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National Forests in Florida
ATTN: Objection Reviewing Officer
325 John Knox Road, Suite F-100
Tallahassee, Florida 32303-4160
VIA ELECTRONIC MAIL TO: objections-southern-florida@fs.fed.us

RE: Objections to Beasley Pond Analysis Area Project

Dear Objection Reviewing Officer:

This is an objection under 36 C.F.R. § 218 Subparts A and B to the District Ranger's Draft Record of Decision and its supporting Environmental Impact Statement ("EIS") for the Beasley Pond Analysis Area Project ("Project ") on the Apalachicola Ranger District in the Apalachicola National Forest in Florida. It is filed on behalf of the Center for Biological Diversity ("Center"), Wild South, and Margaret Copeland ("Copeland").

The **Center** is a non-profit 501(c)(3) corporation headquartered in Tucson, Arizona, with offices in Florida, California, New Mexico, Washington, Oregon, Minnesota, and Washington, D.C. The Center works through science, law, and policy to secure a future for all species, great or small, hovering on the brink of extinction. The Center is actively involved in species and habitat protection issues throughout the United States and the world, including protection of plant and animal species from the impacts of global warming. In addition to more than 1,000,000 online supporters, the Center has more than 45,000 members throughout the United States and the world, including more than 1,000 members in Florida. The Center and its members regularly enjoy and will continue to enjoy educational, recreational, and scientific activities regarding the Florida landscapes and wildlife.

Wild South is a non-profit 501(c)(3) corporation headquartered in Asheville, North Carolina, with offices in Alabama and Mississippi. Wild South works to protect public lands and native biodiversity throughout the Southeast using science, advocacy, public policy, outreach and on-the-ground citizen engagement. For more than twenty years, Wild South has enforced the Endangered Species Act to secure protections for and recovery of species on the brink of extinction, including the red cockaded woodpecker on Noxubee National Wildlife Refuge, and many others. It has more than 20,000 members in its network, including members in Florida. Wild South and its members regularly enjoy and will continue to enjoy educational, recreational, and scientific activities regarding the Florida landscapes and wildlife.

Copeland has a longstanding interest in the management of the endangered Red Cockaded Woodpecker ("RCW") on public lands. Copeland has volunteered with the U.S. Fish and Wildlife Service ("FWS") to aid in the recovery of the RCW for over 25 years. She was asked by the FWS to help survey RCWs at Noxubee Wildlife Refuge in Mississippi ("Noxubee") in the fall of 1988 and coordinated the surveys with members of the local Audubon Society for several years. She continued her work with the FWS on RCW surveys which evolved into a 25-year commitment to monitor RCW nesting activity, conduct fall and winter surveys, address cavity competition problems, participate in gray rat snake exclusion activities, and help with translocation activities. She has been entrusted with the care of injured RCW by the FWS. Copeland has twice been awarded the FWS's Southeastern Director's Conservation Award for volunteer service--in 1996 for work with RCWs and more recently for her work with Friends of Noxubee Refuge. Copeland received the 2010 Callison Award from the Audubon Society recognizing her 30-year contribution as a supporter of Audubon, educator, citizen scientist, and conservationist—largely for her work on RCW recovery. Copeland recently received the honor of 2011 Conservationist of the Year by the Mississippi Wildlife Federation. Copeland is a life and founding member of Friends of Noxubee Refuge.

I. Summary of Objections

The Center, Wild South, and Copeland object to the following aspects of the Project, discussed in greater detail below:

- The EIS Does Not Identify and Discuss the Measures Necessary to Achieve the Intended Purpose and Need for the Project.

- The EIS Does Not Adequately Discuss the Adaptive Management the Forest Service Intends to Perform to Achieve the Intended Purpose and Need for the Project.

- The EIS Contains an Incomplete and Skewed Environmental Impacts Analysis.

- The EIS Provides an Inadequate Analysis of the Project Alternatives.

II. National Environmental Policy Act

The National Environmental Policy Act ("NEPA") is America's "basic national charter for protection of the environment."[1] NEPA ensures that federal agencies "will have available, and will carefully consider, detailed information concerning significant environmental impacts" and that such information "will be made available to the larger [public] audience." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

[1] 40 C.F.R. § 1500.1(a).

To this end, NEPA requires federal agencies to prepare an EIS for any "major federal action significantly affecting the quality of the human environment."[2] The EIS must describe (1) the "environmental impact of the proposed action," (2) any "adverse environmental effects which cannot be avoided should the proposal be implemented," (3) alternatives to the proposed action, (4) "the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity," and (5) any "irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented."[3] The Council on Environmental Quality ("CEQ") has promulgated regulations to implement NEPA, and all federal agencies must comply with the CEQ NEPA regulations.[4]

As part of the EIS, each federal agency must "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."[5] An agency must "rigorously explore and objectively evaluate all reasonable alternatives."[6] In addition, an agency "shall state how alternatives . . . will or will not achieve the requirements of section 101 and 102(1) of the Act" which requires agencies to "use all practicable means" to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings" and to "preserve important historic, cultural, and natural aspects of national heritage" as well as how alternatives "will or will not achieve the requirements of . . . other environmental laws and policies."[7] Until an agency issues a Record of Decision pursuant to NEPA, no action concerning a proposal may be taken that would have an adverse environmental impact, or limit the choice of reasonable alternatives.[8] NEPA requires the consideration of reasonably foreseeable, direct, indirect, and cumulative impacts to the natural and physical environment.[9] Cumulative impacts are impacts that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.[10]

Federal agencies have a continuing obligation to gather and evaluate new information relevant to the environmental impact of its actions. "An agency that has prepared an EIS cannot simply rest on the original document. The agency must be alert to new information that may alter the results of its original

[2] 42 U.S.C. § 4332(2)(C).
[3] *Id.* § 4332.
[4] 40 C.F.R. § 1507.1.
[5] 42 U.S.C. § 4332(2)(E).
[6] 40 C.F.R. § 1502.14(a)-(c).
[7] *Id.* § 1502.2(d).
[8] *Id.* § 1506.1(a).
[9] *See id.* §§ 1508.7, 1508.8
[10] *Id.* § 1508.7.

environmental analysis, and continue to take a 'hard look' at the environmental effects of [its] planned action, even after a proposal has received initial approval." *Marsh v. Oregon Natural Res. Council*, 490 U.S. 360, 373-74 (1989).

III. Specific Objections

A. The EIS is deficient under NEPA as the selected alternative will not meet the stated purpose and need of the project—both to restore savanna and maintain stability of the red cockaded woodpecker population.

NEPA planning begins with an identification of the purpose and need for a project. NEPA's implementing regulations provide that an environmental document should specify the underlying purpose and need to which the agency is responding in proposing the alternative including the proposed action.[11] The manner in which an agency defines the project's purpose "sets the contours for its exploration of available alternatives." *Wyoming v. United States Dep't of Agric.*, 661 F.3d 1209, 1244 (10th Cir. 2011). Thus, a court begins by determining whether or not the purpose and need statement was reasonable. *Westlands Water Dist. V. U.S. Dep't. of Interior*, 376 F.3d 853, 865 (9th Cir. 2004).

The EIS provides the following purpose and need statement, with pertinent parts in bold:

> The Forest Plan outlines several goals for the National Forests of Florida, one of which calls for the conservation and protection of declining natural communities, and uncommon biological, ecological, or geological sites (USDA 1999b). The Beasley Pond Analysis area has been identified as containing overstocked stands and areas of wet prairies that are unique in both soil and plant characteristics. The primary purpose of this proposal is to maintain, improve, and restore a healthy forest ecosystem by: thinning both longleaf and slash pine stands to allow for further tree growth, **restoring remnant wet savannas to improve habitat for a variety of plant species, and controlling overabundant woody plant species to restore herbaceous groundcover.** Secondary benefits include maintaining and growing a stable red-cockaded woodpecker (RCW) habitat and improving the current transportation system. There is a need to move the analysis area from its existing condition, to the desired condition as identified in the forest plan for MA 7.1 and 7.2. This will be accomplished by reducing current stocking levels of stands within the project area to open the forest canopy and promote herbaceous groundcover growth and establishment. **There also exists a need for rehabilitation and maintenance in declining natural wet savanna sites in the project area while maintaining a stable RCW population.** EIS at 3 (emphasis added).

[11] *Id.* § 1502.13 (emphasis added).

By not identifying and discussing the measures necessary to restore the savanna site, and specifically what must be done to address the impacts of nearby roads and ditches, the Forest Service has selected a preferred alternative that may not achieve savanna restoration. In addition, the project is likely to have negative impacts to the RCW by leaving much of the site with a basal area (BA) of 10-30 square feet per acre of standing live timber, resulting in some areas falling below both the recovery standard and managed stability standard (MSS). If this is indeed the case, the purpose and need statement is unreasonable as it describes a project that the Forest Service cannot carry out and will only harm the RCW.

1. **The Forest Service fails to identify and discuss the specific restoration measures that are necessary and will be performed to achieve savanna restoration.**

The EIS states that the Beasley Pond Analysis Area includes large areas of wet savanna, which are characterized by sparse trees, frequent fire, a diverse and grassy herbaceous groundcover and seasonal inundation. EIS at 4. The Forest Service explains, however, "many wet savannas throughout the region have been lost to plantation silviculture and, in unplanted areas, alteration of fire regimes has also led to loss of wet prairies through encroachment of shrubs (particularly tit) and establishment of slash pine trees. EIS at 4. Quoting the EIS for the Forest Plan, the Forest Service further explains "woody species are excluded from open savanna by the interacting effects of soil (clay lenses) and fire, but without fire, shrubs and trees will encroach. **Some savannas were ditched and planted to slash pine several decades ago. This has affected their composition. Others have ditches and plowed firelines across them, which have altered their hydrology.** Many wet savannas have experienced some shrub encroachment from fire suppression, though the more recent prescribed burns have reduced encroachment…" EIS at 4-5 (emphasis added).

The proposed project calls for "restoration treatments" on 811 acres to restore these wet savanna sites. EIS at 18. These treatments include thinning the 811 acres to a BA of 10-30, followed by foliar application of herbicide to control woody species. EIS at 21. It also appears the Forest Service plans to conduct prescribed fires in these areas every three years. EIS at 9; 15-18.

As Copeland, Wild South, and the Center argued in their previous comments on the DEIS, the Forest Service fails to explain how these areas will be managed and maintained to support a wet savanna. *See* April 20, 2015 comments at page 3. The Forest Service acknowledges on pages 4-5 of the EIS, the 811 acres of savanna have been impacted by nearby ditches and roads, which have altered the hydrology of these areas. The EIS does not address how the Forest Service intends to deal with these features in the landscape and their impacts on local hydrology. *See* April 20, 2015 comments at page 3. Removing roads and plugging and/or filling ditches is often necessary to restore the natural hydrology of a wet savanna. *See* Scott W. Woods and Joel Wagner, *Hydrologic Restoration of a Wet*

Pine Savanna at Moores Creek National Battlefield, North Carolina, Technical Report NPS/NRWRS/NRTR-2001/293 (Dec. 2001) (Attached). Without taking corrective measures, such as those being evaluated and performed on the Tate's Hell Forest between the Apalachicola and Ochlockonee rivers in Franklin and Liberty Counties, these savanna sites may not be restored because they will lack the appropriate hydrology to support a wetland ecosystem. *See* Northwest Florida Water Management District, Tate's Hell State Forest Hydrologic Restoration Plan, Executive Summary, Vol. 1 and Vol. 2. (Attached).

2. The EIS is deficient under NEPA as the Forest Service fails to explain how RCW habitat reduction will contribute to maintaining a stable population of the species.

The proposed project will adversely affect the RCW and its foraging habitat (as compared to Alternative C). *See* EIS at 59. The entire project will remove potential foraging habitat for 32 active clusters from up to ¼-1/2 mile from the center of the cluster of activity cavity trees. U.S. Fish & Wildlife Service, August 19, 2016 Biological Opinion at 28. In fact, "two savanna treatments (compartments 27 stands 52 and 55) change potential foraging habitat from above the MSS BA threshold of 80 to below the MSS BA threshold of 40. Because the opportunity to provide the minimum 3000 ft2 of BA would be missed, indirect effects for this cluster would be negative." EIS at 58. As the Center, Wild South, and Copeland pointed out previously in their written comments to the Forest Service management below the MSS runs afoul of the RCW Recovery Plan for management of clusters on public lands. *See* April 20, 2015 Comments at 7-8. *See also* November 10, 2014 Comments at 2-3.

3. The EIS fails to adequately discuss the adaptive management the Forest Service intends to perform to achieve the intended purpose and need for the project.

The EIS states that "[d]espite the recognition that wet prairies had been lost and the emphasis on ecological restoration in other habitat types (e.g., flatwoods and sandhills), the Forest Plan did not include restoration objectives for wet savannas because of uncertainty regarding their previous geographic extent and questions about appropriate restoration activities." EIS at 5-6. "The desired conditions for areas identified as historical wet savannas are not clearly defined in the Forest Plan and determining appropriate goals for these areas is complicated by the extensive alteration of many wet savannas by past management." EIS at 15. Recognizing that "there is limited research regarding the restoration of remnant savannas," the Forest Service states that it intends to take an adaptive management approach when implementing projects "that may contain uncertainty." EIS at 17.

Forest Service regulations define "adaptive management" as:

> A system of management practices based on clearly identified intended outcomes and monitoring to determine if management actions are meeting those outcomes; and, if not, to facilitate management changes that will best ensure that those outcomes are met or re-evaluated. Adaptive management stems from the recognition that knowledge about natural resource systems is sometimes uncertain. 36 C.F.R. § 220.3 (emphasis added).

The EIS lacks any definite, certain, or enforceable criteria or standards for the measures that must be taken to restore the hydrology of these savanna sites-it includes no clear baselines or monitoring parameters and no clear plan on how it will use the data gathered to guide future management. The EIS fails to discuss even the basis framework of valid adaptive management and simply leaves future management entirely within the discretion of the Forest Service.

The Forest Service's failure to discuss these adaptive management measures renders the EIS incomplete. [12] The purpose of an EIS is to ensure that the agency "will have available, and will carefully consider, detailed information concerning significant environmental impacts" and that "the relevant information will be made available to the larger audience that may also play a role in the decision-making process and implementation of that decision." *Robertson,* 490 U.S. at 349. Without information on how the Forest Service actually intends to achieve the desired condition, both the agency and the public are left in the dark as to the full scope of environmental impacts (negative and beneficial) associated with this project and what other less damaging reasonable alternative could be pursued. Forest Service regulations require that where an adaptive management approach is considered, the NEPA analysis "must disclose not only the effect of the proposed action or alternative *but also the effect of the adjustment*." 36 C.F.R. § 220.5(e)(2)(emphasis added).

As the Court in *National Parks Conservation Ass'n v. Babbitt,* 241 F.3d 722 (9th Cir. 2001) explained:

> The purpose of an EIS is to obviate the need for speculation by insuring that available data are gathered and analyzed *prior* to the implementation

[12] The situation is further complicated by the presence of the federally endangered red cockaded woodpecker. *See Animal Welfare Inst. V. Beech Ridge Energy LLC*, 675 F.Supp. 2d 540, 580 (D. Md. 2009) (rejecting discretionary adaptive management because it would not provide the protection to an endangered species as mandated by the Endangered Species Act), *Natural Res. Def. Council v. Kempthorne*, 506 F.Supp. 2d 322, 387 (E.D. Cal. 2007)(holding in the context of implementation of the Endangered Species Act that "adaptive management is within the agency's discretion to choose and employ, however, the absence of any definite, certain, or enforceable criteria or standards makes its use arbitrary and capricious").

> of the proposed action…The [agency] proposes to increase the risk of harm to the environment and then perform its studies…This approach has the process exactly backwards. Before one brings about a potentially significant and irreversible change to the environment, an EIS must be prepared that sufficiently explores the intensity of the environmental effects it acknowledges…The point is…that the 'hard look' must be taken before, not after, the environmentally-threatening actions are put into effect.[13]

Thus, the Forest Service must evaluate these management actions now and "cannot avoid NEPA responsibilities by cloaking itself in ignorance." *Fritiofson v. Alexander*, 722 F.2d 1225, 1244 (5th Cir. 1985). "[T]he very purpose of NEPA's requirement that an EIS be prepared for all actions that may significantly affect the environment is to obviate the need for []speculation by insuring that available data is gathered and analyzed prior to the implementation of the proposed action." *Foundation for N. Am. Wild Sheep v. U.S. Dep't of Agric.*, 681 F.2d 1172, 1179 (9th Cir. 1982).

Further, the CEQ regulations impose three mandatory obligations on Forest Service in the face of uncertainty: (1) a duty to disclose the scientific uncertainty; (2) a duty to complete independent research and gather information if no adequate information exists (unless the costs are exorbitant or the means of obtaining the information are not known); and (3) a duty to evaluate the potential, reasonable foreseeable impacts in the absence of relevant information, using a four-step process.[14] As one federal appeals court explained, the regulations require the "disclosure and analysis of the costs of uncertainty [and] the costs of proceeding without more and better information." *Southern Oregon Citizens Against Toxic Sprays, Inc. v. Clark*, 720 F.2d 1475, 1478 (9th Cir. 1983). "Section 1502.22 clearly contemplates original research if necessary" and "NEPA law requires research whenever the information is significant. As long as the information is…essential or significant, it must be provided when the costs are not exorbitant in light of the size of the project and the possible harm to the environment." *Save Our Ecosystems v. Clark*, 747 F.2d 1240, 1244 n.5 (9th Cir. 1984). Therefore, the Forest Service has a high burden of obtaining and analyzing this information in assessing which alternatives to pursue. *See Cabinet Res. Group v. U.S. Fish and Wildlife Serv.*, 465 F.Supp.2d 1067, 1100 (D. Mt. 2006) (finding that agency's failure "to attempt any assessment of the importance of the missing information calls into question the validity of the [agency's] conclusions about the impacts of the proposed action" and setting aside the EIS).

4. The EIS provides an incomplete and skewed analysis of the project's environmental impacts.

[13] *Id.* at 733 (emphasis added) (internal citations omitted). *See also,* 40 C.F.R. §§ 1500.1(b), 1502.5, 1506.1.
[14] 40 C.F.R. § 1502.22.

The Forest Service is required to "describe the environment of the areas to be affected or created by the alternatives under consideration."[15] The establishment of the baseline conditions of the affected environment is a practical requirement of the NEPA process. "The concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process."[16] "Without establishing baseline conditions there is simply no way to determine what effect [an action] will have on the environment and, consequently, no way to comply with NEPA." *American Rivers v. Federal Energy Regulatory Com*m'n, 201 F.3d 1186, 1195 n.15 (9th Cir. 2000) (citing *Half Moon Bay Fishermans' Marketing Ass'n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988); *see also, Center for Biological Diversity v. Bureau of Land Management*, 422 F.Supp.2d 1115, 1163 (N.D. Cal. 2006).[17]

As a threshold matter, little information is provided regarding the extent to which nearby ditches and roads have altered the hydrology of these savanna sites. Complete and accurate baseline information is critical to determine whether any of the purported benefits will actually be realized. For example, if a particular site has been so dramatically altered that it is not possible for the Forest Service to restore the hydrology necessary to support a savanna, this must be disclosed. This baseline information is also necessary for any adaptive management the Forest Service intends to perform.

"NEPA imposes procedural requirements designed to force agencies to take a 'hard look' at [the] environmental consequences" of their actions. *Earth Island Inst. v. United States Forest Serv.*, 351 F.3d 1291, 1300 (9th Cir. 2003). "This includes considering all foreseeable direct and indirect impacts."[18]

The FEIS must analyze "indirect effects," which:

> are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.[19]

NEPA also requires federal agencies to analyze a project's cumulative impacts. The CEQ regulations define cumulative impact as:

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[15] *Id.* § 1502.15.
[16] Council of Environmental Quality, Considering Cumulative Effects under the National Environmental Policy Act (May 11, 1999).
[17] The court in *CBD v. BLM* explained, "[I]t is important that the baseline be accurate and complete. If numerous [health indicators] are omitted from the environmental baseline, neither the Court nor the Public can be assured that the [Forest Service] took a 'hard look' at the environmental impacts on [the lake]."
[18] *Id. See also* 40 C.F.R. § 1508.25 (c).
[19] 40 C.F.R. § 1508.8(b).

> The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."[20]

By failing to identify and evaluate the measures necessary to restore these savanna sites as well as the impacts of these actions, the FEIS provides an incomplete and skewed analysis of the project's impacts. Moreover, it would be improper to defer this analysis to another NEPA document after the site is logged. If these sites cannot be restored, the project purpose will not be achieved and none of the purported benefits will result.

The restoration potential needs to be determined now. Without successful restoration what is the future for these sites and how will they managed? Will future cuts be performed only to again negatively impact the RCW's foraging habitat without any positive impacts to wet prairie ecosystems and other species? These indirect and cumulative effects need to be examined.

Without this information and analysis the only impacts reasonably certain to occur are negative and consequently, this demands a re-evaluation of the alternatives and consideration of a less damaging preferred alternative.

5. The EIS fails to adequately identify and analyze a range of alternatives to the proposed savanna restoration.

NEPA requires a "detailed statement" of "alternatives to the proposed action."[21] The alternatives analysis should address "the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for the choice among options by the decisionmaker and the public."[22] This analysis must "rigorously explore and objectively evaluate all reasonable alternatives."[23]

The purpose of this section is "to insist that no major federal project should be undertaken without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means." *Environmental Defense Fund v. Corps of Engineers*, 492 F.2d 1123, 1135 (5th Cir. 1974). The Council on Environmental Quality describes the alternatives requirement as the "heart" of the environmental impact statement.[24] While an agency is not obliged to consider every alternative to every aspect of a proposed action, reviewing courts have

[20] 40 C.F.R. § 1508.7.
[21] 42 U.S.C. § 4332(2)(c).
[22] 40 C.F.R. § 1502.14.
[23] *Id.* § 1502.14(a).
[24] *Id.* § 1502.14.

insisted that the agency "consider such alternatives to the proposed action as may partially or completely meet the proposals goal." *Natural Resources Defense Council, Inc. v. Callaway*, 524 F 2d. 79, 93 (2d Cir. 1975).

By failing to identify and analyze the measures that must be taken to restore these savanna sites, there is little way for the public to know whether the selected preferred alternative will actually achieve the desired condition and if not, whether other less harmful alternatives exist that would eliminate or minimize harm to the red-cockaded woodpecker. The agency's failure to examine these measures fundamentally skews the alternatives analysis because "the goals of an action delimit the universe of the action's reasonable alternatives"[25]—goals that in this case may very well not be achieved.

IV. Recommendations

We offer the following recommendations the Forest Service could undertake to remedy our concerns:

- Identify and evaluate the specific measures that must be performed to restore the hydrology of the wet savanna sites as well as their environmental impacts.

- Identify the definite, certain, or enforceable criteria or standards for the measures that must be taken to restore the hydrology of these savanna sites, including baselines for monitoring parameters and a plan on how the Forest Service will use the data gathered to guide future management.

- Discuss the likelihood of success of restoring the hydrology of the wet savanna sites.

- Discuss the impacts of anticipated adjustments that may be part of adaptive management.

- Identify and discuss other less harmful alternatives that eliminate or reduce impacts to RCW foraging habitat in these savanna sites.

V. Conclusion

NEPA was enacted so that federal agencies "will have available, and will carefully consider, detailed information concerning significant environmental impacts" and that such information "will be made available to the larger [public] audience." *Robertson*, 490 U.S. at 349. "NEPA ensures that important effects will

[25] *Citizens Against Burlington v. Busey*, 938 F.2d 190, 195 (D.D.C. 1991).

not be overlooked or under-estimated only to be discovered after resources have been committed or the die otherwise cast."[26]

We respectfully submit that the EIS remains inadequate in light of our objections and we ask the Forest Service to address our objections before any further resources are committed and a final decision is made.

Sincerely,

Jason Totoiu

On behalf of the Center for Biological Diversity, Wild South, and Margaret Copeland

[26] *Id.*