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Comments: Please see attached PDF comment letter.

P.O. Box 11615, Eugene, OR 97440
Tim Reed, District Ranger
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Daniel Boone National Forest
320 Hwy 27 North
Whitley City, KY 42653

RE: Jellico Vegetation Management Project

Dear Mr. Reed, Thank you for this opportunity to comment on the proposed Jellico Vegetation Management Project.

I: Old-growth stand conditions appear to have been inaccurately determined. Insofar as age is the primary determinant of old-growth forest conditions in your neck of the woods, it is critical that tree age be measured accurately. In the Jellico RMS Virtual Field Trip, silviculturist John Hull explains how he used an increment borer to measure tree age. According to Mr. Hull, a tree's age equals the number of rings from a core sampled at a height of 4.5 feet above the ground. However, that's simply not true. Mr. Hull fails to account for the years it takes the tree to reach 4.5 feet tall. In the case of hardwoods, like the hickory Mr. Hull measured in his video, it is standard practice to add ten years to the ring tally to account for the time it took the tree to reach the sampled height. Thus, it appears that the stand-level ages set forth in the EA are too young by ten years. Adjusting the ages older by ten years will likely qualify more acres as old-growth, which must be removed from your harvest proposal per current national old-growth directives.¹¹ I am contemporaneously filing a Freedom of Information Act request for Mr. Hull's field notes and worksheets associated with his determination of stand age and old-growth forest conditions.

II: The Proposed Action fails to comply with the National Forest Management Act's restrictions on clearcutting. The National Forest Management Act requires the Forest Service ensure that clearcutting only be used where "it is determined to be the optimum method" to meet the objectives and requirements of the forest plan. 16 U.S.C. [sect] 1604; *Mahler v. United States Forest Serv.*, 927 F. Supp. 1559, 1569 (S. Dist. Ind. 1996). The Daniel Boone Land and Resource Management Plan requires this determination be made on "a site-specific project basis." LRMP at H-1. Notwithstanding this mandate, the draft EA makes no determination that the proposed action's clearcutting is the "optimum method" to meet forest plan objectives. For example, the EA fails to compare clearcutting versus other available silvicultural systems on a stand-by-stand basis. *Curry v. United States Forest Serv.*, 988 F. Supp. 541, 555 (W. Dist. Penn. 1997).

III: An EIS is needed to fully disclose the Jellico Project's significant soil erosion risks. Almost all of the acres within the project area have inherent "severe" erosion hazard. (Cotton 2024, compare Tables 2 & 4). On this basis alone, the Jellico project risks significant soil erosion; thus, an EIS is needed to fully disclose these risks. Cotton (2024) explains "A severe rating indicates that significant erosion is expected on areas that will not be maintained or managed by best management practices. This potential for severe erosion may be mitigated by properly maintaining the roads and best management practices, such as seasonality of operations." (emphases added). The draft EA, however, fails to evaluate the effectiveness of "best management practices" in reducing erosion below a significant level, as NEPA requires, particularly where the BMPs "may" or "may not" be effective. *National Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 733 (9th Cir. 2001). The Jellico project also includes an unspecified amount of roading and logging on steep slopes. Draft EA at 12. In these locations, the draft EA predicts "no increase in slope instability on side slopes or terraces is expected" unless "concentrated flow and channels form from disturbance, a wet coal seam is cut by heavy machinery, and/or plastic soils are disturbed during times of high soil moisture." However, the draft EA fails to disclose the slope instability consequences if one or a combination of these conditions were to occur. This omission further counsels for an EIS to fully examine the potential for significant erosion-related risks.

Conclusion This project area's inherent and ineluctable soil erosion hazard likely explains why the Forest Service has avoided any significant soil disturbing activity since acquiring this previously abused landscape in the 1930s. The draft EA lacks a compelling justification to depart now from that conservative and prudent approach. Doing so without the in-depth analysis of an EIS is a particularly bad (and illegal) idea.

Sincerely,
Executive Director
cc: Meryl Herrell