



United States
Department of
Agriculture

Forest
Service

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NEPA Task Force
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This letter addresses the agency's particular concerns in the areas the NEPA Task Force outlined in the July 9, 2002 Federal Register notice. The Chief of the Forest Service is very concerned about the amount of time and effort required to meet procedural requirements such as preparing voluminous plans, studies, and associated documents, including those required by the National Environmental Policy Act of 1969 (NEPA) as this often delays our efforts to implement programs and projects.

A. Technology, Information Management, and Information Security

The task force should address the inherently incomplete nature of environmental information and how the NEPA process accounts for it. Evolving science, new discoveries, and changed circumstances due to natural and human events do not allow for complete and certain information. Yet, the NEPA process calls for quality information to be documented and distributed prior to making a decision. When information and circumstances change, the NEPA process and documentation continues. In our experience, this causes much delay, additional paperwork and adds little value to managing the National Forest ecosystems.

It would also be helpful for the task force to address process delays due to requirements for information quality, especially in light of the Treasury and General Government Appropriations Act for Fiscal Year 2001 and related Office of Management and Budget government-wide guidelines. Quality of information is already addressed in the CEQ regulations, requiring that agencies "shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." The regulations also state that NEPA procedures must insure that environmental information must be of "high quality." The OMB guidelines pose procedures and findings to be addressed relative to information quality before decisions can be made and implemented. The task force should assess how the OMB information quality guidelines will affect timely decisions under the NEPA process, especially in light of new and evolving information and circumstances.

B. Federal and Inter-governmental Collaboration

The Forest Service and other Federal, State, and local agencies can find it difficult to collaborate on decisions and environmental analyses due to several factors. Differences in agency NEPA



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regulations can cause decision delays when one agency's process is more streamlined than another. For instance, when two or more agencies have decisions to make on a joint proposal, an agency that has a categorical exclusion for the proposal may be slowed down in its decision-making when the other agencies require documentation in an environmental assessment or an environmental impact statement. Such differences can hinder inter-governmental collaboration. This also occurs when state and federal agencies have different decision-making procedures and are yet to cooperate on joint decisions such as road and power-line rights-of way.

The Forest Service also experiences time delays when working with regulatory agencies such as the US Fish and Wildlife Service and National Marine Fisheries Service due to different agency missions. The regulatory agencies concerned with short-term impacts may inhibit the Forest Service in reaching long-term environmental objectives. For example, a thinning and controlled burning project can have adverse short-term impacts on water and air quality that may be of particular concern to the regulatory agency. However, if a regulatory agency stops such projects in the consultation process, the adverse long-term impacts can be much greater, including enormous fires; watershed damage; widespread loss of biodiversity and wildlife habitat; and massive, uncontrolled smoke emissions. While relationships and cooperation often prevail in these situations, collaborative efforts are difficult when agencies are not working on mutual objectives. Sometimes, the collaborative working relationship is so important to the individuals, that Forest Service and regulatory agency employees will take a long time to try to reach consensus, adding to process and decision time. Difficulties can also occur when decision authority differs between agencies, resulting in Forest Service employees working at a different organizational level than their counterparts from other agencies.

The requirement that alternatives to proposed actions and their effects be documented in an environmental impact statement and environmental assessment prior to a decision does not facilitate a collaborative process between agencies or with other interests. While a collaborative process builds on and incrementally shapes a proposal to meet mutual interests as the parties work toward a decision, the NEPA process requires that discrete alternatives be developed and documented to show environmental effects and tradeoffs. Documenting and circulating such alternatives in a draft and final document for public comment fosters an assumption that the decision maker has a range of options to choose from and various interests can weigh in and comment on the alternatives they support. There is no incentive built into the NEPA process to work toward a single solution that accommodates multiple interests.

C. Programmatic Analysis and Tiering

The Forest Service has found that programmatic analysis and tiering has been useful in some circumstances; however, using this approach with programmatic environmental documents can be costly to efficiency and budgets.

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We have experience with conducting assessments outside of the NEPA process where decisions are not made, yet the information is available for site-specific decisions. However, the value of these efforts can quickly diminish as information and circumstances change. This same problem exists with programmatic decisions based on environmental documents. This problem is further exacerbated when site-specific decisions and environmental analyses tier to an outdated programmatic decision and document, stopping the site-specific efforts until the programmatic decisions can be refreshed. Another time-consuming aspect of programmatic decision-making is the uncertainty of future actions and conditions associated with broad programmatic decisions. Much time is spent trying to provide detailed effects analyses for these somewhat speculative efforts.

It would be helpful for the task force to examine whether the CEQ regulations should apply requirements differently for programmatic vs. site-specific decisions so agencies can more productively use programmatic options.

D. Adaptive Management/Monitoring and Evaluation Plans

There has been much discussion and some applications of adaptive management approaches to NEPA; however, there is little in the way of CEQ guidance on this subject, especially in relation to how to adequately address cumulative effects, site-specific proposals, and alternatives. Also, since adaptive management takes more of an environmental management systems approach, more effort should go into project and program monitoring, evaluation, and adjustments than into upfront documentation prior to decisions. However, the NEPA regulations require an emphasis on pre-decision analyses and documentation.

E. Categorical Exclusions

Over 30 years of NEPA experience should provide agencies with many opportunities to establish categorical exclusions that allow projects and programs to proceed without documentation in an environmental assessment or environmental impact statement. However, it has been very difficult for the Forest Service to establish categories similar to what already exists for other agencies. It would be helpful if the Council had clear procedures and standards for establishing categorical exclusions so that all agencies would know what to provide for the Council's approval. It would also be helpful for any Federal agency to be able to use another agency's categorical exclusion once approved by the Council.

F. Additional Areas for Consideration

The present approach to NEPA compliance is out of date. The focus of the current CEQ regulations on documents, comments, response to comments, and distribution may have made sense over 30 years ago, but we now operate in an age of computers, geographic information systems, electronic records, and internet access that affords interested parties real-time access to

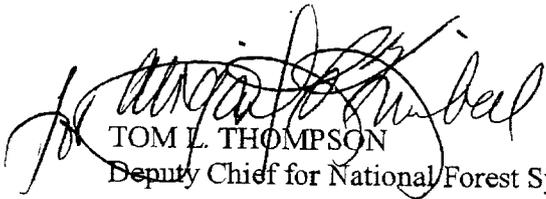
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information. Also, citizens and their government communicate in much more collaborative ways than simply through the mail or at public meetings.

The task force has contacted Forest Service employees for interviews regarding several of these topic areas. Let us know if we can be of further assistance. Also, the Forest Service has worked with CEQ and BusinessGenetics, a business process modeling company to model the Council's regulations. The models are available for your use. Contact Bob Lee (970) 295-5723 or Joe Carbone (202) 205-0884 on the Ecosystem Management Coordination Staff for more information.

Sincerely,



TOM L. THOMPSON
Deputy Chief for National Forest System

cc: Charles L Myers, Frederick Norbury, Tim Decoster

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