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To: ceq_nepa@fs.fed.us
cc:
Subject: NEPA TASK FORCE COMMENTS

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09/16/02 06:08 PM

TO WHOM IT MAY CONCERN,
PLEASE ACCEPT THESE COMMENTS ON THE PROPOSED NEPA REVISIONS. A HARD COPY WILL FOLLOW SENT BY CERTIFIED MAIL. PLEASE REPLY TO LET ME KNOW THESE ELECTRONIC COMMENTS HAVE BEEN RECEIVED.

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NEPA TASK FORCE
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TO WHOM IT MAY CONCERN:

Thank you for allowing me to comment on this issue as a private citizen. As a user of the NEPA process as it now stands, I would like to express my support for that process.

The most important part of this process is citizen involvement. The option for the individual or for a group of individuals to participate is critical. The courts are, of course, the final arbiters and the judicial system is the best way to impartially examine the evidence presented.

In a democracy, where tax payer dollars support federal land management agencies and the federal government, the NEPA process insures the right of the public to be heard regarding environmental issues. Although there are ways in which the NEPA process could be made more "user friendly" and accessible to the public, the general process must not be compromised in any way.

The North West Forest Plan(NWFP), as now being implemented, has come out of this process and is an excellent example of a Programmatic document which allows agency action projects to proceed with citizen oversight.

The move by congress to suspend environmental laws by attaching riders to large legislative appropriations is a dangerous precedent and should be discouraged because political considerations often take precedence over sound scientific judgement. While congressional actions are beyond the scope of these comments it is important to note that they do effect the way NEPA projects are executed on the ground.

The more public input is allowed on environmental and land management issues, the broader the scrutiny the agencies are subject to and the better ideas for the whole are likely to come forth. For agency ID teams to be fully scientifically informed, a broad range of opinion and information is necessary. I would, therefore support only changes in the NEPA process which involve full citizen involvement.

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A TECHNOLOGY, INFORMATION MANAGEMENT, AND INFORMATION SECURITY

1 **Where do you find data and background studies to either prepare NEPA analyses or to provide input or to review and prepare comments on NEPA analyses?**

a. Specific proposed project documents such as EAs and EISs

b. Federal, State, and County surveys such as those for Fish, Wildlife and Soils, and Watershed Analyses.

c. NEPA programmatic documents such as the NWFP Standards and Guidelines, Medford District(Oregon BLM) ROD for the NWFP, Western Vegetative Management EIS(new one now being prepared)

d. Fish & Wildlife Biological Assessments, NMFS Biological Opinions, regulatory documents, status reviews, federal and state listings of endangered species.

e. State and County Agency information

f. Email action alerts from individuals and organizations

g. Independent studies on topics such as Fire Ecology, Wildlife, Soils, Forestry, and Fisheries

2. a. What are the barriers or challenges faced in using information technology in the NEPA process?

(1) I do not have the software to download large documents from the internet.

(2) For those documents that I can download, the transmission time is really long.

(3) GIS information has problems of scale. Because the utility of information in GIS is limited by the scale by which it is recorded, site specific information is hard to obtain.

(4) Because of scale differences of the GIS maps, it is difficult to match edges of maps in EAs and Watershed Analyses for accuracy of watershed boundaries. Various maps of the same watershed at a similar scale are incompatible making overlays difficult.

b. What factors should be considered in assessing and validating the quality of information?

(1) Is the science independently validated?

(2) Was the methodology used to collect the information explained and scientifically sound?

(3) Is the information presented consistent with findings elsewhere?

(4) Has a monitoring program been established to validate conclusions?

3. Do you maintain databases and other sources of environmental information for environmental analyses?

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No I do not.

4. a. What information management and retrieval tools do you use to access, query, and manipulate data, when preparing analysis?

(1) Paper-I have documents mailed to me since I can't access them on line

(2) Internet-I have the ability to access some scientific papers.

(3) Newspaper and magazine articles

b. What are the key functions and characteristics of these systems?

(1) Easy to use and accessible from a home computer.

(2) Do not require advanced software or training

5. a. What are your preferred methods of conveying or receiving information about proposed actions and NEPA analysis and for receiving NEPA analysis

(1) Mail paper document

(2) Public meetings

b. Explain the basis for your preferences.

(1) It is easier for me to work with a paper document because of reasons stated above.

(2) I am usually able to attend one of the public meetings. Public meetings are an excellent supplement to the paper documents because the ID team is present and the public can communicate with them collectively or individually.

6. a. What information management technologies have been particularly effective in communicating with stakeholders about environmental issues and incorporating environmental values into agency planning and decision making.

(1) Agency mailing list-most useful

(2) Email

(3) Website-occasionally accessed

(4) GIS maps

b. What objections or concerns have been raised concerning the use of these tools

(1) The BLM website is difficult to access and not always updated. Deadlines can be missed. Sometimes it is shut down entirely.

(2) GIS maps are helpful but have problems which have been discussed and will be discussed later in these comments.

7. What factors should be considered in balancing public involvement and information security?

Insure that there is easy public involvement. Have information available from several different sources.

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B FEDERAL AND INTER-GOVERNMENTAL COLLABORATION

Indicate your role and experiences with NEPA

I am a member of the general public and not a member of tribal, state, or local governments. Therefore, I don't have the opportunity to participate in specific protocols established to facilitate intergovernmental collaboration.

I am concerned that, in the past, so much deference has been given to include state, local, and tribal governments in pre-project planning, that when the public is brought into the process the decision has all but been made. Interagency cooperation should work in an efficient manor that recognizes the expertise of each governmental entity. However, don't shut out the public.

C PROGRAMATIC ANALYSIS AND TIERING

1. What types of issues best lend themselves to programmatic review, and how can they best be addressed in a programmatic analysis to avoid duplication in subsequent tiered analysis?

a. Programmatic documents should represent wide spread geographic discreet problems where a substantially similar response is appropriate across a wide geographical area. An example of this would be Riparian Area protection to protect aquatic resources. This may be done on all public lands in a wide geographic area regardless of the type of landscape(forest or range land).

b. Protecting remnant "habitat types" where they exist. An example of this is Old Growth Forest or Desert Springs.

c. The Programmatic document establishes a conservative response to insure damage is **not** done. The reverse approach is **never** appropriate to authorize a potentially ecologically harmful action across a wide geographical area. In such instances **site specific** information is crucial to project planning and is absolutely necessary if a sound evaluation of effects is to be determined. Many of the Project EAs I have been reading tier to a Programmatic EIS when the site specific information needed to examine in detail the environmental significance of the project would be better served with a project EIS. Don't authorize ground disturbing actions through programmatic review.

D ADAPTIVE MANAGEMENT/MONITORING AND EVALUATION PLANS

1. What factors should be considered when deciding to use an adaptive management approach?

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a. Consider the risk factor. No critically threatened or vulnerable resources should be at stake. If the risk is high, don't do it. Always question if the resource can withstand erroneous judgement
b. Don't implement actions that have uncertain outcomes. An example would be, "is the project in a Municipal Watershed"?
c. Consider sensitive species and unique habitat types, and sensitive soils when proposing an action.
d. A competent monitoring program should be included as a primary project element. The personnel and funding necessary to implement the monitoring program should be secured and guaranteed. This would include independent expert review.
e. Consider the reversibility of the action.

2. How can environmental impact analysis be structured to consider adaptive management.

Reversibility

There should be a sunset clause on the proposed action in case the outcome meets with unforeseen difficulties.

3. What aspects of adaptive management may or may not require subsequent NEPA analysis?

Whatever modified action is considered after the sunset clause takes effect.

4. What factors should be considered when determining what monitoring techniques and levels of monitoring intensity are appropriate during the implementation of an adaptive management regime?

a. Unpredictable Outcomes
Current monitoring activities are inadequate and mostly nonexistent. Theoretically agencies are not implementing actions with uncertain outcomes. Ample evidence exists to suggest that even when implementing "known actions", the outcomes are often surprising. By definition, an adaptive management regime is operating in an area of uncertainty. Therefore, monitoring techniques and intensity must be adequate for development of scientifically credible understanding of the uncertainties assumed.

b. Monitoring related to uncertainty
Where uncertainty or risk is high, monitoring must also be high. The action should be implemented in small incremental steps over a period that allows for discovery of ecological consequences prior to any decision to increase or intensify the action.

E CATEGORICAL EXCLUSIONS

1 What information, data, studies etc should be required as the basis for establishing a Categorical Exclusion.

NEPA defines a Categorical Exclusion as a "category of federal actions that does not individually or cumulatively have a significant effect on the human environment". Excluded activities should include only those minor, routine, or ongoing undertakings with no potentially significant environmental effects. Because the implications of establishing a new Categorical Exclusion are profound(i.e., no analysis of potential effects via either an EA or EIS is required), extremely high standards of proof should be maintained. In establishing such an exclusion, the following information should be required and made available for public review:

a. Peer-reviewed, published scientific literature that demonstrate that the action will not individually effect the human environment.
b. Peer-reviewed, published scientific literature that demonstrates that the action will not interact with other past, present or reasonably foreseeable future actions and have a significant cumulative effect on the human environment.
c. Data and studies should support the conclusion that the activity has no significant environmental effect across the entire range of ecological settings in which such an activity might be proposed(i.e., some actions may have no effect if implemented in high desert sage country, but have significant effects if implemented in tall grass prairie lands or coniferous forests--or vice versa).
d. Data and studies should cover the scale of the activity being considered for a Categorical Exclusion(i.e., environmental effects can be a function of the scale and scope of an action). If the action for which a Categorical Exclusion is being established can vary in size, the exclusion should not encompass projects larger than that for which scientific, peer-reviewed published literature establishes as posing not significant individual or cumulative effect.

2 What points of comparison could an agency use when reviewing other agency's use of a similar C/E in order to establish a new C/E?

In order to establish a new C/E, the agency must do more than just accept what other agencies have provided. Although information used by one agency may be pertinent to the establishment of a similar Categorical Exclusion by a

different agency, it is only a start. Scientific information relevant to the ecological setting, scale, and scope of such actions as they are likely to be undertaken by the agency considering a Categorical Exclusion adopted by the "other" agency must be required. A further requirement of each agency is the evaluation of potential cumulative effects unique to their past, present, and reasonably foreseeable future actions before a new C/E can be established. Minimal points of comparison include:

a. Do the two agencies operate in the same ecological settings?
b. Do the two agencies propose to implement the action on similar scales and scopes?
c. Do the two agencies face the same cumulative effects considerations?

3 Are improvements needed in the process that agencies use to establish a new C/E? If so please describe them.

Agencies should have a clear process for establishing new Categorical Exclusions that is transparent to the public. They should be required to rely on credible, peer-reviewed and published scientific information. They should be required to demonstrate that the potential effects have been considered across all ecological settings in which the Action may be implemented. Peer-reviewed, published scientific information should be shown to cover the entire scale and scope of the action proposed for inclusion within the C/E. The process should clearly demonstrate, according to the scientific underpinnings of the conclusion, that the activity does not pose a significant environmental risk either individually or cumulatively. C/Es should never be used to circumvent the NEPA process to justify small Timber Sale projects and road building. If there is any doubt, don't establish a new C/E.

F ADDITIONAL AREAS FOR CONSIDERATION

1. The following information should be a part of all NEPA documents

a. Information Needed to Support the analysis
   (1) Identification of the historic, current and desired future conditions on the landscape in question
   (2) Identification of practices and activities that produced the shift from historic to current conditions(if such occurred)
   (3) Identification of practices and activities inhibiting natural recovery of impacted lands
   (4) Location and extent of high risk areas in need of special consideration (such as urban interfaces)

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when designing and evaluating effects of fire/fuels hazard reduction options

(5) Location and extent of areas currently suffering a loss of watershed function, soil instability or a reduced capacity to support fish and wildlife

(6) Location of areas treated in the past to address management concerns that are the focus of the document in question.

(7) Completion of biological assessments and biological opinions in a timely manner so as to allow disclosure of the results in the document

b. Special Concerns that should Guide Alternative Presentations

(1) Protection and recovery of threatened, endangered, sensitive and special plants and animals

(2) Protection of unique natural areas(Wilderness, ACEC etc)

(3) Protection of controversial areas(Riparian, roadless, old growth etc)

(4) Protection of areas of highest biological integrity(fire/fuel hazards, noxious weeds, watershed malfunction, soil stability, fish and wildlife problems)are non existent or minimal.

(5) Protection of cultural resources

c. Information Needed to Evaluate Effects

(1) Thorough developed analysis of the "no action" alternative

(2) Full description and analysis of multiple action alternatives

(3) Effects of alternative treatments including information from monitoring of past treatments on ecological integrity, processes and functions

(4) Complete analysis of cumulative effects, including all past, present, and reasonably foreseeable actions with similar impacts on the identified management concerns for which action is being proposed

(5) Full discussion of the extent to which relevant scientific information is unknown or unavailable.

d. Information Needed to Facilitate Implementation

(1) Criteria for prioritization of areas identified as in need of restoration/recovery(which areas get treated first)

(2) Limitations of programmatic analysis at the large-scale

(3) Monitoring protocol

2. Deficiencies I have seen in BLM NEPA documents at the Project Level.

a. Project Objectives

(1) Project objectives often identify a desired future condition combined with methodology for achieving it. Desired future condition should be specified in the objectives, but not the methodology for achieving it. This is developed in the Alternatives.

(2) Need to develop issues and indicators for all project objectives. This is rarely done.

b. Alternatives

There is a need for a comprehensive range of fully developed and consistently described alternatives.

(1) Alternatives given often fail to demonstrate a wide range of options.

(2) BLM does not have a "Preferred Alternative" but sometimes data given in the appendices only pertain to one alternative i.e.(the Silviculture Prescription/Marking Guidelines). Appendix information should be complete for all alternatives.

c. Failure to make a distinction between indicators of project implementation and ecological effect.

(1) Indicators used to evaluate environmental consequences are often generalized rather than site specific.

(2) Indicators used to evaluate environmental consequences must integrate proposed actions with site specific information.

d. Inconsistencies between narrative and tabular descriptions in appendices as well as in the main body of the document.

e. Cumulative Effects Issue

Failure to address this issue and the issue of significance.

(1) Histories of past management on the federal and private lands are often generalized or ignored. We are told that clear cutting on private industrial lands has reduced large parts of a watershed to early seral development. However, no historical data is given for units on public land to be treated.

(2) Large landscape level management projects are developed with a FONSI without addressing critical significant effects this might cause by the project's size alone. There is the need for an

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environmental consequences evaluation to discuss both the effects and their significance.

f. Technical Problems

(1) Information is usually not complete in the document. Critical information for evaluation is often left out. The public must then go back and ask for the missing information. This wastes valuable time when deadlines are eminent. Example- In one EA, stand treatment recommendations for one of the alternatives was left out completely.

(2) Separate Appendices are needed for soils and fuels treatments with site specific information.

(3) Public Opinion Ignored-Often the ROD is out within a day or two of the end of the EA/EIS comment period. While this may be legal, the public efforts which are often considerable are in reality left out of the decision making process.

Thank you for your consideration.

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