



January 21, 2018

USDA Forest Service
NEPA Services Group C/O Amy Barker
Geospatial Technology & Applications Center
222 West 2300 South
Salt Lake City, 84119

Additional and Supplemental Input regarding NEPA Streamlining Process

Dear Ms. Barker:

Please accept these ADDITIONAL comments regarding the **NEPA Streamlining process** on behalf of the Trails Preservation Alliance ("TPA"). The TPA is a volunteer organization created to be a viable partner to public lands managers, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding and multiple-use recreation. The TPA acts as an advocate for the sport and takes the necessary action to insure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse trail multiple-use recreational opportunities.

These ADDITIONAL Comments are provided in addition to our joint comments provided in an independent document and submitted in partnership with COHVCO, CSA, ORBA, IRC and One Voice. The TPA provide the following additional points and recommendations for consideration in streamlining the NEPA process:

1) The TPA interacts with multiple agencies across many landscapes, forests and districts. Although the same rules are intended to apply to all, implementation of NEPA is wildly different by location, leadership team, and specialist's experience. Streamlining NEPA offers an opportunity to create a consistent and fair approach to environmental policy. In support of that objective, the TPA offers the following comments:

- a. Create plain language training for both agency personnel and stakeholder groups that clearly lays out responsibilities under law and latitude provided for agency personnel. This is not a change in rules or regulation, but an attempt to provide clarity of such for all parties.
 - o The TPA has repeatedly been exposed to line officers and specialists who use the NEPA process as a tool for their own personal advocacy positions. This is inappropriate and a

breach of public trust. Plain language rules will make it more difficult for individuals to pursue personal objectives.

- Furthermore, It has been our experience that when there are multiple agencies or jurisdictions involved in the planning process, any lack of clarity in the Planning Rule or implementation documents results in higher levels of NEPA being applied to the project. This results in significant additional time and resources being directed towards analysis of the project rather than resolving the management issue on the ground. Plain language interpretation of NEPA should encourage managers to look at any issue in the manner that requires the least amount of NEPA analysis. This is a concern where planning rules and subsequent guidance handbooks can provide a significant opportunity to streamline and provide line officers with an identifiable agency position that allows the project to move forward and not get bogged down in NEPA analysis.
- b. Create an appeal board within the agency, which stakeholders can use for relief when a line officer or specialist fails to follow the NEPA process or meet their requirements under law. The TPA supports decentralized decision-making and reducing the echelons and influences of bureaucracy. However, during the existing NEPA process there can be little to no accountability, review or appeal of USFS staff/specialists recommendations and decisions.
 - Many USFS Districts have limited staff and the depth and experience of those staff can be lacking. For example, a District might have a single staff hydrologist who makes all recommendations and determinations regarding the potential and perceived impacts of an action to a watershed. Western Watersheds can be large and diverse, and a single hydrologist may not have appropriate experience to judge the impacts of proposed changes in all areas. Or, that specialist may have a personal bias they wish to support in their work. For the public, under the existing NEPA system, there is very little recourse or ability to question or overturn a specialist's recommendation. If, when and where NEPA is being applied inconsistently, reluctantly or inappropriately, the public needs a process to appeal and hold specialist accountable (e.g., to a review board).
- c. Create a pathway for outside specialists to assist in the NEPA process. The use of specialist and scientists from outside the agency can help to improve trust with the public, provide augmentation resources to agency staffs and help mitigate the encroachment of personal biases into the process by agency staff.
 - Furthermore, this will avoid the problem of line officers claiming a lack of resources to avoid investigating situations they do not personally support. Claiming lack of resources or resource constraint is often an easy way to administratively avoid dealing with a difficult or uncomfortable situation. This simply is a breach of public trust.
 - As stated above, agency staff and specialist will sometimes view their interaction with NEPA as an opportunity to put forward their own advocacy positions. This too is a breach of public trust, and having a pathway for outside specialists to assist will diminish the power of a single person to dictate the use of public land.

- It is the TPA's experience that NEPA processes can often be "put on hold" based on a claimed lack of availability of staff and fiscal resources. The public or interested party should have a method and the right to provide resources to move the process forward if the agency is unable to provide the necessary resources.

2) Additional categories of Categorical Exclusions (CE) are needed. For many purposes, the CE is an appropriate level of review, however, existing categories are insufficient to provide Line Officers with appropriate tools. The TPA propose at least two additional CE types:

- a. Special Event CEs: Applicable wherever requested use is consistent with an existing resource plan. For example: a motorized event utilizing existing designated motorized trails. These permits should have a low bar for approval. If an event requests to use resources not in accordance with approved use, this would not be applicable.
 - The 5-acre CE is not appropriate for permitting many event types, whether they are motorized or not. This new CE type would support public use of public land in accordance with administrative decisions that have already been made.
- b. "Additional Use" CEs: Use the CE process to "add" uses to existing trails and trail networks. For example, adding motorized use to existing trail. This would be appropriate to return historic use to a trail, or wherever agency staff feel the impact of a change would be appropriate. This could only be used to add uses; removal of uses would still require a process with more opportunity for public involvement.
 - Today, projects that will have identical impact on the ground require different analysis based on the type of use. Line officers should be able to determine when a change in use will be minimally impactful and therefore appropriate to this type of CE.

In summary, we are glad to see the agency recognizes a need for change, and we support any streamlining of the process that results in public land not being hostage to "process".

Sincerely,



D.E. Riggle,
Director of Operations
Trail Preservation Alliance