



November 3, 2016

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Joby P. Timm
Forest Supervisor
George Washington and Jefferson National Forests
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Sent Via Email

Re: Forestwide Maintenance of Open and Semi-open Lands, Roadside Corridors, and Utility Rights-of-way

Board of Directors:

Dear Supervisor Timm:

Devon Callan

Bette Dzamba

Howard Evergreen

Jennifer Lewis

Laurie Miller

Ernie Reed

David Sellers

Deirdre Skogen

Elizabeth Williams

I am submitting these comments on the referenced project on behalf of Wild Virginia. The Notice for this “forestwide” proposal states an intent to “reduce the need to do individual environmental assessments (EA) for each project” where the activities described would be implemented to maintain open and semi-open land across both the George Washington and Jefferson National Forests. We assert that this objective is improper, because a forest-wide analysis under the National Environmental Policy Act (NEPA) cannot adequately address the possible impacts that would result from the range of actions and over the great variety of environments that could be affected. Therefore, we object to this proposal and respectfully request that it be withdrawn or rejected.

If you proceed to the issuance of a draft EA, we strongly urge you to solicit and consider comments on that draft before issuing a draft Decision Notice. We are able to provide much additional documentation to support our concerns about specific potential impacts to resources from plant management activities but are prevented from doing so at this time because of the short window for submission of these comments. Further, by its nature, the scoping phase of NEPA is to delineate the major issues to be addressed in subsequent phases; not to require the public to make comprehensive comments on every aspect of a proposal. We are willing and eager to discuss issues in detail with you, your staff, and other members of the public and believe an entirely new proposal or a meaningful public comment period for a draft EA on this proposal is the best way to ensure that discussion. On the other hand, tying the draft EA and a draft Decision Notice together can force the public and the Forest Service (FS) into adversarial postures unnecessarily.

Our most serious concern about this project is that knowledge about the fate, transport, and effects from the herbicides and other chemicals listed for possible use are not and cannot be known to the degree necessary to ensure protection of water quality (both for surface waters and groundwater), biological resources, or human health without the completion of site-specific analyses in the many contexts where these substances may be applied on the George Washington and Jefferson National Forests (GW&JNF). Therefore, a Finding of No Significant Impact (FONSI), which the Forest Service must provide to avoid preparation of a full Environmental Impact Statement (EIS), appears to be impossible at the kind of broad scale and scope proposed

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here. As you are aware, the lands that are subject to treatments under this Notice fall within a wide variety of management prescriptions and contain many different physical and biological conditions.

While tiered assessments are allowable under NEPA and federal regulations, the description given for this proposal does not seem to properly embody that concept but, rather, could eliminate certain types of detailed analysis that must be conducted at the most local scale and opened to public notice and comment. The safety and efficacy of certain methods of plant treatments, especially the use of chemical agents, will be extremely variable from one site to another and even within different parts of a designated tract and the public must not be deprived of the chance to understand the possible impacts on their resources or to contribute to the necessary site-specific reviews.

Our concerns about the potential impacts of the proposed project are not confined to the use of chemical agents alone, nor to the possible water quality impacts of those chemicals. However, we offer some more specific points that relate to these issues to illustrate the nature of the overall problem that we believe this forest-wide approach presents.

- Potential for water quality problems in Virginia must be measured against the State's Water Quality Standards (WQS), adopted pursuant to the Clean Water Act and Virginia law. The State has adopted both surface water and groundwater standards and all apply to the waters in and affected by the National Forests. Both include narrative and numeric criteria and antidegradation provisions. The EA must show how compliance with these standards will be ensured.
- To properly assess the impacts of its activities on WQS, the FS must know whether the pollutants are already found in water bodies and how contributions from FS activities will affect those conditions.
- The FS cannot adequately protect waters from contamination or degradation without committing to monitoring in soils, surface waters, and groundwaters in a way that is representative of the range of environments and the range of pollutants its activities will contribute.
- Studies show that some of the herbicides proposed for use under this Notice are already found in surface and ground water bodies across the U.S., due to the widespread nature of their use. Glyphosate, for example, is amongst the most heavily applied herbicides in the world and is found frequently in streams. Any possible contributions of these chemicals to water bodies or groundwater due to applications on these Forests must be considered in combination with other sources. Cumulative effects cannot be assessed, as they must under NEPA, unless the FS identifies and attempts to quantify all sources.
- The kinds of "one size fits all" buffer zones specified in the Notice, including distances from streams and other features, cannot ensure protection of those features across the broad expanse of the GW&J. The prohibition of application onto rock outcrops or into sinkholes, while entirely necessary, is not sufficient to prevent risks of transmittal through karst into groundwater, springs, and streams. The Notice provides for reviews by FS specialists for specific application of methods in particular cases but gives no real detail as to how those reviews would be done. Further, the results of those reviews would not be noticed and open to public review.
- The FS is obligated to consider any pertinent information about the chemicals it may use. One example where such consideration is particularly important relates to findings of likely carcinogenic effects from glyphosate. While the U.S. government has not officially designated glyphosate as a carcinogen, this failure does not relieve the FS of the obligation under NEPA to disclose and discuss such issues.
- In any analysis of herbicide applications, the FS must discuss not only the herbicides themselves, but also the degradation products and adjuvants. And we note that certain guidelines shown in the notice, such as that mandating the use of vegetable oils as adjuvants, contain essentially unbounded possibilities for variances (to be used "where possible").

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These are only a small sampling of the kinds of issues that must be addressed in an EA, if this project is to go forward. We sincerely wish to work with the FS, in individual cases, to ensure that vegetation management (especially invasive species eradication) is done effectively and safely. We look forward to further discussions on these matters.

Sincerely,

/s/ David Sligh
David Sligh
Conservation Director

cc: Karen Overcash, GW&J NF