

From: Dick Artley
To: [FS-r02admin-review](#)
Subject: Objection to the Upper Monument Creek Landscape Restoration project
Date: Sunday, June 18, 2017 9:04:14 PM
Attachments: [Scanned signature for Dick Artley.doc](#)

June 18, 2017

ATTN: Erin Connelly, objection reviewing officer

Below you will find my objection to the EIS and draft ROD Upper Monument Creek Landscape Restoration Project.

Required 36 CFR § 218.8(d) Objection Information

Proposed Project Name: Upper Monument Creek Landscape Restoration project

Name and Title of the Responsible Official: Oscar Martinez, District Ranger

Proposed Project will be Implemented on: Pikes Peak Ranger District, Pike-San Isabel National Forests

Objection Introduction

This objector submitted his comments on the DEIS for the proposed project on December 3, 2016

RODs are not legal unless they are the result of and linked to a legal EIS.

Please direct Ranger Martinez to modify the final NEPA document to remove or correct the illegal sections and issue a new draft decision document that responds to the modified NEPA document that complies with United States law.

Objection Point #1 ----- After reading this far you must know the proposed Upper Monument timber sale is not a restoration project.

This objector asked the Responsible Official to assure the timber sale name does not include the words "restore" or "restoration." Also wherever the NEPA document tells the public a natural resource will be restored and include the basis (with science references) for that conclusion.

This wasn't done.

Multiple independently authored science papers presented by this objector clearly described how commercial logging activity is the antithesis of forest restoration.

Even the USDA Agriculture Office of Inspector General says:

"We concluded that commercial timber sales do not meet the criteria for forest restoration." (Pg. 11)

Long, Richard D., U.S. Department of Agriculture Office of Inspector General
"Western Region Audit Report: Forest Service National Fire Plan Implementation"
Report No. 08601-26-SF, November 2001.
<http://www.usda.gov/oig/webdocs/08601-26-SF.pdf>

Therefore, the final EIS violates the following:

18 USC § 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy, because the Responsible Official has consciously falsified the Upper Monument NEPA document with the intent to influence the proper administration of the Pike National Forest.

40 CFR § 1500.1(b) because actions were not taken to protect, restore, and enhance the environment, and

40 CFR 1500.2(f) because actions were not taken to avoid or minimize any possible adverse effects of their actions on the quality of the human environment.

18 U.S.C. § 1001 (a)(3) because the Responsible Official knowingly and willfully “relied on false writing or document” inconsistent with the science conclusions of scores of independent Ph.D. scientists “knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.” Knowingly falsifying the project’s effects to the environment will give the Responsible Official an excuse to ignore the damage and not prescribe mitigation to reduce the adverse effects.

18 U.S.C. § 1519 because the Responsible Official knowingly made false entries in this draft EIS with the intent to influence the proper administration of the Pike National Forest.

The **Administrative Procedures Act** directs judges to set aside an agency action if the court determines that the action is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).



Objection Point #2---This objector asked the Responsible Official to analyze an alternative in detail that does not constructed any new roads (system or temporary).

The objector pointed out to the Responsible Official that a no new roads alternative will likely reduce the sale volume some, but it meets the Purpose and Need because the P&N contains no specific acreage that must be harvested. This new alternative stands out among the possible action alternatives that could be analyzed in detail because it reduces the adverse environmental effects of timber harvesting while still meeting the purpose and need for the project. As part of his comments, this objector submitted an attachment with hundreds of statements by Ph.D. independent scientists describing the ecological damage caused by roads. This included a statement by retired USFS chief Dr. Dombeck:

"Roads often cause serious ecological impacts. There are few more irreparable marks we can leave on the land than to build a road."

Dr. Mike Dombeck, Chief, US Forest Service
Remarks to Forest Service employees
and retirees at the University of Montana
February 1998

In spite of this information, the Responsible Official did not act on the objector’s request.

The Responsible Official has violated the public trust in the agency. USFS employees work for the American citizens. Their salary comes from tax dollars.

The Responsible Official has also violated:

- **40 CFR §1500.2** Policy because the Responsible Official refused to honor this member of the public’s request to analyze what is clearly a reasonable alternative to the Proposed Action in detail. A no new roads alternative is “reasonable” and “avoids or minimizes adverse effects” of road construction “upon the quality of the human environment.”
- **40 CFR 1500.2(e) and (f)** because the Responsible Official was unable to avoid or minimize adverse effects of the project upon the quality of the human environment without complete knowledge of all likely adverse effects and Chapter 3 does not disclose these adverse road construction effects.

How this objection point can be resolved: Analyze a no new roads alternative in detail and display the results in the final NEPA document.

Objection Point #3--- The environmental effects disclosures in Chapter 3 are not only inconsistent with best science presented by this person in his comments on the draft but are total opposites of best science.

The objector requested the Responsible Official to modify the Chapter 3 effects disclosures in the draft and include the new disclosures in the final making sure the disclosures are consistent with best science authored by independent scientists not affiliated with the USDA. USDA scientists will be likely to present biased science that will support the agency's timber agenda. The objector also asked the Responsible Official to support all effects disclosures with Reference citations.

This wasn't done. The Chapter 3 effects disclosures in the final are the same as the draft in spite of the fact the objector presented scores of science papers in the **Opposing Views Attachments** authored by Ph.D. experts in their fields that contradicted the effects disclosures in the final.

Therefore, the final EIS violates:

40 CFR § 1500.1(b) because the environmental information is available to public is not high quality and based on an accurate scientific analysis.

40 CFR 1500.1(b) because the analysis is not "accurate" and is inconsistent with best science.

40 CFR 1500.1(e) because without an accurate effects analysis the Responsible Official will not seek out other alternatives to "avoid or minimize adverse effects" because he/she will not know the natural resources in the area will be adversely affected.

40 CFR 1500.1(e) because the Responsible Official will not be aware that the quality of the human environment needs restoration since they won't know the natural resources in the area will be adversely affected.

40 CFR § 1500.1(b) and 40 CFR 1500.2(f) because your overly optimistic effects disclosures would not motivate the Responsible Official to 1) take action to protect, restore, and enhance the environment, and/or 2) take action to avoid or minimize any possible adverse effects on the quality of the human environment.

Objection Point #4---The Responsible Official does not acknowledge that the research conclusions of scores of independent scientists' indicate that even casual exposure to glyphosate may cause significant health problems ... even cancer.

The objector requested the Responsible Official to assure the Proposed Action specifically states "herbicides that contain the chemical glyphosate will not be applied."

None of this was done. The herbicide information in the EIS still indicates glyphosate will be applied. Incredibly, Ranger Martinez does not care if he applies a chemical that research shows can cause cancer, autism, birth defects, miscarriages, neurological disorders and liver/kidney disease. Most public servants would avoid the risk since there are at least a dozen alternatives.

Therefore, the final EA violates **40 CFR 1501.2 (b), 40 CFR 1502.16(a) and (b), and 40 CFR 1508.8(b)** because Chapter 3 omits important environmental effect disclosures. Keep in mind 40 CFR 1508.3 defines "Affecting" to mean the action "will or may (emphasis added) have an effect on" the human environment. An adverse effect need not be certain to qualify for Chapter 3 disclosures. Also **40 CFR 1508.8(b)** defines effects as being ecological and "aesthetic, historic, cultural, economic, social, or health." Since herbicides containing glyphosate clearly will or may, adversely affect health, these possible effects on health must be discussed in Chapter 3. Unfortunately, the Responsible Official chose to omit this discussion.

The final EA also violates the **Apr. 21, 1997 Executive Order No. 13045** because the Responsible Official does not ensure that

this project will not disproportionately expose children to environmental health risks and safety risks.

The draft FONSI violates **40 CFR §1508.27(b)(2)** because the intensity discussion fails to discuss the degree to which the proposed action affects public health or safety. The selected alternative will apply herbicides containing glyphosate. Recent research conclusions by many independent scientists link glyphosate exposure to the following health issues. Some are potentially lethal.

- birth defects,
- non-Hodgkin's lymphoma (a form of cancer),
- mitochondrial damage,
- cell asphyxia,
- miscarriages,
- attention deficit disorder,
- endocrine disruption,
- DNA damage,
- skin tumors,
- thyroid damage,
- hairy cell leukemia (another cancer),
- Parkinson disease,
- premature births,
- decrease in the sperm count,
- harm to the immune system in fish
- death of liver cells,
- severe reproductive system disruptions
- and chromosomal damage.

The intensity disclosures in the FONSI do not acknowledge this information, thus the draft FONSI is illegal. Thus, any judge would rule that the NEPA analysis for the Upper Monument project should be an EIS and the decision documented in a ROD.

The final EA violates the **NEPA at section 101(b)(2)** because it does not “assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;”

How this objection point can be resolved: Rewrite the NEPA document to assure the Proposed Action specifically states “herbicides that contain the chemical glyphosate will not be applied.” Also eliminate the words glyphosate and commercial names for herbicides that contain glyphosate.



Objection Point #5---The Responsible Official has chosen an IDT for this NEPA document that is inadequate to determine the environmental effects of sale implementation as displayed in Chapter 3.

The draft NEPA document contained flawed environmental consequences disclosures for scenery. The Interdisciplinary Team contained no landscape architect with the education and experience to predict how implementing the Upper Monument project will affect the visual resources of the area.

The objector requested the Responsible Official to add a landscape architect to the IDT and have him/her re-write and modify the analysis of scenery/visual effects and include it in the updated, professionally prepared effects disclosure in the final NEPA document, and to assure that the IDT member list is updated to include the landscape architect.

This wasn't done.

Thus, the final NEPA document EA violates **40 CFR 1507.2** because the team that prepared the Upper Monument EIS is not interdisciplinary and does not contain the necessary members “capable (in terms of personnel and other resources) of complying with” (a) through (f) of the law.

How this objection point can be resolved: Please add the missing member to the IDT and have them re-write the environmental effects to scenery/visuals in Chapter 3 of the rewritten NEPA document in a professional manner.



Objection Point #6---The Responsible Official does not describe the effects to fisheries in chapter 3 in the final EIS in spite of the fact that fisheries will be affected (either positively or negatively) when this project is implemented.

The objector requested the Responsible Official to include a discussion, information and data in Chapter 3 of the final EIS showing the effects to fisheries that will result from logging, construction and burning.

This wasn't done.

Thus, the draft ROD violates the laws of the United States because it is based on the final EIS which violates **40 CFR 1500.1(b) and 1508.8** which state: ““Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.”

How this objection point can be resolved: Rewrite the NEPA document to include an effects write-up for fisheries in Chapter 3.



Objection Point #7---The Responsible Official does not discuss how the project's harvest and slash/Rx burning activities will affect protected bird species or if there will be potential adverse effects to the birds.

The objector requested the Responsible Official to identify the birds that exist in and near the project area that are protected under the Migratory Bird Treaty Act and discuss how these birds will be protected during burning and timber harvest operations.

Please don't just identify the migratory bird species that are likely to exist in the sale area and tell me the habitat destruction and likely mortality of individual birds and eggs is acceptable because it won't lead to ESA listing or extirpation of the birds in the area. Instead, explain why the likely bird deaths don't meet the take definition.

This wasn't done.

Therefore the Upper Monument project sale violates the **Migratory Bird Treaty Act of 1918**.

Note: Judges are aware that federal agencies cannot consciously violate the MBTA by claiming the bird species' being harmed is not listed under ESA, or won't be pushed closer to listing when the harm occurs.

How this objection point can be resolved: Rewrite the NEPA document to identify the birds that exist in and near the project area that are protected under the Migratory Bird Treaty Act and discuss how these birds will be protected during burning and timber harvest operations.



Objection Point #8---The Responsible Official allowed the need to accumulate volume (merchantable sized fuels removal) to transcend effective action that will 1) reduce the risk that homes located in the WUI will burn, and 2) increase the risk that residents will be injured should a wildfire occur.

The objector requested the Responsible Official to modify the Proposed Action to include the following actions in addition to hazardous fuels removal:

- distribute Firewise and Defensible Space handouts to WUI residents describing the fine fuels removal methods (where and how).
- contact the people living in the WUI and announce Firewise and Defensible Space workshops will be held to answer questions.
- offer to remove the fine fuels (with written permission) on private property owned
- Assure the Chapter 3 effects for No Action do not mention anything related to increased chance of fire damage if the sale isn't logged.

This wasn't done.

Therefore, the final EA violates **40 CFR 1500.2(e)** because the Responsible Official does not identify and assess a Cohen fine fuels removal as a reasonable alternatives to the Proposed Action that will "avoid or minimize adverse effects of upon the quality of the human environment."

It also violates:

- **NEPA Sec. 101(b)(2)** because the Responsible Official does not "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;"
- **NEPA Sec. 101(c)** because "The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."
- **Ex. Ord. No. 13045**, Apr. 21, 1997 [section 1-101(a)] because the Responsible Official does not "make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children."
- **40 CFR §1508.27(b)(2)** because the Responsible Official will be unable to write a FONSI. The intensity category discusses "The degree to which the proposed action affects public health or safety."
- Agency policy to use best science. The objector's comments included quotes from and links to many, many scientific papers that clearly shows logging to reduce fuels does not reduce fire intensity or rate of spread ... and sometimes exacerbates fire behavior. In addition this non-acientific behavior violates: A March 9, 2009 White House Memorandum to heads of executive departments and agencies states:

"Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security.

In addition it violates **Executive Order #13563** issued on January 18, 2011 requires federal agencies to use best available science:

"General Principles of Regulation. (a) Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation. It must be based on the best available science."

How this objection point can be resolved: Rewrite the NEPA document to include a Dr. Cohen methods alternative in analyzed in detail. If the P&N was written to exclude alternatives to the Proposed Action that do not involve logging, the P&N must be modified to allow non-logging alternatives to be analyzed in detail. The goal as described in the P&N should not be fuels reduction. The goal should be to examine alternatives that save human lives. Fuels reduction logging would still be one action alternative.

In addition, the Chapter 3 effects for No Action do not mention anything related to increased chance of fire damage if the sale isn't logged.



Objection Point #9---When the public takes the time to identify their resource damage concerns (a.k.a. “issues”) that they fear could be caused by logging and/or road construction they expect the Responsible Official to give them the common courtesy of recognizing their concern(s) and addressing their fear that one or more resources could or might be damaged. ALL (emphasis added) concerns submitted by the public were important to the person composing the comments, or the concern wouldn’t have been submitted. The Responsible Official must never categorize the issues as 1) key or not non-key, 2) important or not important, or 3) significant or not significant.

The DEIS identifies the “issues” associated with the proposed Upper Monument project.

Some issues are labeled “non key.”

The objector requested the Responsible Official to assure that 1) all issues identified by the public are listed in the body of the NEPA document (both hardcopy and posted online) and 2) the Responsible Official explain why some issues were determined to be “non key.”

This wasn’t done.

Therefore, by rejecting public input they submitted in good faith which impolitely excluded the public from further involvement the EIS violates **40 CFR 1506.6(a)** because The Responsible Official did not make “diligent” efforts to involve the public and **40 CFR 1500.2(d)** by failing to “encourage and facilitate public involvement in decisions which affect the quality of the human environment.”

Also the Upper Monument project violates **40 CFR 1501.4(b)** because the Responsible Official does not involve all members of the public, to the extent practicable, in preparing assessments required by §1508.9(a)(1).

Finally, it violates **40 CFR 1500.1(b)** because the environmental information is not available to public officials and citizens before decisions are made and before actions are taken.”

How this objection point can be resolved: Rewrite the NEPA document so **all** issues identified by the public are listed in the body of the NEPA document posted online. The Responsible Official should discuss each issue and describe why the project will or will not be modified to eliminate any chance that resource harm will occur to the resource at issue. If a public issue is declared to be “non-key” the Responsible Official’s reasoning for this determination must be posted online and not available only hardcopy in the Project File at the District.



Objection Point #10---The EA does not contain recent stream survey data that is essential to determine whether the stream conditions were harmed by project activities. The only way to determine this is before and after measurements which require survey data before the project is implemented.

The objector requested the Responsible Official to survey the streams that might be affected by project activity and include the survey results in the updated EA. The objector pointed out the only way to determine if an action has affected anything (either positively or negatively) is to determine the before and after action characteristics of that which might be affected. Meaningful, reliable, accurate before and after characteristics can only be determined by direct field measurements.

This wasn’t done.

The final EA violates the **40 CFR 1500.1(b)** because environmental information (stream survey data) is available to public officials and citizens before decisions are made and before actions are taken. Also without stream survey data it will not be possible to accurately analyze the environmental damage that occurs because of the project’s effects to streams because the Responsible Official will not know if or the magnitude of the effect without before data.

How this objection point can be resolved: Survey the streams that might be affected by project activity and include the survey results in the updated EA.

Objection Point #11---The Responsible Official’s goal to eliminate natural disturbance events from the project area will impair and damage the proper functioning of the species that depend on these events occurring.

The objector requested the Responsible Official to remove **all** text from the NEPA document that infers action should be taken as part of the Upper Monument project to reduce the occurrence of natural disturbance events (fire, insect activity, disease etc.). He also asked the Responsible Official to include **Attachments #5, #8 and #14** in an appendix.

This wasn’t done.

The Responsible Official offers no credible science indicating why a natural disturbance event that won’t harm humans should be eliminated. This objector presented quotes by several hundred Ph.D. scientists who work in the forest ecology fields in **Opposing Views Attachments #1, #4, #5, #8, #14 and #17**. These scientists all emphasize humans should stay away and allow these natural disturbance events to run their course to benefit the ecosystem. These scientists stress logging is the last treatment to be considered. Therefore, the final EA violates **40 CFR 1500.1(c), 40 CFR 1500.1(c) and 40 CFR 1500.2(f)** because the proposed logging will not protect, restore, and enhance the quality of the human environment.

How this objection point can be resolved: Rewrite the NEPA document to remove **all** text that infers action should be taken as part of the Upper Monument project to reduce the occurrence of natural disturbance events (fire, insect activity, disease etc.).

Objection Point #12---The Responsible Official does not indicate that temporary roads will be obliterated after use which requires the sideslopes to be brought back to the natural angle of repose such that there will be no recognizable running surface. Temporary roads that are not obliterated become long-term linear sediment sources.

The objector requested the Responsible Official to:

- Obliterate all temporary roads after use and tell the public this will be done in the rewritten NEPA document and highlight the choice to obliterate temporary roads on the decision document.
- Include a link to the NPDES permits for the roads planned to be constructed for this project.
- Assure that the rewritten NEPA document defines an obliterated road correctly: 1) it contains no running surface, 2) the CMPs have been removed, and 3) the natural sideslope that existed before the road was constructed is reestablished by placing the fill back in the cut.
- Assure the rewritten NEPA document describes a road obliteration monitoring plan to assure the sediment is being reduced as expected. The ROD should indicate the USFS will provide funding for the monitoring and accomplish the monitoring.

This wasn’t done.

The Responsible Official proposes to render the temporary roads will be close and rehabilitate after use. The EIS did not tell the public how the road will be treated when it is rehabilitated.

This violates **36 CFR 212.5(b)(2)** because closing and rehabilitating (whatever that means) a road that will never be needed again does not restore the road to a more natural state. If the road will be used in the future it's not a "temporary" road and should have been constructed to system road standards.

The objector's comments on the draft included 1) USFS literature describing the need for such monitoring, and 2) science describing the superiority of decommissioning clearly showing why the extra cost of obliteration eliminates the need to spend more money in the future trying to eliminate sediment. Clearly, the objector's referenced showed the Responsible Official that obliteration eliminates chronic sediment delivery, restores hillslope hydrology, and reduces impacts to aquatic, riparian, and terrestrial ecosystems of roads crossings.

Therefore, the final NEPA document violates:

- The **Clean Water Act** requires federal official to secure National Pollutant Discharge Elimination System (NPDES) permits when federal officials create point sources for water pollution. NPDES permits have been required since 1972. This case shows some federal officials don't seek out these permits from the EPA because they know the EPA won't grant the permit. Here, the Responsible Official cares more about accumulating volume than complying with United States law.
- **40 CFR 1500.1(c)** because the ineffective proposal to close and rehabilitate (whatever that means) temporary roads after use will not "protect, restore, and enhance the environment."
- **40 CFR 1500.2(f)** because the ineffective proposal to close and rehabilitate (whatever that means) temporary roads after use will not "restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment."
- **40 CFR 1500.2(e)** because the ineffective proposal to close and rehabilitate (whatever that means) temporary roads after use will not "avoid or minimize adverse effects of these actions upon the quality of the human environment."
- The Responsible Official proposes to close and rehabilitate (whatever that means) temporary roads. This violates **36 CFR 212.5(b)(2)** because this does not restore the road to a more natural state.

Closing and rehabilitating (whatever that means) a road does not "reestablishing former drainage patterns, stabilizing slopes, restoring vegetation, blocking the entrance to the road, installing water bars, removing culverts, reestablishing drainage-ways, removing unstable fills, pulling back road shoulders, scattering slash on the roadbed, completely eliminating the roadbed by restoring natural contours and slopes." 36 CFR 212.5(b)(2) states that decommissioning actions must include "but are not limited to" the actions listed above.

How this objection point can be resolved: Rewrite the NEPA document to:

- 1) indicate all temporary roads will be obliterated after use,
- 2) describe obliteration showing the natural sideslope that existed before the road was constructed is reestablished by placing the fill back in the cut,
- 3) include a road obliteration monitoring plan to assure the sediment is being reduced as expected.

The ROD should indicate the USFS will provide funding for the monitoring and accomplish the monitoring.

Objection Point #13--- The Proposed Action will clearly cause the resource degradation and destruction described in the ATTACHMENTS to these comments.

The vast majority of scientific logging-related effects literature is authored by independent scientists not affiliated with the USDA. These independent scientists describe how logging activities will damage and impair the proper functioning of numerous natural resources. The objector presented multiple opposing views attachments with his comments on the draft NEPA document containing statements by hundreds of Ph.D. scientists describing logging-related natural resource damage. Each scientific statement includes the link to the source document that contains the statement.

Professionals (whether they be scientists or public land administrators) do not selectively choose literature citations that will support their case and systematically exclude those that don't.

The objector requested the Responsible Official to include some source documents from the **Opposing Views Attachments** in

the References/Literature Cited section of the final NEPA document and also, cite the specific quotes presented for the source literature in the text of the NEPA document the Responsible Official chose to include in the References/Literature Cited. The objector requested the Responsible Official to include links to each **Opposing Views Attachments** that the chose to include in the References/Literature Cited section and explain why this is best science and trumps the information presented in the **Opposing Views Attachments**.

This wasn't done. Incredibly, the References section contains only documents that support timber harvest or are neutral. Don't you think the public deserves to weigh the evidence themselves by reading science that both supports and opposes commercial timber harvest?

Keep in mind 40 CFR 1502.9(b) allows the Responsible Official to ignore responding to opposing views only if it can be shown to be irresponsible.

"40 CFR 1502.9 (b) Final environmental impact statements shall respond to comments as required in part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised."

Since this wasn't done, the final NEPA document violates:

- **40 CFR 1500.1(b)** because important environmental information was not made available to citizens before the decision was made.
 - **40 CFR 1500.1(c)** because the public was denied the opportunity to understand the adverse environmental consequences of the logging treatment.
- **40 CFR 1500.2(e)** because the Responsible Official was unable to avoid or minimize adverse effects of the project upon the quality of the human environment without complete knowledge of all likely adverse effects. Some adverse effects of project activities described by scientists in the **Attachments** was not mentioned in the final NEPA document.
- **40 CFR 1500.2(f)** because the Responsible Official was unable to avoid or minimize any possible adverse effects upon the quality of the human environment without knowledge of the adverse effects. Had the Responsible Official known about these effects he would have acknowledged the existence of some adverse effects described in the **Attachments** in the final NEPA document.

How this objection point can be resolved: Include and cite some source documents from the **Opposing Views Attachments** in the References/Literature Cited section of the final NEPA document.

Objection Point #14---The NEPA document does not discuss the items shown below that are required by 40 CFR 1502.16.

The objector requested the Responsible Official to include a discussion of the following items in the final NEPA document.

It does not include info below?

- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

This wasn't done.

Therefore, the final EIS violates NFMA Section 5 and 40 CFR 1500.1(b) and 40 CFR 1502.16.

How this objection point can be resolved: Discuss the following in the modified final NEPA document:

- (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
- (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
- (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.



Issue #15 ----- The Responsible Official did not respond to each clearly labeled comment submitted by this objector on the draft NEPA document.

This objector asked the Responsible Official to provide feedback to his observations/concerns expressed in his clearly labeled comments. At the end of the objector's comment letter he specified the number of comments contained in the letter. There should have been no chance to miss the comments.

Appendix A claims to respond to this objector's comments. Appendix A (pgs 217-241) is unprofessionally done. Its sideways and unreadable. Any child can post text online right side-up. Please examine pages 217-241 in the EIS at: http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/98359_FSPLT3_3990362.pdf

The final EIS violates **40 CFR 1503.4** and **30 CFR 215.6(d)**.

How this objection point can be resolved: Assure all the comments have responses in the final NEPA document and post the responses online.



Sincerely,

Dick Artley's scanned signature is contained in the "signature" attachment.

Dick Artley [retired Nez Perce National Forest forest planner]
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Grangeville, Idaho 83530
208-983-0181
da99333@gmail.com

Note: I am filing this objection in my own individual capacity, as well as on behalf of WildLands Defense, of which I am a member.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead