June 2X, 2019

James E. Hubbard,

Undersecretary, Natural Resources and Environment

[ADDRESS]

NEPA Services Group, c/o Amy Barker

USDA Forest Service

125 South State Street, Suite 1705

Salt Lake City, UT 84138

*Submitted via regulations.gov*

**RE: Request for 60-Day Extension of Comment Period on Proposed Rule “National Environmental Policy Act Compliance,” Docket ID No. FS-2019-0010**

Dear Director Dawe, Deputy Chief French, and Undersecretary Hubbard:

The [total number] undersigned organizations, representing millions of members across the nation, request a 60-day extension to the public comment period on the proposed revisions to the U.S. Forest Service’s National Environmental Policy Act (NEPA) regulations. 84 Fed. Reg. 27,544 (June 13, 2019). The proposed revisions would eliminate requirements for public input on the vast majority of decisions affecting 193 million acres of national forest lands across the country. This extreme proposal would fundamentally change the relationship of the agency to the public. The proposed revisions also seek to eliminate environmental analysis for a wide array of actions, with the result that the Forest Service will be making decisions without even evaluating the impacts itself, let alone involving the public. The current public comment period does not provide an adequate amount of time for the public to evaluate the proposed revisions. Specifically, the public will not have adequate opportunity to review the information already provided by the Forest Service on its webpage, much less the information and data that it is relying on but has still not been uploaded, or that the Forest Service is relying on but apparently has no intent in sharing with the public.

As the proposed changes are specifically intended to eliminate opportunities for public comment on the vast majority of Forest Service actions, it is especially critical that the Forest Service provide the public with sufficient time now to analyze and respond to this proposal.

The goal of NEPA is to foster better decisions to protect, restore, and enhance our environment and is based on three key principles: 1) transparency; 2) informed decision making; and 3) giving the public a voice. This is achieved through two key tools: public comment and requiring the Forest Service to “look before it leaps” by preparing environmental assessments (EA) and environmental impact statements (EIS). These documents provide agency decision makers, the public and outside experts with relevant information and require agencies to take a “hard look” at the potential environmental consequences of a proposed project before making decisions and taking actions.

The Forest Service’s proposed rule undermines the basic tenets of NEPA by increasing the number and scope of “categorical exclusions” for nearly every type of land management action, and exempting those decisions from public comment.

In particular, the current comment period does not provide the public with adequate time to assess the factual basis for the Forest Service’s assertions that new or expanded proposed categorical exclusions will not individually or cumulatively result in significant environmental impacts. For instance, the Forest Service justifies Categorical Exclusion 26—just one of the many new or expanded categorical exclusions proposed—with a twenty-page “Supporting Statement” that outlines the data and methodology used to calculate its acreage thresholds. The Forest Service states that it randomly selected a sample of 68 projects from over 718 projects completed via an EA from fiscal years 2012 to 2016, and then calculated the average acreage of commercial and non-commercial harvest and total project activities from those 68 projects. Sixty days is not enough time for the public to fully examine the set of EAs and associated decision notices and findings of no significant impact considered in that analysis to evaluate whether, for instance, the Forest Service adequately accounted for the effects of geographic location, the incorporation of mitigation measures, public input on the project, or other factors. Indeed, nearly two weeks after the proposal was released, many of those documents are still not available on the Forest Service’s webpage. Moreover, not all of the necessary documents or data are expected to be made available to the public, necessitating data and information requests under the Freedom of Information Act that have been and will be submitted over the coming weeks.[[1]](#footnote-1) For example, the Forest Service has not, and apparently does not intend to provide, scoping documents, draft analyses, or geospatial data for the sampled projects. Information sought in these requests is critical to the public’s ability to fully analyze and respond to the proposed rule.

In light of the sweeping changes proposed by this rulemaking to exclude the public from Forest Service decision-making, the extensive data that must be evaluated to assess the proposed categorical exclusions, and the purposes of NEPA, the Forest Service should extend the comment proposal on the draft rulemaking by 60 days, until October 11, 2019, or by the amount of time needed to upload or otherwise provide necessary information to the public under the Freedom of Information Act, whichever is longer.

Thank you for your consideration of this request. We look forward to your reply. Please contact [--- ] at [phone or email] with any questions.

Sincerely,

[Contact/submitter]

[list of orgs signing on]

1. *See, e.g.*, June 20, 2019 request from Southern Environmental Law Center (attached). [↑](#footnote-ref-1)