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RE: Jellico Vegetation Management Project, Daniel Boone National Forest, Stearns Ranger District

ATTN: Kyle Edmonds, District Ranger, Stearns Ranger District; H. Scott Ray, Forest Supervisor, Daniel Boone National Forest

Kentucky Heartwood submits this objection to the Draft Environmental Assessment (EA) for the Jellico Vegetation Management Project pursuant to the Forest Service's predecisional administrative review process.

This document is a notice of objection filed pursuant to Title 36 CFR Part 218.

Kentucky Heartwood and its members have participated in the public comment process throughout the development of this project and previously submitted detailed scoping and Draft EA comments, including expert analyses and supporting documentation. The objections below are based on issues raised in those prior comments and address significant analytical deficiencies, failures of disclosure, and inconsistencies with the Forest Plan and applicable environmental review requirements.

In summary, the Draft EA fails to provide adequate analysis or disclosure in several key areas necessary for informed decision making and public review. These include insufficient assessment of landslide and slope stability risks; failure to demonstrate Forest Plan consistency for cerulean warbler habitat objectives; evidence of potential predetermination linked to timber targets; inadequate analysis of invasive species management strategies; insufficient stand-level analysis of old-growth and potential old-growth forests; failure to evaluate a candidate roadless area; unsupported assumptions regarding oak regeneration; and a biased socioeconomic analysis that omits substantial costs identified in independent review.

The following objections explain these issues in detail and identify specific corrective actions the Forest Service should take before issuing a final decision.

Objection 1: Slope stability, landslide risk, and sediment delivery analysis is inadequate

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section A, including incorporated expert review and BMP recommendations by Dr. Bill Haneberg (Appendices A and B).

NEPA requires agencies to take a "hard look" at environmental consequences and disclose relevant scientific information necessary for informed decision making. The Draft EA and supporting soils analysis do not provide a robust, project-level assessment of slope instability risk sufficient for reasonably informed decision making. The Draft EA and supporting soils analysis do not provide a robust, project-level assessment of slope instability risk sufficient for reasonably informed decision making. As Kentucky Heartwood documented, and as expert review explains, the agency's approach relies heavily on generalized soil plasticity indicators and does not provide project-wide georeferenced landslide inventory mapping or susceptibility analysis, nor does it transparently document lidar, slope, and geology screening methods. The absence of properly mapped landslide susceptibility and the minimization of tree-removal-related instability mechanisms undermine any conclusion suggesting the proposed harvest and road activities will avoid significant impacts to soils, streams, and aquatic resources."

"The Draft EA also fails to evaluate how increasing extreme precipitation events, widely documented across the Central Appalachian region, will interact with timber harvest and road construction to increase landslide and sediment delivery risks over the project's multi-decade implementation period. Because landslides in steep Appalachian terrain are commonly triggered by intense rainfall events rather than average conditions, failure to analyze this interaction prevents the Responsible Official from reasonably assessing the full risk of slope instability and downstream impacts.

Because the Draft EA does not provide a project-level landslide inventory, susceptibility analysis, transparent geospatial screening methods, nor address the potential for extreme precipitation events, the Responsible Official cannot reasonably determine whether proposed harvest and road activities will avoid triggering slope instability, landslides, and sediment delivery to streams and downstream communities.

The Draft EA also fails to adequately disclose and analyze the interaction of proposed ground disturbance with increasing extreme precipitation and flood and landslide hazards that directly affect downstream communities. Before any decision, the Forest Service should:

1. Prepare and disclose a project-wide landslide inventory and susceptibility assessment using modern and recent geospatial methods appropriate to the region (e.g., lidar-based landslide mapping and susceptibility modeling), with georeferenced polygons and centroids at a scale sufficient for unit-level and watershed-level evaluation.
2. Incorporate and adopt enforceable BMPs specific to landslide risk and sediment delivery, consistent with the recommended practices provided in Kentucky Heartwood's prior comments.
3. Re-evaluate road construction, maintenance, and logging methods on steep and unstable terrain, including correcting any non-standard definitions that could lead to unsafe road practices.
4. Analyze and disclose downstream water quality and ecological impacts from landslide-driven sediment delivery, including to listed aquatic species and critical habitat where applicable.
5. If impacts may be significant, analyze alternatives that avoid high-risk terrain and reduce road density and ground disturbance.

Objection 2: Forest Plan consistency for cerulean warbler is not demonstrated and analysis is misleading

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section B (Forestwide Objective 1.1.B; MIS discussion; basal area and canopy retention evidence; grapevine treatment concerns).

Under NFMA, project-level decisions must demonstrate consistency with applicable Forest Plan objectives and standards. The Draft EA does not disclose or analyze how the project will comply with or support Forestwide Objective 1.1.B regarding creation and maintenance of cerulean warbler habitat in the Jellico Mountains. The Draft EA does not disclose or analyze how the project will comply with, support, or impair Forestwide Objective 1.1.B regarding creation and maintenance of approximately 7,400 acres of cerulean warbler habitat in the Jellico Mountains. The Draft EA's failure to even address this objective prevents meaningful Forest Plan consistency review.

In addition, the cerulean warbler habitat analysis in the Biological Evaluation relies on a confusing and misleading comparison between alternatives (different temporal horizons), and it suggests outcomes that"

"are not supported by the basic relationship between regeneration harvest extent and mature closed-canopy habitat availability.

The Draft EA also discusses "shelterwood" in a manner inconsistent with regional science and practice, and it downplays evidence that cerulean warbler use and productivity are associated with intermediate disturbance and retained structure, including grapevine presence, while the project proposes herbicide treatment of grapevine across extensive acreage.

Because the Draft EA does not analyze how the project will comply with or support Forestwide Objective 1.1.B, and relies on misleading comparisons in its habitat analysis, the Responsible Official cannot demonstrate Forest Plan consistency or reasonably conclude that the project will maintain or improve cerulean warbler habitat conditions in the Jellico Mountains.

The Forest Service should:

1. Provide a Forest Plan consistency analysis explicitly addressing Objective 1.1.B, including whether and how the project helps create and maintain the objective habitat conditions and spatial configuration for cerulean warblers in the Jellico Mountains.
2. Correct the alternatives analysis by using a consistent timeframe when comparing habitat outcomes.
3. Reassess harvest prescriptions and retention levels to align with the scientific literature cited in Kentucky Heartwood's prior comments and avoid over-harvesting which would reduce habitat quality.
4. Disclose and justify any proposal to treat grapevine at landscape scales, including analysis of cerulean warbler habitat effects and alternatives. This should include design criteria to retain habitat features associated with cerulean warbler nesting success as indicated in relevant scientific literature.

Objection 3: Predetermination and failure to disclose timber target influence violates NEPA's disclosure and alternatives requirements

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section C, including FOIA-derived

documentation regarding timber targets and performance expectations.

Kentucky Heartwood presented evidence that the DBNF and district timber targets, including performance-linked schedules and pre-decisional volume planning, have influenced project design. The Draft EA fails to disclose and analyze the role of these targets in shaping the purpose and need, the range of alternatives considered and rejected, and the selection of heavier harvest prescriptions misleadingly labeled as "shelterwood."

If the agency's discretion is constrained or materially influenced by volume targets, this is an "important aspect of the problem" and must be disclosed and analyzed, as it is directly relevant to whether the NEPA document is being used to rationalize a decision that has already been made. Where internal targets, schedules, or performance expectations materially constrain the range of alternatives considered or influence the selection of a preferred alternative, those factors must be disclosed and analyzed. Without this disclosure, the public and the Responsible Official cannot determine whether the environmental analysis genuinely informed the decision or whether the NEPA process is being used to justify decisions made in advance."

"The Forest Service should:

1. Disclose any pre-decisional timber volume commitments, internal targets, schedules, and performance metrics relevant to this project, and explain how they influenced the purpose, need, and alternatives screening.
2. Re-evaluate the alternatives range without assuming a predetermined volume outcome; include alternatives emphasizing lower-intensity treatments and noncommercial restoration.
3. Correct terminology and disclose the tradeoffs of heavier harvests versus ecological objectives where volume extraction is a driver.

Objection 4: Tree-of-heaven strategy is improperly constrained to commercial harvest; EA fails to analyze a necessary landscape-scale control approach

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section D (tree of heaven extent; prior harvest legacy stands; spotted lanternfly risk; commitment deficiencies).

The Draft EA portrays tree-of-heaven primarily as a problem emerging from canopy gaps in untreated stands and fails to substantively address Kentucky Heartwood's documented evidence showing extensive infestations are linked to past regeneration harvests and subsequent agency abandonment. The Draft EA also frames invasive species control as dependent on or subordinate to commercial harvest operations.

This approach is not responsive to the scale and urgency of the problem and fails to analyze a reasonable strategy for treating tree-of-heaven regardless of timber sale footprint, especially given the heightened risk profile associated with spotted lanternfly dynamics and host abundance.

Because the Draft EA limits invasive species control to areas associated with commercial harvest and does not analyze a landscape-scale treatment strategy, the Responsible Official cannot reasonably conclude that the project will effectively address the existing tree-of-heaven infestation or prevent further spread and associated ecological impacts.

The Forest Service should:

1. Commit to and analyze a project-wide, stand-independent control strategy for tree-of-heaven (and related NNIPs), including priority infestations in legacy harvest stands, with enforceable implementation measures and monitoring.
2. Analyze alternatives that do not rely on commercial harvest to justify access and treatment, including targeted treatment operations and prevention strategies to avoid new spread associated with disturbance.
3. Provide transparent mapping and baseline infestation estimates and disclose expected treatment efficacy and reinvasion risk.

Objection 5: Old-growth and potential old-growth analysis lacks required stand-level specificity; project improperly schedules future harvest of stands that will age into POG without later review

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section E (MOG/POG/EOG discussion; cited stands; tree-core data; Washington Office review; 40-year timeframe defect; NEPA EIS significance)."

"The Draft EA does not disclose which stands were evaluated for POG/EOG, the criteria applied, the stand-level

determinations made, and the rationale for retaining certain old, POG-like stands in harvest prescriptions. Kentucky Heartwood provided stand-specific information and tree-core evidence for stands (including 6267-04, 6267-02, 6747-07, and others identified with an old-growth expert). The Draft EA's lack of stand-level analysis prevents informed review and is inconsistent with current technical guidance emphasizing even-aged methods in old-growth should be last resort and require explanation.

Additionally, the project's 40-year implementation window creates an improper "end-run" whereby stands that will age into POG conditions during the implementation period can be logged later without a contemporaneous old-growth evaluation, because they were screened out decades earlier based on age at the time of EA preparation. Old-growth forests and stands with potential to develop old-growth characteristics represent ecologically unique resources that provide irreplaceable structural habitat, biodiversity value, and long-term ecosystem functions. Because the Draft EA does not disclose stand-level determinations, the criteria applied, or the rationale for including certain older stands in regeneration harvest prescriptions, the public and the Responsible Official cannot determine the extent to which old-growth or future old-growth resources may be affected. Furthermore, potential or existing old-growth forests may age into POG conditions during the project's 40-year implementation period. Where the potential exists for the loss of existing old-growth characteristics or the long-term reduction of future old-growth potential, these impacts may be significant and warrant preparation of an Environmental Impact Statement.

The Forest Service should:

1. Provide a stand-by-stand disclosure of: (a) which stands were evaluated as POG/EOG, (b) findings, (c) rationale, (d) prescriptions selected and why, and (e) any required Washington Office review and outcomes.
2. Remove stands with credible POG/EOG indicators from even-aged regeneration prescriptions unless the agency can demonstrate, with stand-level evidence, that such methods are the only option to meet desired conditions and ecological integrity.
3. Address the 40-year "aging into POG" problem by requiring future stand-level old-growth review prior to implementation of any harvest in stands that may meet thresholds at the time of treatment.
4. Prepare an additional analysis if old-growth harvest or loss of future old-growth potential remains reasonably foreseeable or significant.

Objection 6: Roadless area analysis is missing for the Ryans Creek Mountain candidate roadless polygon

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section F (candidate polygon; road criteria; maintenance level and closures).

Kentucky Heartwood identified a roadless-character area meeting minimum acreage for evaluation, supported by Forest Plan criteria and relevant handbook direction. The Draft EA does not evaluate this area and therefore fails to consider a key resource and management constraint when selecting harvest and road activities, therefore the Responsible Official cannot determine whether proposed harvest and road activities may impair roadless characteristics or conflict with Forest Plan direction regarding roadless area management."

"The Forest Service should:

1. Conduct and disclose a Roadless Area evaluation for the identified Ryans Creek Mountain polygon, including on-the-ground verification of road conditions and status and whether mapped segments meet "improved road" criteria.
2. Analyze alternatives and design criteria to avoid impairing roadless characteristics pending evaluation outcomes.

Objection 7: Oak regeneration rationale is unsupported; project prescriptions and terminology conflict with best-available regional science

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section G (advance oak regeneration concern; FOIA/CSE data gap; White Oak Initiative guidance; gap/group selection alternative; "shelterwood" definition conflict).

The Draft EA asserts treatments will shift stands toward oak-hickory dominance, but does not demonstrate sufficient advance oak regeneration exists to justify intensive regeneration harvests. Kentucky Heartwood documented reasons and observations indicating in many stands regeneration harvests will likely accelerate

conversion away from oak, favoring competitors like tulip poplar and red maple. The Draft EA's use of the term "shelterwood" to describe prescriptions removing 85-90% of overstory conflicts with common regional practice and the guidance Kentucky Heartwood cited, undermining reliance on "shelterwood" literature to support predicted outcomes.

The Forest Service should:

1. Disclose stand-level oak advance regeneration data (including CSE data where available) sufficient to demonstrate that proposed prescriptions will achieve oak recruitment goals.
2. Analyze alternatives centered on intermediate treatments, smaller group openings, and other methods consistent with regional oak sustainability guidance, rather than large regeneration harvests without established oak advance regeneration.
3. Correct terminology and ensure effects analysis is based on prescriptions consistent with the literature it cites.
4. If oak restoration is a genuine purpose and need, disclose plans and locations for artificial regeneration planting; if so, analyze feasibility, costs, browse protection needs, and risks.

Objection 8: Socioeconomic analysis is biased and fails to account for substantial costs identified by independent review

In reference to prior comment: Kentucky Heartwood Draft EA Comments, Section H (incorporated economic review).

Kentucky Heartwood submitted an independent review concluding the Draft EA's socioeconomic analysis fails to provide a balanced accounting and likely omits or underestimates major induced costs associated with harvest practices, with near-term costs potentially exceeding claimed net benefits.

The Forest Service should:"

"1. Revise the socioeconomic analysis to incorporate the identified cost categories, clearly disclose assumptions, and evaluate uncertainty and sensitivity.

2. Reassess whether the claimed net benefits remain valid when full cost ranges are accounted for, and evaluate alternatives to reduce those costs.

For the reasons stated above, Kentucky Heartwood objects to approval of the Jellico Vegetation Management Project as currently analyzed. The Draft EA must be revised (and recirculated where necessary) or elevated to an EIS if significant effects remain likely, and the Forest Service must correct the deficiencies identified, demonstrate Forest Plan consistency, and analyze reasonable alternatives to avoid or minimize harms to soil, water, biodiversity, old-growth resources, and community safety.

Respectfully submitted,

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