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December 17, 2015

Daniel McKeague, District Ranger
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Region 8
United States Forest Service
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re: Tub Run Scoping Comment

Dear District Ranger McKeague,

Please accept the following comments on the Tub Run Ruffed Grouse Vegetation Management Project Project Notice (PN)/Scoping Notice on behalf of Wild Virginia and Heartwood.

Wild Virginia is a grassroots non-profit organization dedicated to preserving wild forest ecosystems in Virginia's National Forests. Wild Virginia has hundreds of members in Virginia, many of whom regularly use the Jefferson National Forest.

Heartwood is a cooperative network of grassroots groups, individuals, and businesses working to protect and sustain healthy forests and vital human communities in the nation's heartland, in the central and eastern United States. Heartwood, Heartwood members and member groups regularly use the Jefferson National Forest and our concerns for impacts to flora and fauna, water resources, recreation and climate inform these comments.

The following are issues we wish to raise in response to the Proposed Action Notice (PAN) dated November 16, 2015. Our comments are informed further by a site visit on December 10, 2015. We submit these so that these issues can be included in the Environmental Assessment for the project.

Assumptions-Purpose and Need

The Scoping notice states that ruffed grouse "has experienced population declines throughout its range." (pg. 3) However Gary Norman the Ruffed Grouse Project Leader Virginia Department of Game and Inland Fisheries reports in the Commonwealth's 2014-15 *Ruffed Grouse Status Summary* that "The 2013 and 2014 breeding population indices were the highest rates observed since the 2002 breeding season." (http://www.dgif.virginia.gov/wildlife/grouse/grouse-status-report-2014-15.pdf , pg. 2) It is also noted that "Spring gobbler hunters reported hearing more grouse drumming (4.1) in 2014 than 2013 (3.4 per 100 hours of hunting). These measures (2013 and 2014) were higher than any spring survey dating back to 2002 (ibid. pg. 3) The study concludes that "The number of drumming grouse heard from our spring surveys actually shows a positive trend, but the trend is not statistically significant. This unreliability or unpredictability indicates a stable population in recent years." (ibid. pg. 7)

The report also notes that "Department surveys estimate the number of grouse hunters has declined from 34,156 hunters in the 1994-95 season to 6,677 hunters in the 2011-12 season. Only 3.5% of hunting license buyers hunted grouse and 5.1% hunted quail. Clearly interest in upland game bird hunting has declined to low levels." (ibid., pg. 8) This is a more than 80% decline.

These findings and the proposed actions on this management area should also be considered in the context of the longer-term history of grouse populations in the Appalachian Mountain region. Further, a proper cumulative impacts analysis, as required by the National Environmental Policy Act (NEPA), must analyze the grouse management actions on National Forest lands in combination with the presence and use of grouse habitat on private lands and on lands managed by state and local governments.

Given the relatively stable population of grouse in recent years and the 80% decline in the forest user-group, it is problematic to assume that there is a sufficient purpose and need for this project. It would appear that, although there is no doubt that the project would likely stimulate grouse populations and possibly serve some demand from grouse hunters, this project's primary purpose and "benefit" is as a timber sale that, secondarily, would provide ruffed grouse habitat. The size and scale of the proposal would also seem to point to this conclusion. We would ask that future public notices describe the PA as a "timber sale with enhancement of ruffed grouse habitat."

Range of Alternatives

The Proposed Action Notice fails to contain a reasonable range of alternatives.

- The analysis fails to consider an alternative that provides for no permanent or temporary roadbuilding and new dozer line in the Tub Run Virginia Mountain Treasures area, aside from the "no action alternative ("alternative 2")
- The analysis fails to implement the Forest Service Directive to analyze all roads in the project area and recommend road closures that reduce the roads inventory. The analysis should consider an alternative that considers the closing of FS roads 50371 and 50372. The majority of the proposed project could be implemented without any necessary access on these roads with the exception of their use as fire breaks. This would have the additional benefit of including a higher percentage of remote habitat that would continue to develop characteristics of secondary old growth, a habitat that grouse also use.
- There is clear evidence that a number of streams in the management area have been significantly degraded, due both to the existence and condition of roads, especially of Tub Run Road. Given this finding, one or more alternative should include an analysis of the need for and potential benefits that would result from improvements to these roads to lessen the contributions of pollutants and changes in hydrologic characteristics.
- Because of the incredibly high amount of management proposed in riparian areas (up to 98%-pg.15), an alternative should be considered that protects 100% of the riparian areas in the project area.

Insufficient Information

The Project Notice gives insufficient information to the public so that they may be able to make relevant comments on the project.

- It would have been useful and simple to include the Crop Tree Release on the Proposed Action Map. If this had been done then it would have been obvious to readers that over 70% of the landscape south of FS 257 is proposed for some type of timber management. This is a huge percentage of this Virginia Mountain Treasure (VMT) Area. (Shireen Parsons, *Virginia's Mountain Treasures: The Unprotected Wildlinds of the Jefferson National Forest*, The Wilderness Society, May 1999, pg. 35)
- The Project Notice mentions potential old growth in the project area but fails to mention precisely where it is. The Scoping Notice notes that old growth accounts for 9% of the project area and that the proposed new road system would cross through "a small area of old growth." Our site visit was unsuccessful in identifying where this is in the project area. Without this information, it is impossible to assess the impacts of the roadbuilding on that old growth.
- A site visit on December 10 identified what appear to be no less than 12 perennial streams not identified in any project map.
- The Scoping Notice makes no mention of the Potts Run Project that is planned to create almost 900 acres of early successional habitat and over 3000 acres of prescribed burns in the adjacent Potts Creek and Stony Creek watersheds. This knowledge should be included in cumulative effects analysis under NEPA.
- Given the prevalence and ease of GIS-based mapping and the benefits to the public of providing electronic files for locating and assessing proposed actions, the

Forest Service should provide such files on the project web page. The Forest Service already provides KMZ files for use with Google Earth for a wide range of features on the web (Geospatial Date http://www.fs.usda.gov/main/gwj/landmanagement/gis) and could easily meet this need. We presume that such data are used to produce the maps provided with the project information and that such files could easily be provided for public use.

Range of Issues

The Proposed Action Notice for the FMVPM fails to address the following significant issues

- VMT area impacts
- Old Growth
- Project area slope
- Climate Change impacts
- Biomass removal
- Fire including Carbon and Particulate Emissions and ozone from Prescribed Fire
- Rare and Sensitive Species
- Effects on MIS and Black Bear
- Habitat Fragmentation
- Sufficient Riparian Area Protection
- Eternal Management

Recreational Values

- Scenic Values
- Invasive species concurrent with management activities
- Herbicide spraying
- Predictable natural disturbance events that would serve management objectives, both inside the management area and on the larger forest areas in the region.
- Effects of illegal activities that may be enabled by the PA.
- Economics and Economic Analysis
- Contribution to cumulative impacts on the management area of the developed private land in-holding to intended and unintended.
- Cumulative impacts of this Proposed Action on downstream waters in combination with land use and activities outside the management area, including those on Tub Run and on Johns Creek. These include land use and activities on both upstream and downstream sections of Johns Creek.

Old Growth

Also, although "no vegetation management units are proposed in any of the existing *identified* Old Growth areas, the old growth could be included in the burn units. Again without this specific information it is impossible to comment accurately. It

would be useful if a map of the inventoried Old Growth areas were included so that these impacts could be considered in this preliminary analysis.

It is also important that all Old Growth in the project area be identified and this information included in the EA. The notice notes that there may be significantly more Old Growth in the area than included in the scoping notice. It has been estimated that there were potentially 1,274 acres of Old Growth in the area as of 1999 and there are likely more now, 16 years later. (ibid. VMT, pg. 35)

The Project Notice also fails to state if any of the areas proposed for prescribed burning contain Old Growth. This is a significant issue since mortality is common in prescribed burns, whether by design or in error. Also, Old Growth does not occur in a vacuum but in concert with the entire forest that may be exhibiting Old Growth characteristics that can be damaged or destroyed by burning.

As part of the analysis, Old Growth of any size should be identified within the entire project area and those areas should be protected by buffer areas to insulate them from negative effects of fire, vegetation management, road building or fragmentation from any of these actions.

Rare, Sensitive and Management Indicator Species (MIS)

Foreseeable and negative impacts from the proposed action to rare, sensitive and management indicator species must be thoroughly analyzed in either an EA or EIS. This include any possible direct and cumulative effects to

- Black Bear (*Ursus americanus*)
- Cerulean Warbler (*Setophaga cerulea*)
- James Spinymussel (*Pleurobema collina*)
- Candy Darter (*Etheostoma osburni*)
- Indiana Bat (*Myotis sodalis*)

Sedimentation or changes in water quality could negatively impact the rare plant populations at this site by allowing colonization by invasive, aggressive species or by species which could outcompete rare wetland plants currently found here. VDCR recommends avoiding logging within the immediate area of rare plants, monitoring to track the health of wetland & rare plants, and monitoring of beaver trends.

Fire

This project includes 600 acres of prescribed burning, which has the potential of creating huge swaths of early successional habitat susceptible to invasion by opportunistic non-native species.

There is also a significant population of eastern hemlock along Tub Run Road, mostly in hollows along drainages emptying into Tub Run. Standing dead Hemlocks,

with their lower branches still attached, create a fire ladder hazard. It is generally recommended that firebreaks are not put in areas where trees exist that can carry the fire which would include areas where there are populations of dead hemlocks.

Although hemlock woolly adelgid infestation was found on our site visit, there should be more significant analysis to ascertain if there exists a population of hemlock in the project areas where woolly adelgid populations are not present which may indicate a location in need of preservation for research.

Also of note is the proposed dozer line at the end of new road construction at the terminus of Rd. 50372. Although less that .2 mile, the proposed line covers extremely steep slopes, among the steepest in the entire project area. Because firebreaks in areas of steep slopes are problematic due to possible updrafts, their impacts and size are more significant than in low lying areas.

The burning will also will release tons of carbon dioxide into the air from forested areas, including biomass and soils that currently are storehouses for carbon. This virtual instantaneous transformation of stored carbon to free carbon dioxide must be considered and analyzed. Estimates of particulates released in these fires and effects on area ozone levels should also be addressed and analyzed.

Herbicide Treatments

With the logging, heavy equipment, new and temporary road construction and burning the entire area becomes ripe habitat for introduction of non-native invasive species. The plan to treat 430 acres as needed with basal bark herbicide application of triclopyr with an adjuvant to control individual non-native plants is unconvincing and disconcerting. We are extremely concerned with the non-target effects this will have on the ground water and the wildlife and diversity in the area.

Non-native Invasive Species

Research is full of evidence showing that logging, road building, herbicide treatments and prescribes fires all create conditions in which invasive species can become established. This is especially critical in roadless areas where no invasive species yet have established populations.

The USF'S is required to comply with presidential Executive Order 13112, Section 5: "(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and

spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species."

Also, Sec. 2. States that "Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law, (1) identify such actions; (2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and (3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions."

Analysis should include the benefits of the no action alternative with regard to limiting the range and populations of non-native invasive species in the project area.

Biomass Removal

The project proposes 420 acres of biomass removal. Proposed levels of remaining slash is usually burned in the resulting fire resulting in a much small proportion of remaining downed woody debris.

We also question if there is a history of competitive bidding for biomass in or near the project area or if the biomass serves a single user. The EA should include a cost/benefit analysis from the biomass removal and include the effects of this management on soils.

Habitat Fragmentation

Road-building and dozer lines, whether temporary or permanent, and even aged logging will contribute to fragmentation in the PA and vicinity. The EA needs to evaluate the effects of mature forest fragmentation in the PA on wildlife, forest ecosystems, recreation, stream ecology, watersheds, and scenic values.

Economics and Lack of Economic Analysis

The PN does not provide any information on cost or budget estimates or explain how it will pay for this massive project or what needed projects on the GWJNFs will be underfunded as a result of the funds diverted to this project. The scoping notice does not provide any information about the project, even rudimentary information. A full economic analysis of the project needs to be completed.

The Forest Service should disclose all costs that will be incurred as a result of this project, including the costs of (1) new and temporary road construction, (2) damage from off-road vehicles accessing the area through new roads, (3) increased costs for patrolling this area for off-road vehicles, (4) costs of maintaining existing and new roads in the area, (5) costs of watershed restoration downstream from existing decommissioned and undecommissioned roads and new roads and skid trails, and (6) future herbicide spraying and invasive species management in and around newly logged and roaded areas.

The USF'S should consider no-logging alternatives that provide economic benefits and amenity values, recreation, and other resources (clean water, clean area, etc). Studies have shown that on national forests, these values and resources provide many times the economic benefits of logging.

We are concerned regarding financial incentives to the Forest Service from this project including:

- Proposed income from biomass removal
- Timber receipts
- Utilizing of fire budget monies for this specific project
- Costs/benefits of increased grouse habitat including membership impacts on regional hunt clubs

The requested and required economic analysis should be done for each alternative, including the no action alternative.

Logging and timber management

- Unit 26 is described at a unit with considerable old growth yet includes considerable logging to a proposed 50 BA. The concern that the composition of the stand will change in the future is clearly supported by natural succession. However logging in old growth areas create conditions that, although still containing a few old growth individuals, creates soil disturbing activities that will "set back the clock" in terms of creating any old growth habitat. It is old growth habitat that is the most rare in the entire forest and this area, therefore should be spared management. The priority of areas continuing USFS determined "old growth" would be to refrain from any management activities that would compromise the area from developing into old growth habitat.

Lack of climate change analysis

- The Proposal for the Tub Run Project avoids addressing and analyzing the environmental impacts and economic effects that this project has on the ability of the project area to mitigate climate change and stabilize climate. The Proposal for the Tub Run Project avoids addressing and analyzing the cumulative environmental and economic effects that this project, in concert with all other surface disturbing projects—including but not limited to timber sales, prescribed burns, vegetation and wildlife management, restoration projects and oil and gas exploration or production that have been implemented, since the implementation of the 1994 Jefferson National Forest Land Management Plan and those that are likely to be implemented in the reasonably foreseeable future in the Jefferson National Forest—contribute to the ability of the Jefferson National Forest to mitigate climate change and stabilize climate.
- The Proposal for the Tub Run Project avoids addressing and analyzing the cumulative environmental and economic effects that this project, in concert with all other surface disturbing projects—including the Fork Mountain Project—but not limited to timber sales, prescribed burns, vegetation and wildlife management, restoration projects and oil and gas exploration or production that have been implemented over the last 19 years, since the implementation of the 1994 Jefferson National Forest and those that are likely to be implemented in the reasonably foreseeable future in the Jefferson National Forest—contribute to the ability of all of the forests in Region 8 to mitigate climate change and stabilize climate.
- The project analysis fails to consider the cumulative environmental impacts of all aspects of the project at the aforementioned landscape and temporal scales, including all direct consequential environmental impacts on climate including but not limited to the transportation, storage and intended use (including incineration) of forest resources with regard to carbon storage and atmospheric release of carbon dioxide.
- It is problematic that the Forest Service continues to dismiss Climate Change and Carbon Sequestration as a Potential Issue for concern and analysis. Its absence as a Potential Issue is indicative of this. Wild Virginia and others have raised this issue continually in the GW and Jefferson National Forest both at the project and the planning level.

Failure to consider the environmental impacts and benefits of the no action alternative

The project analysis fails to acknowledge the effects that the no action alternative has on maintaining and increasing the ability of the project area to mitigate climate change currently and over time. These would include, but not be limited to the effects of the no action alternative in:

- Eliminating actions that do not maximize carbon storage in vegetation, in soils and in terrestrial stocks.

· Eliminating actions that accelerate the rate of carbon released into the atmosphere both in the extraction and the use—incineration—of the forest resource.

· Eliminating actions which accelerate the rate of evaporation from soils and that can potentially increase erosion

· Eliminating actions that reduce the rate of evapotranspiration to the atmosphere

· Eliminating actions where prescribed burning result in reduction of biomass and carbon storage in vegetation and soils.

· Eliminating prescribed burning activities that result in large releases of carbon dioxide and particulates to the atmosphere.

Failure to adequately consider current and predicted impacts on water quality from all alternatives

As stated above, the past and current management of this project area has negatively impacted water bodies within the Forest. Without significant efforts to lessen the contributions of pollutants to streams and to restore a degree of stability in the hydrologic responses to storm events, the current state of the waters in the management area can only continue to degrade. In some streams, incised and collapsing banks will continue to collapse and contribute tons of sediments directly to the area streams and these sediments will be carried downstream to lower sections of Tub Run, to Johns Creek, and eventually to Craigs Creeks and the James River. The extensive cutting that is proposed in this project will only increase these problems, even if standard best management practices (BMPs) for the control of erosion and sedimentation (E&S) are implemented. Factors that must be analyzed in the EA in regard to these problems and threats include:

- All pollutants that may be contributed to streams from the management area, not just sediments, must be addressed. These must include sediments, nutrients (nitrogen and phosphorus); heavy metals; organics, specifically including the herbicides and adjuvants used in management practices; and any other pollutants that may be found present on the forest tracts or in the streams.
- Temperature impacts from tree cutting and removal of stream-side cover and even changes to the nature of riparian vegetation in the longer term must be assessed. This analysis must include a consideration of global climate change as a factor and of changes to the watersheds for Johns Creek and Craigs Creek outside the Forest.
- Specific attention must be given to the herbicides proposed for use in the PAN. Both glyphosate and triclopyr (Garlon 4) can have serious toxic effects on humans and animals, including aquatic life. Gyphosate has been designated as a carcinogen by the World Health Organization. The fate and transport, persistence in both terrestrial, groundwater and vadose zone water, and aquatic environments, and the cumulative effects when combined with occurrence of these chemicals outside the management area must be accounted for.

Glyphosate is used on an enormously wide scale and has been found to be ubiquitous in stream sampling studies throughout the U.S. and the world. Stream assessments must look at both water column and sediments.

- Given the nature of soils and the relatively shallow distances to bedrock in the management area, the occurrence of surface seeps, even outside of established stream channels, is a threat to carry pollutants to the streams. On a December 10, 2015 visit to the area, the writers saw a number of such seeps, including on Forest Road 50371. Weather Service records show that only one small rain event (0.04 in. on 12/8/15) had occurred in the week prior to our visit, as measured at the nearest weather station (Roanoke, 8N, #USC00447278). Also, in proposed management unit 9, we observed narrow (~ 1ft. wide) but relatively deep (up to 2 ft.) gullies that appeared to have formed due to surface seeps and ephemeral flows. These features were present even in relatively well-wooded areas where no recent cutting had occurred and could well be a natural occurrence in this type of terrain. The possibility that this type of process would be significantly worsened after harvesting of proposed units seems great and where riparian areas are cut the runoff will have ready avenues to reach streams.
- As noted above in these comments, at least one dozen intermittent streams not depicted on PAN maps were identified during our site visit. Most of these were carried through culverts underneath Forest roads and should have been easily found before the proposal was advertised. These must be assessed and a thorough survey must be done during the preparation of an EA to make sure other streams, whether intermittent or ephemeral are identified.
- In some of the streams feeding Tub Run from the John's Creek Mountain side, heavy sediment deposits were present in slower and deeper pools and cobble to gravel substrate was covered, thus damaging valuable habitat for aquatic life. Some of these conditions were found downstream of Tub Run Road and surely were, in part, due to the road itself. However, other occurrences were observed upstream of Tub Run Road and can likely be attributed to lingering effects of previous cutting. Given that these streams drain Forest lands that have not been harvested in several decades, it is very important to note these occurrences and recognize that the proposed activities will likely cause greater pollutants inputs and that those inputs will likely last for many years, even after stands have begun mature somewhat.
- The drainage downstream of the private land in-holding up-gradient from proposed management unit 3 provides an important example of the types of hydrologic alterations that can be expected after timbering in the management area. Despite the fact that the inholding is only 7 acres in size (PAN p. 3) and only a small percentage of the sub-watershed in which it sits, much smaller than some of the proposed commercial harvest units which range from 9 acres to 109 acres, this private tract obviously was expected to and does contribute enormous storm runoff volumes. The culvert draining this sub-watershed containing the inholding appears to be six feet in diameter. We must presume the culvert was sized by using standard runoff volume calculation methods and that it is somewhat over-sized to ensure adequacy. Still the flows

must reach very large volumes and velocities during large storms and the stream channel must be severely impacted by these events. Given this example, predictions that hydrology of the area will be little affected by harvesting, as we have seen the Forest Service make for other projects, seem insupportable. The impact of all management activities and roads on stream flow regimes must be thoroughly considered before the practices may be approved in a way that streams can be protected.

- Studies show that the ranges of effectiveness of standard BMPs to control E&S are extremely large and that in some circumstances these BMPs provide litter or no pollutant removal. The Service must not assume that the BMPs specified by Virginia Department of Forestry guidance or Forest Service guidance will be adequate to protect water quality under the conditions found in this management area. Soil types, ground and surface water flow patterns, slopes and other factors, combined with the degrees and types of land cover, both before and after activities are undertaken must be assessed and BMPs designed to meet each area to be harvested and/or burned. The extremely steep slopes than occur on many of the units cause great concern for the effectiveness of BMPs which are rarely adequate without carefully designed combinations of measures on such terrain. The apparent persistence of near-surface flows in the soil and along the top of the bedrock surface could channel increased flows from cut areas underneath or around BMPs place on the surface of the land and then emerge downstream of these control features, making the BMPs futile.
- Where streams have already been incised and bank failure is evident, the Service should consider undertaking natural stream channel restoration and/or stabilization projects, to stop major in-stream sediment loss and restore stream/riparian zone connections, and prevent further scour.
- The Tub Run watershed is part of the Chesapeake Bay watershed, which the Environmental Protection Agency (EPA) has designated "impaired" for sediments, nitrogen, and phosphorus. The EPA has, further, imposed allocation under Total Maximum Daily Load (TMDL) for each major river drainage in the larger watershed, including for the James River. That allocation requires a minimum standard of non-point source controls and effectiveness for all lands in the James River watershed and the USFS must ensure that it is in conformance with the assumptions of the TMDL to meet Clean Water Act requirements.
- Because of the current problems noted in area streams and the increased threats posed by the proposed management actions, water, sediment, flow, and biological sampling programs must be begun before the projects begin, if approved. Baseline results can help determine whether some of the activities may be undertaken at all and these results must be included and analyzed in an EA. Also, a sampling program for all of these types of monitoring must be devised and described in the EA before project activities may be approved and the monitoring programs must be described in enough detail to allow the public to understand and contribute to these plans.
- All of the water quality analyses must measure stream conditions and possible impacts in light of Virginia water quality standards regulations and must implement all portions of those standards, which include protection of

designated and existing uses, numeric and narrative criteria, and antidegradation provisions. All are applicable to all surface waters in the management area under both federal and state laws. We note that, even where waters are degraded to some degree in one or more aspects, they should still be protected such that other characteristics are maintained at a high level of quality. For example, the fact that a stream shows some physical habitat damage and impairment cannot justify allowing negative impacts on water quality from organic herbicides or some or unrelated pollutant. Thus, the Forest Service should apply antidegradation analyses on a parameter-by-parameter basis and apply controls for Tier I and/or Tier II antidegradation categories as appropriate. The Forest Service must also consider whether "existing uses," as defined under antidegradation regulations, are different from designated uses and must protect all of these uses. Finally, the Forest Service should consider whether some streams in the management area are eligible for designation as "Tier III" or "Outstanding National Resource Waters" and whether it is desirable and would serve broad Forest management goals to nominate these waters for this designation. If such waters are identified in the EA's preparation, the Forest Service should plan to complete the nomination process through the Virginia State Water Control Board.

Riparian Areas

Because of the steep slopes that dominate the project area and the preponderance of perennial stream drainages (many of which are not represented on maps as previously noted) and other ephemeral streams, which require the maximum 100' - 150' riparian bugger for management, much of the project area must be considered to be occurring within riparian areas as defined by the Jefferson National Forest Land and Resource Management Plan (Appendix A). Maintaining a mere 2% of the riparian corridor is clearly insufficient to protect the water resources of the project area. An alternative should be created in the EA that protects 100% of the riparian areas in the project area and that compares the impacts of this alternative to those proposed.

Perspective on Various Levels of Regulations for Management and Assessments

It is common and appropriate for the USFS to cite the Jefferson National Forest Management Plan and prescriptions devised in accordance with that plan in proposing specific projects and unit activities. It is important to note though, that an appropriate "hard look" at the proposals, a term used by courts to describe the level of scrutiny NEPA requires, must not be confined within the boundaries of the Forest Plan or any other guidance. Just as NEPA requires cumulative analyses that go beyond Forest boundaries and areas of authority, it is clear that the NEPA analysis must also go beyond those administrative boundaries set by internal plans and guidance. And while the range of actions the FS deems within its authority may not

allow it to directly affect certain environmental factors, those factors must still be incorporated into the NEPA analysis.

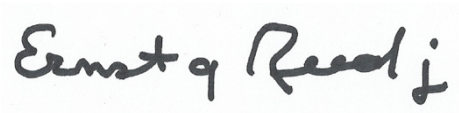
In addition, even those activities that are definitively allowed on a broader scale across the Forest and in certain designated management categories may not be applied where it will violate basic and foundational requirements imposed by federal laws, including those governing the Forest Service's operations but also the Endangered Species Act, the Clean Water Act, and other. Thus any analyses and approvals for this project must not simply rest on the assertion that "the Forest Plan allows it" but must make an individual finding that the broader approval is appropriate for each affected site.

Eternal Management

It is of note that for this project to achieve its management objective, the area would have to be under a continual, eternal management at 15 year intervals. That level of intense management creates impacts that must be considered in cumulative impact analysis in the EA.

Thank you for the opportunity to submit comments. We look forward to working with you further as the project analysis proceeds and can provide information and analyses that should be included in an EA or EIS.

Sincerely,



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