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Organization: Standing Trees, on behalf of the Lake Tarleton Coalition

Title: Executive Director

Comments: Hello District Ranger Brown,

Attached please find Standing Trees' and the Lake Tarleton Coalition's combined comments on the April 2022 revised Draft EA regarding the Tarleton Integrated Resource Project. These comments are being submitted electronically via the Forest Service website project page at <https://cara.fs2c.usda.gov/Public/CommentInput?Project=56394>, via email, and as a physical copy sent via U.S. Certified Mail (#7020 3160 0001 6335 9262) to the address provided on the April 12, 2022, comment notice. Please note that a list of all exhibits is provided at the end of the attached comments, but the files are too large to send all of them via the Forest Service project webpage or via email. All exhibits are provided on a USB drive which was mailed with the physical copy of the comment letter. A return mailing address is provided at the conclusion of the comment letter. For all email communication, please contact me directly at zporter@standingtrees.org.

As detailed in the attached comment letter, in order to comply with the National Environmental Policy Act ("NEPA"), the National Forest Management Act ("NFMA"), and the Endangered Species Act ("ESA"), an Environmental Impact Statement ("EIS") is required for the proposed project. The Forest Service erred when it initially completed only a draft Environmental Assessment ("EA") for the Project in July of 2021 ("2021 DEA") and again in April of 2022 ("2022 DEA"), along with each EA's Finding of No Significant Impact ("FONSI"). The environmental harms of the Project are significant, or at the very least uncertain, because of the unique nature of the land involved, the intensity of potential impacts, the recent proposal by the U.S. Fish and Wildlife Service ("USFWS") to classify the Northern Long-eared Bat as endangered under the ESA, and the 2022 DEA's failure to adequately analyze Project impacts in sufficient detail, among other things.

To comply with its statutory and regulatory obligations, the Forest Service must complete an EIS for the Project, or at the very least complete supplemental NEPA analysis in the form of a new or supplemental EA - including necessary public outreach and another public comment period - to correct the deficiencies identified in the comments below. Standing Trees emphasizes the need for the Forest Service to carefully review and address these issues because despite the Service having had the benefit of obtaining numerous comments from the public during the prior scoping and 2021 DEA comment periods, comments raising a number of public concerns have so far gone unacknowledged and unaddressed.

The Tarleton IRP is a major federal action that is likely to significantly affect the quality of the human environment and harm New Hampshire's treasured Lake Tarleton area within the White Mountain National Forest, an area that, as described in detail below, the public fought to protect from harmful projects such as this. NEPA requires that before undertaking such a project, the Forest Service must gather sufficient information to make an informed decision, and provides for public involvement in this decision-making process. Nevertheless, the Forest Service's 2022 DEA failed to provide adequate analysis of the impacts of the Project, sometimes failing to provide any analysis at all for certain impacted resources. This failure not only violated NEPA's requirement that agencies take a "hard look" at environmental impacts, but also made it impossible for the public to fully and meaningfully participate in the public review process because the document was not written in plain language so that decisionmakers and the public could readily understand potential impacts.

The Forest Service is required to prepare an EIS for the Project because, in light of the deficient 2022 DEA, the environmental impacts of the Project are at the very least uncertain. The Service's deficient analysis aside, it is clear that the project will result in significant impacts, thus triggering the need to evaluate these impacts in an EIS. In the 2022 DEA the Forest Service failed to establish a baseline for numerous resources, explain impacts

to those resources, establish consistency with relevant standards, values, and desired future conditions, and explain how it will avoid impacts to project area resources. Without these required analyses, the Forest Service cannot conclude that the impacts of the Project are certainly not significant. The Forest Service has thus failed to explain how the facts found in the record justify its conclusion that no significant impacts will result from the Project. See *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 105 (1983) (courts will uphold an administrative action if the agency "considered the relevant factors and articulated a rational connection between the facts found and the choice made."); *Strahan v. Linnon*, 967 F. Supp. 581, 602 (Mass. Dist. Ct. 1997) (an agency decision must be "fully informed and well-considered" to be entitled to judicial deference).

Additionally, in light of the recent proposed reclassification of the Northern Long-eared Bat from "threatened" to "endangered" and the potential removal of the species' ESA §4(d) Rule, the Forest Service must reinstate ESA Section 7 consultation with USFWS and complete an EIS to address this new information and changed circumstance. To correct these many errors and bring itself to a properly informed decision in which the public is adequately involved and can have confidence, the Forest Service must complete an EIS.

Founded in the fall of 2021, the Lake Tarleton Coalition is a group of local business owners, scientists, frequent users of the WMNF, and concerned citizens united for permanent protection of Lake Tarleton and surrounding lands on the White Mountain National Forest. Many of the Coalition's members have been involved in efforts to protect Lake Tarleton since before it was threatened by resort development in the 1990s, prompting its purchase by the Trust for Public Land and subsequent transfer to the White Mountain National Forest.

Standing Trees is a grassroots community non-profit founded by volunteers in 2020 for the purpose of advancing policy and legal solutions that protect and restore New England's native forests, with a focus on Vermont and New Hampshire. The organization came together, in part, as a response to concerns over logging on the White Mountain National Forest ("WMNF"). Standing Trees works, inter alia, to ensure that New England's public lands are managed using just and equitable policies and practice to support the region's citizens and natural ecosystems alike. This includes managing public lands and waters to maximize carbon storage and protect clean water, clean air, public health, and intact habitat for the region's native biodiversity. Standing Trees has many members who regularly visit and recreate throughout WMNF, including in the areas that would be impacted by the Tarleton IRP.

Our comments continue in the attached letter.

We appreciate your careful consideration and look forward to discussing the future of Lake Tarleton with you and your staff.

Thank you and best regards,

Zack Porter
Executive Director
Standing Trees

Steering Committee Member
Lake Tarleton Coalition