



MOUNT SHASTA BIOREGIONAL ECOLOGY CENTER

SAVE MOUNT SHASTA • SAVE MEDICINE LAKE HIGHLANDS • HONOR OUR MOUNTAIN ENVIRONMENT

P. O. Box 1143 • Mount Shasta, CA 96067 • Phone 530.926.5655 • email shastamedicine@snowcrest.net

August 25, 2019

Victoria Christiansen, Chief
U.S. Forest Service
Sidney R. Yates Federal Building
201 Fourteenth Street SW
Washington, DC. 20250
victoria.christiansen@usda.gov

Chris French, Deputy Chief
U.S. Forest Service
Sidney R. Yates Federal Building
201 Fourteenth Street SW
Washington, DC. 20250
cfrench@usda.gov

Secretary Sonny Perdue
Department of Agriculture
1400 Independence Ave SW
Washington, DC. 20250
agsec@usda.gov

Under Secretary James E. Hubbard, Natural Resources and Environment
Department of Agriculture
1400 Independence Ave SW
Washington, DC. 20250
Jim.Hubbard@osec.usda.gov

Submitted via email to: nepa-procedures-revision@fs.fed.us

Submitted via public participation portal to: <https://www.regulations.gov/document?D=FS-2019-0010-0001>

RE: Comments on *Proposed Rule, National Environmental Policy Act (NEPA) Compliance* (84 Fed. Reg. 27,544, June 13, 2019)

Dear Chief Christensen, Deputy Chief French, Secretary Perdue, and Under Secretary Hubbard:

As a nonprofit organization of citizens vitally interested in the wellbeing of our nation's forests and how humans can sustainably thrive with them, the Mount Shasta Bioregional Ecology Center has been relying on the National Environmental Policy Act to participate in the planning process for numerous Forest Service projects in our region since 1988.

In this capacity, we have given voice to community concerns and benefits, presented alternatives, generated scientific input, educated the public, and often collaborated with the Forest Service. Opportunities for involvement provide a valuable benefit, not only to the environment, but also to the Forest Service and to the public, ensuring that environmental, cultural and recreational values are maintained, that the best alternatives are sought, and that all voices are heard.

The Forest Service's Proposed Rule for National Environmental Policy Act Compliance (84 Fed. Reg. 27,544, June 13, 2019) (hereinafter "Proposed NEPA Rule") would, if adopted, greatly impact our ability to continue fulfilling our vital role in our community and with the Forest Service, since the proposed rule would drastically curtail or eliminate public involvement in the management of our national forests, as well as limit the role of science in land management planning.

We provided comments on the on the Advanced Notice of Proposed Rulemaking on February 2, 2018 and incorporate the input those contain to be included herein by reference. We are disappointed to see that the Proposed NEPA Rule does not reflect the many excellent points made by the Western Environmental Law Center and comments by numerous other organizations that regularly work with NEPA. We continue to maintain that the Proposed NEPA Rule's provisions to remove public participation in decisions affecting our national forests run counter to the intent and spirit of NEPA as Congress conceived it.

NEPA requires inclusion of the public in federal agency decision-making, and assures that the public will be well informed through disclosure, accurate scientific analysis, and opportunities for participation and input, *before* actions are taken. The public includes local communities and governments, Native American Tribes, scientists, and many other entities that have a stake in the National Forests.

Extending Categorical Exclusions (CEs) would exempt projects of up to 4,200 acres from public review. It has been estimated that as much as three-fourths of projects currently requiring an Environmental Analysis would fall under these new CEs. The rule allows for projects to be divided into smaller actions that could fall under CEs. The impacts of extending CEs have not been studied and no evidence has been given that the Proposed NEPA Rule would not have significant negative impacts on climate change, critical wildlife and habitat, water quality, local and regional economies, as well as scenic, cultural and recreational values.

Actions approved through CEs would also eliminate scoping, along with advance notice to the public and opportunities to give input, recommend reasonable mitigation measures and alternatives that result in better projects.

We are totally opposed to the concept of “condition-based management,” [84 Fed. Reg. at 27,550], which virtually eliminates site-specific considerations and favors blanket treatments regardless of local conditions. This approach could lead to decisions authorizing hundreds of thousands of acres of treatment and concomitant road construction through a single decision. This provision is clearly intended to increase timber outputs, allow oil, gas and geothermal development, while decreasing the costs of environmental review.

There are other ways that the Forest Service can achieve its goal of increased efficiency in Forest Service operations. The agency itself has itself identified these ways, including Forest Plan Revisions, which have been greatly neglected. These would be much more effective than the Proposed NEPA Rule, for which no evidence exists that it would actually achieve its goal.

Government accountability and public engagement are essential to a democratic process. NEPA, together with Council on Environmental Quality and Forest Service regulations and procedures provide this process, especially when they are done in good faith and public participation is actually taken into account early in the planning process. In our experience, these existing regulations and requirements only become burdensome when required steps are skipped or done inadequately, bringing about challenges and the requirement to redo analyses.

When done right, the process allows for good projects that take into account local conditions and values, as well as lessons learned from many decades of learning through legal challenges resulting in clearer understanding of what NEPA is meant to accomplish.

In conclusion, we submit these comments in full agreement with the comments of the Western Environmental Law Center *et al*, to which we have also signed-on, in hopes that the Forest Service decision makers will hear our collective experiences with implementation of NEPA and take to heart its full intent, for the sake of the health and wellbeing of our forests, wildlife, watersheds, landscapes, our democracy and planet, as well as current and future generations.

To underline the nonpartisan and multi-generational value of applying NEPA as it was intended by Congress, we again invoke the words of President Richard Nixon in his 1970 State of the Union address at the time NEPA became law:

Restoring nature to its natural state is a cause beyond party and beyond factions ... It is a cause of particular concern to young Americans, because they, more than we, will wreak the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later.¹

¹ Richard Nixon, *Annual Message to Congress on the State of the Union*, January 22, 1970.

With much appreciation for this opportunity to comment,

A handwritten signature in green ink, appearing to read "Michelle Berditschevsky", is displayed on a light-colored rectangular background.

Michelle Berditschevsky, M.A.
Founder / Senior Conservation Consultant
MOUNT SHASTA BIOREGIONAL ECOLOGY CENTER
P.O. Box 1143 • Mount Shasta, California 96067
530.926.5655 shastamedicine@snowcrest.net
www.mountshastaecology.org