

Congress of the United States
House of Representatives
Washington, DC 20515

February 21, 2002

Dale Bosworth, Chief
USDA Forest Service
201 14th Street SW
Washington, D.C. 20250

Dear Chief Bosworth:

We are writing to express our concerns about a proposed Forest Service directive, issued September 20, 2001 which would change significantly the way your agency implements the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations. We are concerned that the proposed directive could limit local public involvement, could result in ill-considered land management decisions that would degrade natural resources, and could lead to unnecessary conflicts and costly litigation.

As you know, NEPA is the premier legal charter establishing both environmental protection as a national policy goal and the public's right-to-know. The law is premised on the notion that requiring environmental analysis of proposed federal actions and disclosing this information through an open public process promotes well-considered decisions that protect that environment and maintain public trust in government.

The proposed directive would give local forest managers broad new powers to approve activities involving critical forestlands *without* environmental review and *without* meaningful public input. This represents a reversal of long-standing agency practice established under the first President Bush's administration.

NEPA allows agencies to bypass environmental review and public input requirements when impacts of activities cannot possibly be considered significant through the use of a "categorical exclusion" (CE). Current Forest Service guidance establishes a number of categories of such actions which may be exempt from review. However, current agency guidance also specifies that certain forestlands are so sensitive and important that their mere presence requires preparation of at least an environmental assessment, with opportunities for public input. These critical areas include municipal watersheds, wetlands, inventoried roadless areas, Native American cultural and religious sites, wilderness study areas, and endangered and threatened species habitat.

The Forest Service draft interim guidance issued on September 20 would change this requirement in ways that cause us grave concern. The proposed guidance would provide Forest Service staff with the authority to permit certain activities within these sensitive forest lands – including road and motorized trail construction, salvage logging operations

up to 1 million board feet, and mining exploration – *without* the currently required environmental review and with virtually no opportunity for public comment.

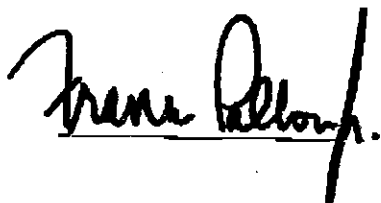
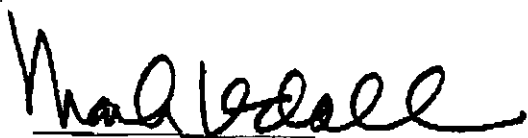
This change has been described as intended to lessen administrative costs and cut unnecessary red tape. And we agree that there it makes sense to dispense with public comment and environmental review for some very minor activities such as repaving parking lots or mowing the lawn at a ranger station. However, such minor projects will almost never occur on critical forestlands and thus are already excluded from review. In addition, preparing an environmental review (in the form of a brief “environmental assessment” or EA) for projects within critical forests lands will not unduly burden the agency since EAs can be short (10-15 pages) and to the point.

As a matter of policy, we think local communities and the public should be consulted, and environmental review completed, when activities such as logging, road or motorized trail construction, or mining exploration are planned for municipal watersheds, roadless lands, cultural sites and other sensitive lands. In addition, an effort to limit community involvement and environmental review probably will mean more costly and time-consuming litigation, whose costs will be greater than any administrative savings. This is especially the case since decisions categorically excluded are typically not subject to administrative appeal, which means that the public will have no alternative to filing lawsuits when they wish to challenge the legality of a Forest Service decision. Further, there is serious doubt as to whether it complies fully with NEPA and Council on Environmental Quality regulations.

Given these concerns, we respectfully request that you withdraw this proposal, and instead clarify that the Forest Service will continue to ensure that public involvement and environmental analysis will occur when sensitive forest lands are present – especially when logging, road or motorized trail construction, or mining exploration will occur.

We look forward to your reply.

Sincerely,



Alan Smith

Jim L. Brown

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Anna C. Snow

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