor, 36 CFR 219.27(c) (1) must be maintained and followed. The whole Foothills project should be managed as a **Congressional Scenic Area**. 36 CFR 219.14 (a-d), 16 USC 1604(k).

12. There are no specifics given. The when and where is not specifically mentioned. And, 1700 acres are a pittance of what needs to be restored and/or maintained in Oak trees and "Stand" upgrade alone. Thousands of acres of Oak trees have been destroyed and have been replaced by Pine plantations by means of Vegetation Manipulation which is a violation of Law. Reforestation must be in like kind: 16 USC 1601 (d) (1).

What a disgrace when the FS states that our hardwood forests contain only 69,141 acres of Hardwoods within our 157,600+ acres to be managed. Has the FS over the years allowed over cutting of the land? The answer is, yes.

13. **Chestnuts:** In my roaming of these forests I have found the old original Chestnuts beginning to re-appear on the landscape. I have seen the small trees beginning to grow from the stumps; over the years these small growths were getting larger and larger. Then, here comes the FS with their prescribed burns and kills the small growth. I have found Chestnut hulls in the woods and Chinquapin hulls also. Yet the FS continues to prescribe burn which continues to kill off these rare tree growths.

Preserving tree species similar to that existing: 16 USC 1604(g) (3) (B), 36 CFR 219.27(g). I definitely believe that Chestnuts have a great chance to revitalize themselves and eventually make a comeback in some areas if prescribed burns cease and its not to late. They do sprout on some of the aged stumps; but they need some help and protection. 36 CFR 219.12(h).

The FS states that it is considering 6 acres of Chestnut restoration. What is 6 acres within 157,600+?

14. **Endangered, Rare, and Sensitive species:** I have found Yellow Lady Slippers on the sides of Mountains far from their usual growth in more moist conditions. I found about 100-200 Pink lady Slippers in what I consider to be a Bog area. The FS allowed a Timber Sale on the acreage. The Loggers ran their equipment over about every square inch of the soil and killed all of the plants. This has to have been known by the FS.

Another instance concerning Pink lady Slippers by the FS: On the Old Tuckaluge Road there were about 40 to 50 plants by the side of the road; the FS used their road clearing equipment and killed every one of them. The Pink Lady Slippers never recuperated. There were Red Fringed Orchids in another area of a ditch on Tuckaluge Road and the FS killed all of them by use of a motor grader. I believe that on 157,000+ acres this will happen numerous times if the plants get in the way of planned logging. At one time some of the FS workers had a key and locked the gate behind them as they used the area for Deer Hunting. The list goes on and on! I have been at this "game" for 49 years so I am quite aware of what has/is happening. Clear cutting by name appears to be replaced with what was the old Shelter wood and Seed tree designation, or perhaps Vegetation Management. They had/have a project on Dan Ridge on the Warwoman MA and cut most of the growth including mast trees as Persimmon tress which are a

scarcity now. Mast trees as Hickory trees, Dogwood trees, Black Gum Trees, were cut and the land was devastated; it appears to have been done to enhance the "Tourists" view of the animals which really are very few at this time. 36 CFR 219.27(a)(8), 36 CFR 219.19, (a)(7), FSM 2672.42 #1.

15. The FS states they need to improve the distribution of our forests across the Foothills Landscape. They desire to take the "opportunity" to create 10,000 acres of young forest habitat by "other treatments": try poison as Imazapac and Glyphosate (foliar) herbicides, timber cutting, prescribed burns, or maybe by "getting the cut out." After all this is done it will be too late to turn back and the public will not be very happy with the results to their Land.

16. The EA states that 24,000 acres of immature pine plantations are highly vulnerable to Bark Beetles. At up to 300 trees planted per acre one would probably agree. Who planted these plantations utilizing their BMPs anyway? This is definitely Vegetation Manipulation within our Mountains. If this plan goes into effect we will hear the same old story when it happens again. The FS has known about the Pine Beetle for over 65 years. When I worked for the FS in the 1950s we were carrying 5 gallons of Diesel Fuel up and down these mountains trying to stamp out the Pine Beetles; and, cutting the infected trees. You want to know something? The FS continues to plant their Pine Plantations and grip about Pine Beetles. Pine conversion may apply here: 36 CFR 219.27 (g), 16 USC (g)(3)(F)(v).

Sierra Club, et, al v. Espy, May 12, 1993: Judge parker stated: The NFMA clearly requires the Service's Planners to treat the natural resources of our nations, forests as controlling, co-equal factors in forest management—in particular, as substantive limitations on the particular logging practices that can take place in these forests."

The term "even-aged" management includes: "clear-cutting," where all the trees are cut down; "seed-tree cutting," where most of the trees are cut down;" (i.e., excepting some trees left to naturally seed an area otherwise cut); and "shelter-wood cutting," where about double the number of trees are left standing as would be left after a seed-tree cutting expedition. The density of a "shelter-wood forest" is fairly low - with about 16 trees left per acre. And even under seed-tree cutting expeditions, the older trees used initially for natural germinating purposes will later be removed: Sierra Club vs. Lyng. There is some information going around that the names, Seed-tree, Clear-cut, Shelter-wood have been changed to Vegetation Management. If this is so, consider my use of terms as being equal to that of the present day FS usage.

17. Gypsy Moths were in epidemic proportion in the 1950s and planes were utilized to spray our forests. I believe the moth was said to have been a non-native import. This may happen again but I know of no epidemic now. Hemlock: the Woolly Adelgid is another non-native import. And yes, our Eastern Hemlocks are paying a price from the importation of the disease.

Where is the scientific information for the utilization of the Public in the Biological Evaluations (BE)?

18. The EA states that only 5% [7530 acres] **old Growth** on the 157,000+ acres is to be managed, under BMP of course. This is a travesty! Why is there only 5% old growth left in the forest? Could it be the FS has not been using their BMPs properly? And, the 5% is simply for conservation: how sad. But then when the FS allows the forest to be cut over what can the Georgia citizens expect? In prior years, loggers cut all harvestable trees within Stands listed as Pine in decision notices (DNs) and EAs. They stole, pardon me, (cut) the Hardwoods (which were to be un-harvested) because as stated by numerous of them they could not make any money if they did not have sufficient trees to harvest and sell. So, FS personnel, it appears turned their backs on the practice. I expect these illegal actions to happen again because there are no specifics (how when, where, how many, which species) listed for each "Stand" of timber to be cut in the EA. This is probably done on purpose to thwart the general public from being able to identify illegal actions. But, I am sue the General Public is gearing up to "spy" on the FS and the BMPs.

Old Age timber has been cut until it seems to be a rarity in the woods. However, there are many thousands of 6" to 10" trees in our forest. Who did the managing? Try the FS and its' BMPs! The forest need to be left alone to recuperate on its own with very little management. The damage is done. Let it produce itself. I doubt 200 or 300 years ago there was any such thing as to much forest Crown. During the 1940s and '50s the Cuts were of Single Tree selection and trees were left to grow old. There were two trees in our yard we had to cut because of danger to the house, that were over 40" in diameter. There was an old popular tree stump in the Wilson Gap area that was about 8' in diameter. That is Old Age!

It appears that the FS considers a 50 year old tree as "old". Fifty years is young. One-hundred years+ is more in line with the truth. To cut these trees is Vegetation manipulation and is not in accord with regulations concerning Sustainability. 36 CFR 219.27(b)(1-7).

19. Trees, **Preserving** Species similar to existing ones: 16 USC 1604 (g)(3)(B). Type **conversion** 36 CFR 219.17(g), 16 USC 1604(g)(3)(B);

20. **Deer:** The Rabun County area stated in Richey's Historical writings that this area used to supply Augusta with deer meat as much as seventy at a time. Now with the BMPs of the FS we have astronomically less deer than we have had in many years. The FS is the one charged with **Mast production** and sustainability. To cut Oak trees is to reduce the mast; to reduce the mast is to negatively affect wildlife. Tennessee has a study that shows an annual crop of mast of 125 to 167 pounds per acre is needed, of acorns, to provide game species with 60 pounds per acre of edible food. In 1992 the FS listed only about 50 pounds per acre of hard mast in Rabun County. With the continued Oak cut the amount per acre is sure to have decreased since then. The FS proposal for the Foothills Landscape Project cannot

provide for the acorns necessary to maintain healthy animals and is a violation of the **Sustainability** regulations, 40 CFR 1504.27(b)(1). FS BMPs are inadequate to maintain healthy forests. The Project must be canceled.

5. Fire: Prescribed burns have the potential to destroy the majority of small trees and leave a swath of early successional growth. But some Oak plants will/would survive if left alone with no follow up fire every 3 to 5 years; because, this second and third fire etc. is utilized to kill the growth that the original fire did not. The FS used to say "The Indians" burned the forests extensively: however the University of Georgia states that that is not so. The FS states that the Deer need "early successional" growth with a lot of browse to survive. A University of Georgia study shows that deer only utilize 3% browse in their diet. That leaves 97% of little value.

FS regulations state that the fires are to be of low intensity; yet, trees are burned up to 12' height levels. There is to be no burn that will create "duff." That is a destruction of top soil, the kind you walk on and ashes puff up under one's feet. Yet, I have seen it done: to be specific, Squirrel Branch Road. I believe it was Trey and Blood mountain; the FS fire over ran fire breaks and burned extensively the two mountains. Why did not the FS have the equipment on hand to stop the fire? After all the BMP and moisture content of the ground was good; or were they? The Forests create their own Top Soil. Why does the FS think they can do better? Thousands of years have passed and the forest seemed to heal itself; animals thrived before the FS began messing things up! Their BMPs are not what they are cracked up to be.

21. The FS plans 50,000 acres of **Burns** between I-75 and the Chattooga River. Most of the Foothill Landscape project will take place in the Warwoman, Chattooga River, and Chechero confines. This becomes nowhere a mimic of a natural fire. To burn 50,000 acres will destroy natural habitat for both flora and fauna for scores of years to come. The FS cannot possibly know the extent of Rare, Sensitive and Endangered species that will be destroyed on 50,000 acres of burn. Fire will destroy the esthetic value likewise. However, statements that pertain to the burns like "have the potential to," "generally affects," "could potentially affect" "expected to have," "it is anticipated," "most likely" "have the potential," are not specific, concise, statements that tell the public what is to be done. And growing season burning will not do the forest any good and the FS very well knows it; for years they would never do such a thing as killing the birds, the small mammals, destroying nests and small trees. Vegetation Management 36 CFR 219.27 (b) (1-7), manipulation. Viable Populations: must be kept intact.

When the FS burns on a rotational bases it keeps the reproduction of mast trees next to nil. Then the FS states there is no early successional growth, or there are no small trees and we need to plant more pines. We do not need these types of prescribed burns. Prescribed burns on a rotational, and at any time of year burn, destroys rare, endangered, and

sensitive species. 40 CFR 1508.8. Early Successional habitat cannot thrive when burned on a rotational bases.

22. **Wetlands** 36 CFR 219.23(f), FSM 1909, 15.10, 15: equipment must be kept off the area and the area avoided. This has not been done in years gone by.

23. **Roads and Trails:** The Foothills EA states that 50 miles of new trails are to be added to the 111 miles in existence.

The FS states that it does not receive adequate funding for the roads. Since they do not have adequate funding they neglect the roads and close them. By Law they should maintain the roads; they constructed them. There are/were a number of persons that have sun-lighted, cut water breaks, and helped maintain some of the older FS roads since the 1950s; myself included. However the FS has seen fit to close the roads and rejected our help after even after road closure. A few of these roads were worked on by local volunteers for over 50 years.

The FS is catering to the tourists and political entities by closing roads and yet constructing trails. This is a blatant violation of the **Equal Opportunities Act** and especially the **Equal Access Act**. Also it is **age discriminatory**. To open trails and deny the older infirm Georgia Citizens the ability to egress the same areas as the trails is unlawful when the roads are already constructed. For instance: the road going between what we call Hickory Bench and Windy Gap on the Warwoman WMA parallels the Bartram Trail for about 1 to 1 1/2 miles. The Road and the Trail parallel each other ranging from 0 to about 300 yards approximately. Aged and infirm persons cannot egress the areas to any great extent for enjoyment as the hikers do; therefor, they lose about 2 miles +/- of enjoyment which the younger generation has access to. This is only one example. During the hunting season of 2018 even the road to Handicapped hunting (Chantilly) was closed. I walked the road and found no reason for its closure.

I do not personally care for motorized or ATV trails because some riders take advantage of the forests and destroy segments; but, there is a portion of the public that does desire to enter the forest by using these machines. This would fall under the Equal Access law. The FS cannot stop one segment of general public use and cater to another group of people.

25. The FS constructed numerous roads under their BMPs and now state the **roads silt the streams**. Whose fault is this? Many of these roads were unnecessary except to appease the timber industry. Numerous Roads where constructed, in order to give access to Timber Companies, that did not meet the legal requirements as to cost efficiency; the **FS lost money**. The loosing of money in **subsidizing** the Timber Companies is an illegal act and appears to have been done knowingly. With no **specific data** per stand the Public Citizen has no way of determining what is right and what is wrong. This type action violates NEPA because the Forest Service EA must address these issues in specifics as to: how, when, where, and why. The EA is

totally deficient in exactly what the FS intends to do. Why is this specific and detailed information not in the EA? The public has a legal right to know. 16 USC 1607 14(a), 16 USC 472a 14(a).

Rabun County Commissioners passed a resolution, at a Regular Business Meeting, "to hold trucks and other motor vehicles passing repeatedly on said County roads with heavy and excessive loads responsible for all the damage." Persons utilizing said roads will need a permit, be liable for damages, and will need to post a bond. This includes the Timber industry.

26. Cumulative Effects/Affects 40 CFR 1508.25(a)(2): Cumulative effects are not listed, site or compartment specific, and are therefore not adequate for the average Citizen to draw an intelligent conclusion as to just what it is that the FS intends to accomplish within the Laws and regulations. How does one management practice affect the whole of the massive Foothills project? "Despite diligent use of mitigation measures some adverse effects cannot be avoided." Adverse effects of air quality, the landscape, and wildlife habitat would be unavoidable." The FS, Upper Landscape Management EA for Warwoman, draft EA, pg. 208. These statements would apply to the present Foothills Landscape Project EA for every Compartment or Stand and apply to the whole. 40 CFR 1508.7, 40 CFR 1509.15, 40 CFR 1508.25(a)(1-3), 40 CFR 1508.8 (a) &(b), FSM 1909.15, FSM 2672.42 #4.

Water Quality, point and non-point, should be listed for each waterway, navigable or not.

Under the FS BMPs **fragmentation of our forests** is/has been, in progress for years, causing harmful results. Ground animals as Chipmunks, ground birds as Turkey and ground Thrush appear to be on the decrease. I have noticed drastic disappearances of: Yellow-Shafted Flicker wood peckers. In the 1940-1950s they were in abundance. The Eastern Peewee is scarcely seen any more. Whippoorwills have drastically disappeared. Night Hawks are hardly seen any more. Chimney Sweeps have drastically decreased. Meadow Larks have disappeared; yet, they were in abundance in the 1940s-1950s. Scarlet Tanagers were scarce in the 1940s and 1950s; I have not seen one in many years now. Even the average species of bird have been depleted. I have noticed while hunting that many "normally present birds" in the woods are becoming scarce: example, the Wood Thrush, the Brown Thrush, the Ruffed Grouse, Cedar Wax Wing, various others.

Alternative #1 and Alternative #2 keep intertwining with each other so as to make it difficult for the average Citizen to draw a legitimate conclusion as to what the FS is trying to present to the Public.

Alternative # 2 Stand structure appears to be Vegetation Manipulation as it does not identify the areas. The Public has no way of knowing where the management practices are to take place, no specific Stand location is given. The FS has given the same old hyperbole over the past 40 years.

Alternative #2 is not clear or concise, nor to the point.

A FONSI cannot be eventually used because it is substantially inadequate. The impact on the Project is tremendously significant in a negative manner.

27. Table 15, Terrestrial Wildlife Parameters: The FS is of itself In-conclusive as to what it plans to do or what the end result is to be. Examples: "may improve" "may affect" "may impact." The FS has no idea what it is talking about by the use of these terms: Bog Turtles, "may impact," Monarch Butterflies, "may impact," or "potentially affect." This is a copout. No specific details are listed.

28. Maps: The maps presented have various colored "blotches" on them with no location as to area, Site, or Stand number. Should a person desire to visit the various areas of the map as presented in an odd color where would he go? The Maps show no specific identifiable location: maps 12, 13, 14, as an example. Map 15 on the Chattooga Ranger District shows numerous Pine Plantations. There would present first of all prior Clear Cuts; then a prior burning to kill all growth, then the planting of Pine Plantations which would indicate Vegetative Manipulation which is not in accord with Governmental Law. These Plantations were planted at the expense of the Hardwoods and trees as Persimmons, Hickory, Black Gum, Dogwoods and other viable mast trees. No wonder our birds are disappearing. In the 1970s through the early 1990s many of our Hardwood Stands were listed as pine so the Timber companies would have more profit by cutting trees like (hardwoods) which were not listed. Below cost road construction as it pertains to Timber contracts were initiated by the FS to try to justify their "get the cut out" mentality.

29. Appendixes listed are FS wishful thinking. There is nothing tangible listed. Again, no specifics as to where, when, how, how much are listed. The ramifications of the management of the Project are not listed. No specific mentions as to what each Stand actually contains; nor is there a legitimate reason given as to why a decision was reached and what the end results would be, or exactly how the decision was to be implemented. Why?

30. I respectfully request this Foothills Landscape Project and EA be withdrawn, that a Congressionally designated permanent Scenic Area be initiated to take its place. This is the most valuable use the Foothill Landscape Project 157,600+ acre area can be managed for. This Designation would accommodate the numerous personalities and entities (hunters, hikers, bird watchers, fishermen, sight seers, campers, tourists, and the like, that desire to utilize the landscape with the exception of the timber industry.

31. Scenic Area Designation: No other Designation or project type would qualify or meet the importance and usefulness of this qualification for the General public and for the American Citizen.

32. Environmental Indicator Species: The FS is to have a detailed statement of environmental consequences in every recommendation or major federal action significantly affecting the quality of human environment. 40 CFR 1508.27(b)(4), 40 CFR 1508.27. (b)(5), 40 CFR 1508.27(b)(7), 40 CFR 1508.27(b)(10), 40 CFR 1500.1-16. The Foothills Landscape Project lacks meeting the qualifications of these regulations.

Other Laws and Regulations not specifically mentioned will be analyzed to use against the Forest Service if deemed necessary: Aesthetics: 61 USC 1604(g) (3)(f)(5), Below Cost Timber Sales 16 USC 1607(14)(a), Biological Evaluation and currency of site visits, Cultural preservation, Cumulative impacts, Cumulative effects on T&E species, Diversity, Ecosystems, FONSI judicial reviews, Habitat regulations, Migratory Birds in the Landscape Project; there are numerous; the destruction of nests and habitat, and Public understanding of proposed actions 36 CFR 219.6(a)(4). Timing of the 1000 page release will be questioned. I assure the FS the public cannot understand the Project as written concerning, Recreation, Silvicultural practices, Soil Protection, Species Manipulation, Stream-bank protection, Un-even Aged management, Unresolved Conflicts, Visual Resource management, Water Shed Protection, Wildlife Habitat and all Laws and regulations pertaining to this listing.

33. The Rabun Count Coalition To Save The Forests of which I was President won the **President setting Lawsuit against the Forest Service in the State of Georgia in 1993.** The ramifications of this action led to the stopping of various practices in 8 States and Porto Rico. We of the Coalition were not involved in the majority of the later decisions. But, we will hold the Forest Service responsible to abide by the letter of the law as it concerns what we accomplished and the results of the other cases likewise. Any attempt to circumvent the various decisions could lead to future litigation. The EA appears to be of poor quality as compared to past input. In writing this EA one gets the idea that the input is designed to end as a "look what I have done" to utilized as a way to get promoted or some other exterior motive.

Helen Meadors sent a letter to The Clayton Tribune in which she stated, "I have read much of the Foothills Environmental Assessment, and I conclude that the meeting [the FS input meeting] was designed to confuse the attendees;" I concur with her statement as being true.

34. There is no mention of how **litigation** decisions won in Federal Court against the FS would affect the Foothills Project as per the "on the ground" actions. The Civil Action, File NO. 2:93-CV-0032-WCO The Rabun County Coalition won against the Forest will be one of numerous the means of analyzing what the FS is doing on site.

Reviewing Court: Should his EA be an issue which reaches litigation, the reviewing court is to hold unlawful and set aside agency action, findings, and conclusions when they are found to be: arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; or in excess of

statutory jurisdiction authority, or limitations, or short of statutory right. 5 U.S.C. 706 (2) (A)&(C).

As it applies to the Chattooga River, the FS will be held responsible to maintain its management practices outside the Boundaries or ¼ miles away from the River according to Laws stated within the Wild and Scenic River Act.

The very initiation of the Foothills Landscape Project needs to be scrutinized very carefully, especially since it was in the development stages under the Obama administration. Who came up with the Project idea? What is the legitimate reasoning behind/for the Project? What private and/or political entities are backing the Project and why? Who is to gain financially by the Project? Are there any "under the table" or any quid pro quo initiatives going on or being considered as it concerns the Foothills Landscape Project? There is definitely something amiss!

Respectfully submitted,



Robert L. Alexander

There are 15 pages to this Foothills Landscape Objection paper.

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