Forest Service NEPA Implementing Procedures

Summary of Public Comment

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Summary of Public Comment

Introduction and Overview

This document is a summary of the public comment received by the Forest Service in response to the proposal to move its National Environmental Policy Act (NEPA) implementing procedures from Forest Service Manual (FSM) 1950 and Forest Service Handbook (FSH) 1909.15 to 36 Code of Federal Regulations, part 220 (36 CFR 220). The public comment period was open for 60 days, from August 16, 2007 to October 15, 2007. The agencies received 10,976 responses—including letters, e-mails, web based submission and faxes—of which 196 contained original language. The remaining 10,780 responses were organized response campaign (form) letters. This *Summary of Public Comment* document is based on the 196 original responses and the text of each form letter (see Appendix D for a summary of the organized response campaign comments and the total number of each form received).

All responses have been analyzed using a process called content analysis, described below. Although this summary and accompanying list of public concerns attempts to capture the full range of public issues and concerns, it should be used with caution. Respondents are self-selected; therefore their comments do not necessarily represent the sentiments of the public as a whole. However, this report does attempt to provide fair representation of the wide range of views submitted. In considering these views, it is important for the public and decision makers to understand that this process makes no attempt to treat input as if it were a vote. Instead, the content analysis process accommodates consideration of every comment at some point in the decision process.

This analysis provides a detailed look at the comments received from 196 respondents over the 60 day comment period. This analysis is organized into the following sections:

- Summary of Issues
  - General Analysis
  - Definitions (Section 220.3)
  - General Requirements (Section 220.4)
    - Emergency Response
    - Cumulative Effects
    - Public Involvement
  - Environmental Impact Statements (Section 220.5)
    - Class of Actions Normally Requiring an EIS
    - Alternative Development
    - Adaptive Management
    - Collaboration
    - Circulation of Preliminary EIS

- Categorical Exclusions (Section 220.6)
- Natural Resource Management
- NEPA
  - Need to Produce an EIS for Proposed rule
  - Need for Proposed rule

The appendices provide the reader with detailed information about the process used to analyze comments, the coding structure, information about respondents' demographics, and information about form letters. This document contains the following appendices:

- Appendix A, Content Analysis Process
- Appendix B, Coding Structure
- Appendix C, Demographics
- Appendix D, Organized Response Report

Content Analysis Process

Content analysis is a method of evaluating comment submissions in order to elicit meanings and derive information. A specialized Forest Service unit, the NEPA Services Group, has applied this approach to the analysis of public comment. The team uses both qualitative and quantitative tools in its analysis. The content analysis process provides a mailing list of respondents, identifies demographic information, isolates specific comments by topic in each response,[1] evaluates similar comments from different responses, and summarizes like comments as specific concern statements. The team uses a relational database capable of reporting various types of information while linking comments to original letters.

Through the content analysis process, analysts strive to identify all relevant issues, not just those represented by the majority of respondents. The breadth, depth, and rationale of each comment are especially important. Analysts organize the comments to facilitate systematic review and response by decision makers.

Project Background

Proposed Rule 36 CFR Part 220 was published in the Federal Register on Thursday August 16, 2007. The Forest Service proposes to move its National Environmental Policy Act procedures from Forest Service Manual 1950 and Forest Service Handbook 1909.15 to 36 Code of Federal Regulations, part 220 (36 CFR 220). In conjunction with the procedural move the agency also proposes to clarify existing NEPA procedures and add new procedures to incorporate Council on Environmental Quality (CEQ) guidance. Public comments were accepted on the agency's proposal until October 15, 2007.

[1] Responses refer to single, whole submissions from respondents—e.g., letters, e-mails, faxes, etc. Comments refer to identifiable expressions of concern made within responses.

In 1979 the Forest Service merged its NEPA requirements with Forest Service Manual 1950 and Forest Service Handbook 1909.15. CEQ regulations require the Forest Service to provide public notice and comment and to consult with CEQ for agency procedures; this regulation adds an increased administrative burden for the agency. Placing agency guidance in the CFR would facilitate quicker agency response to new ideas, procedural interpretations, and editorial changes. The agency also wants to incorporate several concepts that are currently being used by the Forest Service but are not provisions within the current procedures. This proposal would allow the agency to better integrate NEPA procedures and documentation into current decision making processes.

Specifically, the Forest Service proposes changes to NEPA procedures which would allow the agency to modify proposals and alternatives throughout the NEPA process (36 CFR 220.2 (e)), and would allow the circulation of multiple preliminary detailed statements without the filing requirements (36 CFR 220.2 (g) (2)). The intent of this portion of the proposed rule is to allow multiple parties to use information throughout the entire NEPA process rather than at distinct comment periods. The agency is also proposing to incorporate Adaptive Management practices into its procedures. This would allow the Forest Service flexibility to manage resources based upon current on-the-ground conditions.

Several key changes would be made with the proposed rule. First and foremost, the agency would like to clarify actions subject to NEPA by summarizing CEQ regulations in one place. The Forest Service proposes to allow for immediate emergency responses when normal NEPA processes are not possible and emphasize the options available for subsequent proposals to address the emergency actions. The agency would like to incorporate CEQ guidance language regarding what past actions are “relevant and useful” when analyzing direct and indirect cumulative effects. The Forest Service would use the proposed rule to clarify that an alternative may be modified through an incremental process, and clarify that adaptive management strategies may be incorporated into alternatives. Finally, the proposal seeks to incorporate CEQ guidance that states EAs need only analyze the proposed action if there are no unresolved conflicts concerning alternative uses of available resources.

Summary of Issues

General Analysis of Comments

The Forest Service’s proposal to move its National Environmental Policy Act (NEPA) implementing procedures from Forest Service Manual (FSM) 1950 and Forest Service Handbook (FSH) 1909.15 to 36 Code of Federal Regulations, part 220 (36 CFR 220) generated 10,976 responses of which 196 were original responses. Of these, 123 were form letters with additional comment, and 73 were original responses. Of the 73 respondents that wrote detailed comments, virtually every respondent had the same concerns for each section of the proposed rule. The purpose of this narrative is to provide the reader a detailed summary of all respondents’ comments.

Generally, most respondents support the proposed rule, but have concerns with its details. The majority of respondents feel the proposal would weaken NEPA in various ways, such as not requiring an adequate public involvement process, and giving the agency full jurisdiction over public lands. Many individuals and conservation groups are concerned that the proposed regulation changes would exclude key stakeholders from being a part of the NEPA process and would allow the agency to make decisions without analyzing impacts. One respondent said that the Forest Service has demonstrated a long record of substantial and continuing violations of NEPA, and they would like to see substantial changes to the Proposed Rule before it goes into effect. Some want it specifically stated in Section 220.1 that the new regulations are only to "supplement the CEQ regulations. They are concerned that there may be some mistaken impressions that this rule was intended to replace the CEQ regulations.

One point discussed by many respondents was the flexibility of definitions throughout the proposed rule. For example, many people feel that the definition of "reasonably foreseeable future actions" would allow the agency to not take a "hard look" at impacts a proposed project could have on the environment. Also, throughout the comments, respondents had concerns about one or two words being added to a definition that would give the agency inappropriate flexibility, an example of this is adding the word "normally" to "classes of actions normally requiring an EIS." Overall, respondents that commented on the proposed rule would like to see the agency define and clarify the language used throughout the document.

Respondents are also concerned with several of the sub-sections in General Requirements. Many comments reflected specific concerns about the agency's emergency response and cumulative effects proposals. The concern is that these changes would provide the agency and responsible official with too much authority over the use of Forest Service lands, and would exclude the public from deciding how public lands are managed.

Many comments focused on sections of the proposed rule regarding Alternative Development, Adaptive Management, Collaboration, and Class of Actions Normally Requiring an EIS. Most comments directed toward these sections are comments of concern, with many respondents worried that the proposed rule would grant the agency "free-will" to manage the lands with little to no public involvement. Respondents are worried that the agency will not analyze impacts that adaptive management could have on an area, or that the agency will not include all reasonable alternatives in its assessment.

The agency's Categorical Exclusion (CE) proposal was a focal point of concern for many respondents. Specifically, they are concerned that several of the proposed rule's CE sections would violate recent court rulings, therefore making the proposed rule illegal. Many respondents feel the CEs proposed by the agency would create significant impacts and should go through the process of being analyzed in an EA or EIS, or should even be completely removed from the proposed rule.

The impact the proposed rule will have on natural resource management was a concern discussed by most respondents. With many concerned that the proposed rule will weaken NEPA and put natural resources at risk. Several individuals commented that they feel the agency will not take a hard look at impacts a proposed project could have in the near or distant future, and without full disclosure, resources could be in danger.
Several respondents feel the proposed rule requires a full analysis in an EIS, and the agency should conduct a thorough analysis of the impacts that the proposed regulation changes would have on the NEPA process. Respondents cite several court cases and argue that the agency is in violation of 9th circuit rulings, claiming an EIS should be prepared for proposals such as this one. Some comments question the need for the changes, but still support the change as it would make the regulations more official, thus making the regulations more enforceable. Several individuals commented on the length of an EA, incorporation by reference, and the need to produce an EA.

Generally, respondents applaud the Forest Service for its efforts to make the NEPA process run more efficiently for all interested parties. Many like the idea of having all the regulations in one place, and the concept that the agency would like to work more with stakeholders. That being said, almost every individual that commented had concerns about the proposed rule.

Definitions (Section 220.3)

Most respondents are troubled by the proposal to re-define "reasonably foreseeable future actions," highlighted in Section 220.3. The proposed definition reads "[t]hose activities not yet undertaken, for which there are existing decisions, funding, or identified proposals." The main concern discussed by respondents was that they believe the proposed definition is too narrow to encompass the meaning of reasonably foreseeable future actions. They are concerned that the proposed definition could eliminate from consideration a large amount of activities on national forest lands which are clearly foreseeable. Of particular concern was the phrase "not yet undertaken." One conservation group specifically points out that this statement "would seem to eliminate from evaluation the effects that have not yet taken place in the past and will continue into the future." The same group cites grazing and ongoing oil and gas development as two examples of activities that would not be considered under the new terminology. Another major concern from individuals was that the proposal suggests an improper focus on activities taking place primarily on NFS lands, and fails to include other agencies or private land owners with lands adjacent to NFS lands. Respondents point out if the proposed rule is approved, the Forest Service would be ignoring the CEQ provision regarding "reasonably foreseeable actions," which was recently upheld in the 9th Circuit, Or. Natural Res. Council Fund v. Goodman, 2007 U.S. App. LEXIS 22614 (9th Cir. 2007).

Another respondent wants the term "identified proposals" to be defined to include all potential logging within the project's analysis area, as determined by the land area that is in the current Forest Plan's timber base.

Several individuals are concerned that "interested parties and agencies" is used throughout the entire proposed rule, but is not defined. They suggest that "interested parties and agencies" be defined to lend clarity on what individuals represent those groups.

Generally, respondents are concerned that the proposed rule would weaken and in some instances disregard CEQ definitions and regulations. Most respondents made remarks throughout their comments about the "looseness" of definitions, and how words and proposed actions need to be clearly defined.

General Requirements (Section 220.4)

Emergency Response

Section 220.4 (b)(2) proposes "the responsible official may take emergency actions necessary to control the immediate impacts of the emergency to mitigate harm to life, property, or important resources." Many respondents are concerned with the broad scope of the proposed definition. One of the main concerns shared by all respondents who commented on the issue was the inordinate amount of credibility and trust laid upon the responsible official. Specifically, respondents are concerned that the proposed definition does not provide enough guidance to the official and offers a loophole for special interest projects. Also, several conservation groups are concerned that agency efforts to devolve decisionmaking authority to lower and lower levels of the organization and the huge number of "actings" (temporary placement of agency employees in positions until that position is permanently filled) in decisionmaking positions is worrisome. Some have simple concerns such as they would like the Forest Service to insert the word "natural" before "resources. While others think the, "Emergency Response" section begins with substantial flaws.

> "The section on "Emergency Responses" [220.4(b)] begins with a presumptive case [section (b)(1)] where emergency action must be taken before completing a NEPA analysis, yet in section (b)(3) the preparation of an EA and FONSI is required if the proposed action is "not likely" to have a significant impact. However, an EA is a NEPA analysis, and if there is time to do such an analysis an "emergency" requiring deviation from normal NEPA procedure does not exist in cases where the EA reasonably leads to a FONSI. Therefore there is a logical flaw in (b)(3) that does not fit with the need for section (b). The important part of section (b)(3) is its last sentence, and the preceding portion should be stricken."

Several conservation groups suggest that the agency re-word the definition of emergency response from "220.4(b)(2) The responsible official may take emergency actions necessary to control the immediate impacts of the emergency to mitigate harm to life, property, or important resources," to something like "220.4(b)(2) The responsible official may take emergency actions necessary to control the immediate impacts of the emergency to mitigate harm to human, life, property, or rare natural resources." Groups are concerned that the definition proposed by the agency does not indicate what deems a resource important. Some groups feel that by not clearly defining what an important

resource is the agency could use the emergency response clause as a way to permit salvage logging or other high impact projects on Forest Service lands.

Many respondents are also concerned about specific details of the definition of "emergency response." For example, what constitutes an emergency? Who determines the emergency, and how is it reported and documented for public review? Respondents are concerned that the looseness of these definitions could provide an easy way to slide projects through under the radar without having to do a proper analysis.

One group feels that the proposal for addressing emergencies should be addressed in legislation. Specifically, they are concerned that the flood of NEPA litigation will surely raise the issue of what constitutes an emergency, and whether agencies can act without some sort of NEPA analysis.

Overall, respondents generally agree that some emergency actions should be allowed, for example when an action could harm human life or property. At the same time, many respondents feel that harm to important resources should not, by definition, constitute an emergency situation. Generally speaking, respondents feel that the "important resource" clause should be removed or clarified. Also, an emergency response should not be used to constitute a special use permit request or to circumvent controversial projects.

Cumulative Effects

Many respondents feel that in order to complete an effective cumulative effects analysis, consideration of past projects should be required. One respondent believes the Forest Service's new definition of cumulative impacts is unnecessary. The respondent feels the definition reflects an excessively narrow interpretation of the cumulative impacts that will be considered, which will result in ongoing effects from past actions not being given enough consideration.

One group points out that the proposed rule would change the baseline condition of the landscape to what condition the landscape is considered to be at the time the planning begins, rather than what it was at the time the Forest Service first started "managing" it. This group uses the example of a 250 acre clearcut in a 20,000 acre watershed. They argue that one 250 clearcut will probably not have an impact on the watershed but 20 years of incremental clear cutting will have a significant impact on the watershed, therefore they feel the agency must look at past actions.

Other individuals are concerned that any reduction in the scope of an agency's responsibility to conduct cumulative impact analyses will undermine CEQ guidance and regulations. A respondent pointed out the CEQ itself has recognized evidence that "the most devastating environmental effects may result…from the combination of individually minor effects of multiple actions over time".

Some respondents are concerned that by limiting consideration of reasonably foreseeable future actions to those already approved, funded, or identified, the Forest Service

proposed regulation would contradict the intent of CEQ regulations that all types of impacts be identified and analyzed.

Because of the importance of national forests and their ecological and social benefits to people, wildlife, and plants, one respondent encouraged agency personnel to consider all cumulative impacts.

It is also asked how field personnel would know what effects from past actions are relevant to current decision-making unless all the actions and impacts were first considered. Thus, a full assessment of cumulative effects is necessary.

One respondent said the proposal was an illegal attempt to get around court rulings on what must be considered. The respondent insists regulations are supposed to be complying with the CEQ regulations, not creating some guidance which attempts to get around the regulations.

Ultimately, respondents feel the proposed definition is too restrictive and undermines CEQ's broad definition and recent case law; many want the proposal to be dropped or changed to a definition consistent with both.

Public Involvement

Most comments regarding public involvement came as additional comments added to form letters. Many respondents are concerned that the proposed rule would take away the public's ability to comment on projects, and would damage the foundation that NEPA was built upon. Most comments regarding public involvement are general and vague such as "public lands belong to all Americans," and "the public should have to right to voice how our lands are managed." Another common comment from respondents is that the public should determine how public lands are managed not the federal government. Many respondents are concerned that the proposed regulation changes will eliminate the public from the NEPA process. Another concern discussed by several respondents was that public involvement allows stakeholders to identify and remedy problems before a project is implemented. One respondent was concerned that if the Forest Service takes away the public's right to comment, the public will lose trust in the agency.

Individuals ask the Forest Service to not limit public comment, and to stop weakening environmental protections. One individual was concerned that the proposed changes would "allow domination by whichever special interest group has the ear of those in authority." Another respondent comments that "NEPA's promised project review and public involvement must be safeguarded and not sacrificed in the name of expediency." One comment states that "the public involvement process has been crucial in improving the new polices and ensuring that changes bring the optimal benefits to people and land."

Some conservation groups argue that the proposed rule is a continuation of the "administration's disturbing and unfortunate trend towards undermining NEPA, from categorically excluding both forest planning and project-level decisions from NEPA analysis and documentation to the proposal to move NEPA implementation work out of

local agency offices and into regional "super centers." These groups also feel that the proposed rule "identifies multiple new changes that could further weaken the NEPA process."

Several individuals expressed concern that they were not notified about the proposed rule change until it was published in the Federal Register. Those respondents feel that this is unacceptable and that the agency should conduct scoping before the project is in the Register to ensure that all concerns and problems are addressed. Also, several individuals are concerned the proposed rule is too complex and they need more time to comment on the proposal.

A few respondents are concerned that Schedule of Proposed Actions (SOPA) is used as the only scoping mechanism. Respondents would like to see the agency clarify that scoping must be conducted outside of the SOPA mechanism. Also, several individuals mentioned that the agency does not produce a SOPA for Categorical Exclusions (CE), which leads to the project being implemented before the public is informed. One respondent cited Earth Island Inst. v. Ruthenbeck, 490 F.3d 687 (9th Cir. 2007), stating that the agency must notify the public even if the project is a CE. One conservation group proposes that projects should not be proposed and decided in between SOPA notices. An individual feels that the SOPA should be expanded to include additional information to enable people to better track and obtain information regarding projects. Another would like to see the agency start a mailing list so all stakeholders can be informed about projects.

Environmental Impact Statement (Section 220.5)

Class of Actions Normally Requiring an EIS

Section 220.5 details the category of actions "normally" requiring preparation of an EIS. Most respondents are concerned that the word "normally" would allow the Forest Service to use its discretion to avoid preparing an EIS for environmentally damaging actions. Respondents are opposed to removing classes of actions that normally require an EIS (for example, revising a land and resource management plan or a proposal for Congress to designate wilderness or a wild and scenic river). Respondents argue that these actions may have harmful or beneficial impacts that should be analyzed in an EIS. One respondent believes the Forest Service is raising the bar on when an EIS must be prepared. The respondent believes that the acreage and miles in the Forest Service manual has grown over time, permitting the agency to allow actions to be larger and more dramatic in order to trigger the need to prepare an EIS. Another was concerned the examples given in classes of actions normally requiring an EIS are extreme and fail to acknowledge the fact that far less extreme activities will occur which constitute "significant environmental impacts."

All respondents that commented on this issue believe the word "normally" should be removed from the definition. Also, respondents are generally concerned that adding the word "normally" would allow the agency to move forward with projects that would have a significant impact on the environment.

One respondent feels that the examples given in this section are extreme cases, which have irrelevant or incomplete criteria that offer poor guidance, and may be construed to exclude less extreme cases that fall within NEPA's requirements that an EIS be prepared. Some examples which the respondent found to be extreme were: "Serious resource loss" from insect outbreaks, whether or not a resort complex is "all season" or "a complex", and whether a gas pipeline is "international", "30 miles long", in "1,000 foot wide corridor" or in an "ecologically sensitive area". They want the examples to be more general.

Alternative Development

Many respondents believe that the Forest Service's proposed regulation fails to reflect the full extent of the agency's NEPA responsibilities. They are concerned because the proposal does not require a specific number of alternatives to be considered. They believe that failing to consider a wide range of alternatives limits the quality of NEPA analysis, which could result in a failure to fulfill responsibilities, resulting in a violation of the statute.

Some respondents believe the proposal violates the court ruling Southern Oregon Citizens Against Toxic Sprays V. Clark (SOCATS), 720 F.2d 1475, 1480 (9th circuit. 1983), where the court determined that an EA or EIS must "provide the information necessary reasonably to enable the decision-maker to consider the environmental factors and to make a reasoned decision."

One person was concerned that alternatives that meet all or some of the purpose and need for a project but have fewer or less intense impacts than the proposed action would not be considered, which would violate the CEQ regulations. Other respondents simply stated that at least one action alternative to the proposed action should be the norm in environmental assessments.

Another respondent was concerned that the language of section 220.5(e), "Reasonable alternatives should meet the purpose and need", is unduly restrictive and should be modified to provide a justifiable range of reasonableness. They feel that it is not appropriate to disregard alternatives because they do not offer a complete solution to the problem. They point out that NEPA requires "all" reasonable alternatives to be examined, and are concerned that the key word "all", was missing from the regulation, they recommend adding "all" when discussing alternatives.

Individuals point out that NEPA requires federal agencies to "study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves conflicts concerning alternate uses of available resources." This statutory requirement to study alternatives, they claim, is independent of and broader than the requirement to prepare an EIS. The respondents cite the court case; *Bob Marshall Alliance V Hodel*, (9th Cir. 1988). They conclude that consideration of a reasonable range of alternatives is critical to the goals of NEPA.

The proposed section 220.7(2)(i) states that "when there are no unresolved conflicts concerning alternative uses of available resources, (NEPA section 102(2)(E)), the EA only need analyze the proposed action and proceed without consideration of additional alternatives." The respondent believes that this provision will never apply, therefore it is unnecessary, creates potential for abuse, and should be deleted. Another thinks that at a minimum for EAs to be completed the no-action alternative must also be analyzed. Another respondent believes the "no-action" alternative must be analyzed in EAs.

Some respondents oppose the section altogether, calling it a "radical and illegal action." These respondents feel it would be used by the Forest Service to decide there are "no unresolved conflicts." Respondents want the Forest Service to provide a definition for "unresolved conflicts," and to present examples of such actions. Others want to know who decides whether there are "no unresolved conflicts concerning alternative uses of available resources.

Many respondents expressed the importance of not allowing the "no action alternative" to lead to a decreased analysis and true consideration of "no action." They emphasize that informed and meaningful consideration of alternatives including the no action alternative is an integral part of the NEPA process. One conservation group argues that by eliminating the "no action" alternative you are eliminating the baseline from which to study environmental impacts. This group also argues that the proposal for an action should not lead to a conclusion that the action is going to occur. The group also points out that the agency should explore a wide range of alternatives to ensure that the agency is choosing the alternative with the smallest and least intrusive impact to the land. Another group points out that the courts have ruled time and time again that the agency must consider the "no action" alternative; they feel that excluding the "no action" alternative is illegal.

Adaptive Management

There are a few respondents that support the proposal to add adaptive management. The supportive respondents feel that if adjustments are made during implementation, the action would be acceptable so long as the adjustments were fully analyzed and clearly reported. That being said, most respondents are extremely concerned with the addition of adaptive management to the proposal.

One group that supports adaptive management feels the rule is self-defeating because it still requires that adjustments be "clearly articulated and prespecified" and "fully analyzed." The same group would like to see the Forest Service's final rule "clarify that adaptive management is intended to deal with uncertainty, and that the goal is to use adaptation to achieve a desired result."

The primary concern of respondents that are opposed to adaptive management is that the Forest Service has not defined a process for making adjustments. For example, who would be in charge of making the decision, how is the public informed, and how will the adjustments be monitored and reported? Many respondents are concerned that changes made during implementation will not be documented and monitored to ensure proper

analysis of cumulative effects for subsequent projects. Several respondents feel that when an "adjustment" or substantial change is made, a supplemental EIS is needed.

One conservation group argues that the definition provided in the proposed rule is unclear and that the agency needs to provide a better explanation of what adaptive management is so they can properly comment. This group also asks that the Forest Service include examples of when adaptive management might be used.

Generally speaking, most respondents are concerned that the Forest Service will use adaptive management as a tool to make "on the fly" decisions. Respondents are concerned that adequate reporting and monitoring of the changes would not take place (due to a lack of accountability and flexibility in the definition.)

Collaboration

Many respondents like the idea of collaboration, and urge the Forest Service to involve the public as much as possible. Many support the trend toward seeking greater collaboration with stakeholders, and applaud those aspects of the agency's proposed rule. One respondent feels that by bringing all stakeholders together in a collaborative process, problems and solutions could be fleshed out early; therefore the agency may need to develop and thoroughly analyze only one alternative. However, some are concerned that it has the potential to over-complicate the planning process, thus it would unduly burden the public and other government agencies with increased complexity and time demands. Their main concern is that in Regions 6 and 10 where the number of timber sales and other actions which take place throughout the year is significant, the new process would be too complex and is contrary to the democratic process. Thus, they would like the Forest Service to stay with the current process.

One individual would like to see all agencies, state and local governments, organizations, and individuals included in the cooperative process identified in the NEPA documents, along with an indication of what time they joined the process.

A conservation group feels that while collaboration can be beneficial, it can be very time consuming and individuals involved in the process usually have narrow views of the project. The group recommends the agency should make collaboration an optional process and if collaboration is undertaken, a strict timeline should be imposed.

Some respondents are concerned that the proposed rule would provide the agency too much flexibility to respond to incremental changes to alternatives and adjustments made during implementation. Additionally, they are concerned the agency could misuse the proposed rule without consulting the public. Respondents feel that the agency should integrate collaboration and adaptive management into the existing NEPA framework rather than implementing new changes which lack the checks and balances NEPA provides. One respondent is concerned the proposed rule will add an additional bureaucratic step for the agency and will not provide transparent correspondence with the public.

Circulation of a Preliminary EIS(s)

Most respondents agree the development of a preliminary EIS is good in that it makes the agency's decision making process transparent. Also, respondents applaud the agency's efforts to increase public collaboration by providing a preliminary EIS.

However, respondents are concerned that the agency does not indicate what this process will look like in practice and at what level the public will participate. Also, the proposed rule does not indicate when the public must comment in order to maintain standing to appeal. One respondent feels the proposed rule violates CEQ regulation 1506.8 by adding an additional stage in the NEPA process. Several respondents feel the proposed rule should make the entire administrative record available to the public, not just the preliminary EIS.

One conservation group questions what role the PEIS will play, and how the PEIS and scoping process will interact. The same group asks what level of detail will be required in a PEIS, and if the responsible official chooses to use a PEIS, whether there will be an opportunity to challenge the agency to provide more information.

Generally, respondents support the agency's proposal to have more public involvement throughout the NEPA process. Also, all respondents who support the proposed rule would like to see the agency flesh out the details of when and how the public will be involved, and at what level the public must comment in order to maintain standing to appeal.

Categorical Exclusions (Section 220.6)

Section 220.6 highlights the proposed rule's relationship to categorical exclusions. Most respondents are concerned about the proposed rule's suggestions for Section 220.6 (d)(2)(vi), and in Section 220.6 (e)(16). Respondents reference the 9th circuit ruling in Citizens for Better Forestry v United States Dept of Agric., 481 F. Supp. 2d 1059 (D. Cal. 2007), motion to amend judgment denied, 2007 U.S. Dist. Lexis 51378 (D. Cal. 2007), stating that the proposed rule would be illegal because of this ruling. Also, many respondents express concerns that the agency's proposed rule for Forest Plan amendments or revisions directly violated the National Forest Management Act regulations. All respondents who commented on Section 220.6 (d)(2)(vi) and Section 220.6 (e)(16) request the Forest Service remove these recommendations from the proposal.

Many respondents commented on several of the proposed CE categories, and most respondents had the same concerns for each category. In Section 220.6 (e)(10), which proposes hazardous fuel reduction under 4,500 acres be exempt from documentation, many respondents feel the acreage is too high to warrant a CE. Likewise, in Section 220.6 (e)(11), which proposes to exempt post-fire rehabilitation on up to 4,200 acres from NEPA analysis, most respondents believe the acreage standard is set too high, and the landscape is too sensitive, therefore a detailed environmental analysis is needed. Section 220.6 (e)(13) proposes to allow timber salvage on up to 250 acres with up to one-half mile of temporary road construction. Respondents believe this acreage is too large and

doesn't take into consideration cumulative impacts from other projects in the same vicinity. Section 220.7 (e)(13) and (e)(14), would allow logging to "control insects or disease" on up to 250 acres with up to one-half mile of temporary road. Respondents are concerned that clear cuts could easily occur on large spans which would exceed limitations on clear cut size in the Planning Directives. Section 220.6 (e)(1), proposes to allow the Forest Service to construct and reconstruct trails without participating in the detailed NEPA process. Respondents are particularly concerned this CE could easily be abused to allow trail construction and reconstruction of many miles of new trails resulting in new usage of the area. Respondents propose that this section be eliminated or re-worded to include limitations. Similar concerns were raised for Section 220.6 (d)(4), repair and maintenance of roads, trails, and landline boundaries. Section 220.6 (e)(8) proposes to allow construction of less than one mile of road, clearing vegetation and invasive methods of mineral extraction without documentation. Respondents are concerned this CE could be abused, and are worried there could be several adjacent areas which could also be subject to exploration, resulting in a large project area which would have cumulative impacts. Section 220.6 (d)(7) proposes the "sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same." Respondents are concerned that the Forest Service would have no way to regulate the land uses to ensure they were being used in the same manner, and suggest the NEPA process be applied.

Out of all of the CEs proposed, respondents are most concerned about the provision to allow planning regulations to be promulgated without an EIS or EA. Several conservation groups feel that the land management plan provision is far broader than the other proposed CEs and that this proposed CE is illegal.

One respondent had many concerns about Section 220.6, and listed several areas they feel need to be revised, such as:

- "Use of the phrase "extraordinary circumstances" in 220.6(a), (b)(2), (e), and (e)(f)(2)(iii) is troubling because the question needs to be not whether there are such circumstances but whether clearly any impacts will be insignificant so that an EA is not necessary. Further the term "extraordinary circumstances" is arbitrary to the point of danger because it is not defined."

- "In 220.6(b)(1)(i), species recognized as sensitive species in the planning area should be listed among the "resource conditions that should be considered," along with the ESA considerations in this subsection."

- "An addition to section 220.6(b)(1) is needed to include consideration of areas that are protected administratively in the Forest Plan or by state law, such as designated late-successional or old-growth reserves, stream buffers, and so forth. Further, the list of contemplated CEs is overly broad, and many of them should specifically address whether administratively (or Congressionally) protected lands would qualify for an exclusion."

- "Section 220.6(b)(2) needs to be reworded so that the resource condition in 220.6(b)(1)(i) – that is if an ESA-related condition exists (or as we have proposed above a sensitive species consideration) – then a categorical exclusion is precluded."

- "Section 220.6(d)(vi) should be stricken. Changes in procedures for amending or revising Forest Plans will have "uncertain" or possible effects [see 220.6(c)] of significance on the environment, through the kind of lower level planning that would be allowed and natural resource protections that would or would not be provided by the plan. The procedures for Forest Plan amendment or revision are of critical importance to environmental quality and must be established with full NEPA review, not under a CE."

- "In 220.6(d)(4), repair and maintenance of roads that may be associated with a reasonably foreseeable timber sale or other development should be blocked by the regulations from being categorically excluded. See the Order in FSEEE & Glen Ith v. USFS (Ak. Dist. Court, Dec. 15, 2006)."

- "In 220.6(d)(7), example (ii) should exclude land exchanges in the Alaska Region (Region 10) because potential exchanges with the State of Alaska, quasi-governmental agencies (e.g. Alaska Mental Health Trust), and Native corporations may be controversial, involve significant natural resources and potential future impacts, or be large scale. The potential impacts are the issue, not whether "resulting land uses will remain essentially the same." Under non-federal ownership, forest management would be subject to Alaska's Forest Practices Act, which is much weaker than regulations controlling logging and other development on the national forest. Such exchanges must not be categorically excluded from consideration in an EA or EIS."

- "In 220.6(e)(2), both construction and reconstruction of utility lines would be categorically excluded, but the examples given pertain only to replacement or reconstruction. We believe new construction should not be categorically excluded unless the language is changed to limit the provision to truly minor projects that cannot have a significant environmental effect."

- "Section 220.6(e)(5) should specifically proscribe the use of genetically engineered (a.k.a. genetically modified) seeds or seedlings."

- "Section 220.6(e)(6) is faulty because it does not limit the scale of the project that can be categorically excluded. One way to correct this regulation would be to also provide examples of projects that do not qualify for a categorical exclusion. This should include large scale prescribed burning and large scale commercial thinning projects (e.g. the Kosciusko project in the Thorne Bay Ranger District, Alaska). The dividing line needs to be whether or not there would be potentially significant environmental impacts. In the proposed regulation the only criteria is if not more than one mile of standard road would be constructed, but this alone is plainly

inadequate and it is an arbitrary criteria that will be inappropriate in some circumstances."

- "Section 220.6(e)(7) contemplates modification of "stream or lake aquatic habitat improvement structures." As worded this could include significant changes to fish passes on anadromous streams that may conflict with ESA-listed species or otherwise be controversial or have potentially significant impacts to aquatic or other (e.g. Wilderness) resources, so significant changes in the wording are needed."

- 'Section 220.6(e)(12) ("Harvest of live trees not to exceed 70 acres") should be rewritten to bar the logging of live trees and to prohibit the construction of new or temporary roads. Removal of trees for skid trails, landings, road clearings, etc., should be analyzed in Environmental Assessments or Environmental Impact Statements accompanying proper timber harvest plans."

- "A responsible limit on the total number of trees removed for specialty products or fuelwood should be established. As written, this section is too broad to be fairly applied as a Categorical Exclusion."

- "The construction or reconstruction of new or temporary roads should never be exempted from adequate environmental analysis by the use of Categorical Exclusions."

- "Commercial thinning up to 70 acres is completely inappropriate to include under a Categorical Exclusion. Agencies have often used the excuse of "desired stocking levels" or stand "health and vigor" to promote commercial logging, resulting in increased fire risk, degradation of recreation resources, watershed damage, and degraded wildlife habitat. For example, commercial logging may degrade nesting, foraging, dispersal and critical habitat for the Northern Spotted Owl. Proper environmental analysis should be required before such operations are implemented."

- "Section 220.6 (14) ("sanitation logging) should be deleted. Sanitation logging is not only to be ineffective at slowing the spread of invasive weeds and diseases, it also serves as a distraction of agency resources away from more effective measures. For example, agency decisions to pursue sanitation logging instead of road closures and removal in the range of the Port Orford-cedar have resulted in the spread of the P. lateralis root disease into uncontaminated areas, as well as the loss of live, healthy trees necessary for the development and maintenance of natural regeneration and resistance to the disease. As mentioned previously, the construction or reconstruction of new or temporary roads should never be exempted from adequate environmental analysis by the use of Categorical Exclusions, and also applies to areas affected by insects (natural or exotic) and diseases, (introduced or native)."

- "Allowing logging up to 250 acres to be covered by Categorical Exclusions is particularly inappropriate since no strictures on the proximity, or number of such areas is included. This opens the door to large-scale cumulative environmental effects from projects excluded from significant environmental analysis. It is both unnecessary and reckless to award this authority to agencies."

- "Section 220.6(e)(16) ("land management plans, plan amendments, and plan revisions") should be stricken. We believe that preparing an EIS for every such plan or its amendment or revision is of paramount importance. The "broad guidance" of such plans is fundamentally important to environmental impacts, as are their standards and guidelines and other prescriptions and advice to planners. As used by the Forest Service, forest plans have played a huge role in the setting of the purpose and need for individual projects, and the agency has staunchly resisted consideration of alternatives that conflict with a project's set purpose and need. Removing the requirement to prepare an EIS for a forest plan is contrary to the letter and spirit of NEPA."

- "To section 220.6(f)(2) needs to include a requirement to provide supporting evidence of why a CE may be permissible and why an EA or EIS is not necessary."

Generally speaking, respondents agree that the CEs should be eliminated from the proposed rule. Most respondents argue that the bounds set in these CEs would create significant impacts and should go through the NEPA process. Respondents are concerned that the proposed CEs could be abused by special interest groups and that large tracts of land could be impacted by several CE projects in a specific area.

Natural Resource Management

Many respondents are concerned that the proposed rule would weaken NEPA, which in turn would damage public lands, water, wildlife, and air. Respondents are also concerned that the proposed rule would give special interest groups an opportunity to develop, extract, and log public lands without regulation or accountability to the general public. Some people are concerned that the proposal would weaken the requirements to look at past actions and future actions and would streamline potentially destructive projects. On that same note, people believe that it is imperative to fully disclose all potential impacts a project might have or could have down the road, claiming that without full disclosure natural resources could be in danger.

One individual believes that "we are stewards of the environment for the health of our children and future generations." Another respondent comments that "we need more environmental protections in place, not less." A lot of individuals commented about the proposed rule being another attempt by the current administration to circumvent environmental regulations. One respondent feels that our lands are managed for "political expedience rather than sustainability."

Many individuals are concerned that the proposed rule would undermine NEPA which they feel is one of our country's greatest environmental laws. The sentiment shared by most individuals is that NEPA safeguards our natural resources and they feel the proposed rule could weaken that safeguard and open the flood gates for the extractive industry.

In summary, respondents expressed strong feelings that NEPA is crucial to natural resource protection, and is being undermined by aspects of the proposed rule. Respondents are very concerned that public lands will be destroyed for short-term profit or gain, and that the proposed rule will allow the agency to avoid "hard look" requirements for projects proposed on public land.

NEPA

EIS Production

Several respondents commented on the need for the agency to produce an Environmental Impact Statement (EIS) for the proposed rule. Respondents cited several CFR and CEQ regulations that they believe the agency would violate by not producing an EIS, such as 40 CFR 1508.18 (defines a major federal action). Respondents feel that the proposed project meets the definition of a "major federal action." Also, commenters stated that the proposed rule constitutes revised agency rules and regulations and violates 40 CFR 1502.4 (b), which highlights when an EIS must be prepared. Respondents also cite CEQ Section 1508.23, and argue that the proposal violates this regulation because it has the potential to significantly affect the quality of the human environment and should be analyzed in an EIS.

Of major concern to respondents was the inclusion of CEs (specifically 220.6 (e)(10), (12-14)) which were recently ruled upon in Citizens for Better Forestry v U.S. Dept. Of Agriculture, 481 F. Supp.2d 1059 (N.D. Cal. 2007). According to respondents, the 9th circuit ruled that the Agency's planning regulations do have an effect on the environment and a CE cannot be used as documentation: an EA or EIS is necessary. Respondents argue that the proposed rule directly violates this recent court ruling, and the Forest Service must produce an EIS.

In summary, many respondents feel that the proposed rule would have a significant effect on the environment and violates several CFR and CEQ regulations and the recent ruling from the 9th circuit. Therefore, they assert an EIS should be produced before the proposed rule is enacted.

Need for Action

Most respondents agreed with the Forest Service's proposal to move the agency's NEPA regulations from the Forest Service Manual and Handbook to the CFR. Respondents feel that the CFR is more readily available to the public, making it easier for the public to ensure the agency is following the regulations. Also, many respondents feel that moving the NEPA procedures to the CFR ensures they are part of the federal government's official agency regulations, making the requirements legally enforceable.

Although most respondents agree the move may be in the agency's best interest, many individuals still have concerns. For example, one conservation organization believes that "the Forest Service 'decision process' … is highly subject to political pressure, particularly from the natural resource extraction industry, which views natural resources on federal lands as theirs for the taking." Another individual views the proposal as "the agency giving itself too much discretion to avoid implementing the Act, possibly undermining NEPA's purpose."

Several individuals are concerned that the Forest Service's move could encourage other agencies to do the same, for example, the Bureau of Land Management. One individual is concerned that the proposed change would affect judicial interpretations of the agency's NEPA obligations, therefore increasing the agency's susceptibility to lawsuits.

One conservation group feels that the proposed rule "does not promote thoughtful, meaningful, or lawful decision-making, and should be rejected wholesale." They feel the agency should "return to the drawing board", write an EIS, and allow the public to comment.

Another group believes that the agency is using the proposed rule as a means to avoid assessing the environmental effects of fire suppression activities, specifically the use of aerial fire retardant.

Some groups are concerned that the agency is using the proposed rule to reduce the "administrative burden" of managing the National Forests. They feel the Forest Service was created to reduce the administrative burden from Congress, and that the agency's sole job is to manage the National Forests and consider input from the public in every decision.

One individual points out that only Congress has the authority to change NEPA.

Although most respondents agree with the move, many do not understand the purpose for the change. Several respondents commented that the proposal does not include a purpose and need statement for the proposed rule, therefore making the Forest Service's intention behind the proposal very unclear. Respondents asked the question "what problem is the Forest Service trying to solve by moving its regulations?" Also, a few respondents cite Western Radio Services Co. V. Espy, 79 F.2d 896,901 (9th Cir. 1996), which states that the Forest Service must explain the rationale for moving NEPA procedures.

Need for an EA

Several conservation groups are concerned about the agency's proposal to allow an internal review to determine whether an extraordinary circumstance will cause a proposed action to have a significant impact on the environment, citing Rhodes v. Johnson, 153 F. 3d 785, 790 (7th Cir 1998). They state that the environmental assessment is the process required to make the determination if the proposed action will have a

significant impact on the environment. The group believes that "should" should be changed to "shall". They also believe that the list provided in the proposed rule should not be an exhaustive list, and that other items should be added such as inventoried roadless areas, steep slopes, highly erosive soils, state listed species, karst topography, caves, and proposed wild and scenic river corridors. The regulations should require an analysis addressing any extraordinary circumstance listed in the regulations or identified in public comments, according to the respondent.

EA Length Requirements

One conservation group is concerned about the length of EAs. This group believes the agency is producing lengthy EAs, which should be EISs. The Council has advised agencies to keep the length for an EA to 10-15 pages, and that the agency may incorporate by reference to reduce the length of the document. The group suggests that the agency should add page requirements to its proposed rule, to avoid lengthy EAs that should be an EIS.

Incorporation by Reference

Several conservation organizations have concerns about the incorporation by reference portion of the proposed rule. The proposed rule states "(v) may incorporate by reference data, inventories, other information and analyses." One conservation group feels the following needs to be added to the definition "No material may be incorporated by reference unless it is available for inspection by potentially interested persons within the time allowed for comment." The addition of "this material must be reasonably available to the public within the time allowed for comment and its content briefly described in the environmental document" was proposed by another conservation group.

These respondents fear the agency will incorporate some material by reference, and the material will not be available to the public for review in a timely manner. Also, some respondents are worried that the incorporated material will not be included in the administrative record.

Appendix A: Content Analysis Process

Public input on Forest Service NEPA Procedures is documented and analyzed using a process called content analysis, which is a systematic method of compiling and categorizing the full range of public viewpoints and concerns regarding a plan or project. Content analysis is intended to facilitate good decision-making by helping the planning team to clarify, adjust, or incorporate technical information into the proposed rule. All responses letters, e-mails, and faxes are included in this analysis.

In the content analysis process used for this project, each response is given a unique identifying number, which allows analysts to link specific comments to original letters. Respondents' names and addresses are then entered into a project-specific database program, enabling creation of a complete mailing list of all respondents. The database is also used to track pertinent demographic information such as responses from special interest groups or federal, state, tribal, county, and local governments.

All input is considered and reviewed by two analysts. Each response is first read by one analyst and sorted into comments addressing various concerns and themes. A second analyst reviews the sorted comments to ensure accuracy and consistency. Comments are then entered verbatim into the database. In preparing the final summary analysis, public statements are reviewed again using database printouts. These reports track all coded input and allow analysts to identify a wide range of public concerns and analyze the relationships between them. The final product includes a narrative of public comment by topic and supporting sample quotes.

This process and the resulting summary are not intended to replace comments in their original form. Rather, they provide a map to the letters and other input on file at the U.S. Department of Agriculture 1400 Independence Ave., S.W. Washington, DC 20250. Both the planning team and the public are encouraged to review the actual letters firsthand.

It is important for the public and project team members to understand that this process makes no attempt to treat comments as votes. In no way does content analysis attempt to sway decision makers toward the will of any majority. Content analysis ensures that every comment is considered at some point in the decision process.

Appendix B: Demographic and Comment Coding Structures

DEMOGRAPHIC CODING STRUCTURE

Organization Types (OT)

The Organization Type code identifies a specific type of organization, association, government agency, elected official, or individual. The following are standard organization types:

Government Agencies

C County Government Agency/Elected Official/Association
E Government Employees Organizations/Unions
F Federal Agency/Elected Official
N International Government/International Gov't Association
Q Tribal Government/Elected Official/Tribal Member/Association
S State Government Agency/Elected Officials/Association
T Town/City Government Agency/Elected Officials/Association
X Conservation District

Business and Industry

A Agriculture Industry or Associations (Farm Bureaus, Animal Feeding)
B Business (my/our; Chamber of Commerce)
G Range/Grazing Orgs and permittees
L Wood Products Industry/Assn
M Mining Industry/Assn (locatable)
O Oil, Natural Gas, Coal, & Pipeline Industry/Assn (leasable)
U Utility Group or Org (water, electrical, gas)

Other Organizations

D Placed Based Groups (Multi-issue, focused on a specific region—i.e., QLG)
J Civic Organizations (Kiwanis, Elks, Community Councils)
K Special Use Permittees (Outfitters, Concessions, Ski Areas)
P Preservation/Conservation
R Recreational (Motorized, non-motorized, and non-specific recreation focus)
Y Other (Organization with an indecipherable focus—i.e. Ice Cream Socialist Party)
Z Multiple Use/Wise Use

Unaffiliated

I Unaffiliated Individual or Unidentifiable Respondent

Number of Signatures (S)

The number of signatures is the total count of names associated with a particular mail identification (Mail ID) number. The procedure for determining the number of signatures for a Mail ID number is consistent across all response types. In other words, letters, forms, and other types will be treated the same for determining the number of signatures.

Each individual name associated with one Mail ID is counted as one signature.

When a Mail ID has an incomplete name associated with it, such as an anonymous letter or an email address, it is counted as one signature.

Mr. and Mrs. X are counted as two signatures.

Response Type (RT)

The Response Type identifies the specific format of correspondence. The following is a standard list of Response Type codes:

1) Letter
2) Form
3) Resolution
4) Action Alert
5) Transcript (dictated Audio, Video, Telephone response)
6) Public Meeting Response Form
7) Public Meeting Transcript (hearings/oral testimonies)

Delivery Types and Descriptions (DT)

The Delivery Type identifies the method of delivery for the correspondence. The following is a standard list of Delivery Type codes:

E) Email
F) Fax
H) Hand-delivered/oral testimony (personally delivered)
M) Mail or commercial carrier (includes video, audio, letter format)
T) Telephone
U) Unknown

Early Attention (EA)

Early Attention codes are applied only to those documents requiring the client's attention prior to the completion of the comment period. The Early Attention codes are listed in order of priority. If more than one code applies to a single document, the code with the highest priority is attached. For example, if a State Legislator threatens bodily harm to a Forest Service representative, the letter would receive a "1" instead of a "6."

1) **Threat of harm –** Any response that threatens physical harm to administration, agency, or project personnel.

2) **Notice of appeal or litigation –** Any response that describes the respondents' intent to appeal an action or bring legal suit against the agency.

3) **Freedom of Information Act (FOIA) –** Any response that officially requests information and documentation under the FOIA.

4) **Provides proposals for new alternatives –** Any response that suggests new alternatives to the proposed action. These do not include critiques of alternatives or partial changes of existing alternatives.

5) **Requires detailed review –** Any response that requires detailed review. These responses may include map enclosures or detailed scientific analysis.

5A) **Provides extensive technical edits** – includes extensive use of lined out text, suggestions to delete text, and/or replace text.

6) **Government entities –** Any response from an elected official, writing in his/her official capacity, representing a federal, tribal, state, county, or municipal government. Also includes official correspondence from any government agency.

6A) Request for cooperating agency status from a government entity.

Information Request (RI)

Information Request codes are applied only to those documents with specific requests for information pertaining to the proposal. The client determines the level of specificity for identifying information requests.

A Mailing list only/or nothing to code
B Request to be removed from the Mailing List
C Request for a copy of the Federal Register Notice
D Other requests for specific information
E Request for confirmation of receipt of information
I Request for hard copy of summary of the FEIS
J Request for full hard copy of the FEIS
K Request for CD version of FEIS

COMMENT CODING STRUCTURE

PROCESSES

PRCSS 10000-19999

10000 Decisionmaking process and methods

10100 Role/Authority
10200 Coordination and Consultation with Other Agencies
10300 Coordination and Consultation with Tribes
10400 Influences on Decision Making

11000 Decisionmaking Philosophy (*How*, not *what*, to decide)

11100 Multiple Use Emphasis
11200 Ecosystem Emphasis
11300 Adaptive Management Emphasis
11400 Use of Public Comment (Vote, Majority, Forms)

12000 Public Involvement

12100 Agency Communication
12110 Adequacy/Availability of Information
12120 Public Meetings/Hearings
12130 Outreach/Education
12140 Collaboration
12200 Adequacy of Comment Period
12300 Adequacy of Entire Timeframe
12400 Use of Contractors for Content Analysis

13000 Use of Science; Best Avail. Science

13100 Adequacy of Analysis (General, Multiple)

14000 Agency Organization, Funding and Staffing

14100 Funding, General
14120 Funding to Implement Proposed Action
14130 Fees
14200 Staffing General
14210 Staff Training, Education
14220 Volunteers
14230 Competitive Outsourcing/Contracting (incl. concessionaires)

15000 Appeals and Objections

Rule or Directive (Proposed, Final, Interim)

RULES 20000-24999

20000 Purpose and Need for Rule (or Policy)

20100 Need for an EIS, EA

21000 Issues that should/should not be addressed

22000 Technical and Editorial (spelling, grammar, consistency)

23000 Regulatory Impacts

24000 Document Text

24100 Consistency, Accuracy
24200 Grammar, Spelling

25000 Proposed Changes

25100 Section 220.1 Purpose and Scope
25200 Section 220.2 Applicability
25300 Section 220.3 Definitions
25400 Section 220.4 General Requirements
25410 Emergency Response
25420 Cumulative Effects
25500 Section 220.5 Environmental Impact Statements
25510 Class of Actions Normally Requiring an EIS
25520 Format for an EIS
25530 Alternative Development for an EIS
25540 Environmental Effects
25550 Circulation of Preliminary EIS (s)
25600 Section 220.6 Categorical Exclusions
25700 Section 220.7 Environmental Assessments
25710 Content for an EA

Natural Resources Management

NRMGT 30000-39999

30000 Area Management General/Multiple (incl. general eco/enviro/resources, i.e. Protect, Save, Don't Destroy, etc. when lacking a more specific mgmt. recommendation)

30100 Monitoring, Inventories, Mapping, GIS
30200 Enforcement
30300 Resource Analysis

31000 Physical Elements

32000 Biological Elements

32300 Vegetation Management

33000 Forest Health Management

33100 Fire and Fuels Management
33200 Insects and Disease Management

34000 Resource Development Activities

34100 Timber Resource Management
34200 Domestic Livestock Management
34300 Mining and Mineral Exploration

35000 Other Activities Mgmt

35100 Special Uses
35111 Permitting
35200 Utilities
35210 Communication Sites, Towers
35200 Pipeline and Utility Corridors

Social and Economic

SOCEC 70000-79999

70000 Social/Economic Actions or Activities

ATTMT--99999

Appendix C: Demographics

Demographic coding allows managers to form an overall picture of who is submitting comments, where they live, their general affiliation with various organizations or government agencies, and the manner in which they respond. The database can be used to isolate specific combinations of information about public comment. For example, a report can include public comment only from people in Montana or a report can identify specific types of land users such as recreational groups, agricultural organizations, or businesses. Demographic coding allows managers to focus on specific areas of concern linked to respondent categories, geographic areas, and response types.

Although demographic information is captured and tracked, it is important to note that the consideration of public comment is not a vote-counting process. Every comment and suggestion has value, whether expressed by one or a thousand respondents. All input is considered, and the analysis team attempts to capture all relevant public concerns in the analysis process. The Content Analysis Group received and processed 196 letters, representing 248 signatures, for the Forest Service NEPA Procedures.

In the tables displayed below, please note that demographic figures are given for number of responses, respondents, and signatures. For the purposes of this analysis, the following definitions apply: “response” refers to a discrete piece of correspondence; “respondent” refers to each individual or organization to whom a mail identification number is assigned (e.g., a single response may represent several organizations without one primary author); and “signature” simply refers to each individual who adds his or her name to a response, endorsing the view of the primary respondent(s).

Geographic Representation

Geographic representation is tracked for each response during the course of content analysis. Letters and emails were received from 41 of the United States and 1 foreign country. The response format did not reveal geographic origin for 7 responses. States of residence for each individual signature were not tracked for multiple respondent responses. Signatures on multi-signature responses were all assigned to the state of the person or organization originating the response.

Table C1 - Geographic Representation of Response by Country and State/Territory

Country	State	Number of Responses	Number of Signatures
United States	Alaska	1	1
	Alabama	2	2
	Arkansas	3	3
	Arizona	8	8
	California	22	22
	Colorado	10	10

Country	State	Number of Responses	Number of Signatures
	Connecticut	3	3
	District of Columbia	5	5
	Florida	5	5
	Georgia	3	3
	Idaho	8	8
	Illinois	7	7
	Indiana	2	2
	Iowa	1	1
	Kansas	1	1
	Kentucky	1	1
	Maine	1	1
	Maryland	2	2
	Massachusetts	2	2
	Michigan	3	3
	Minnesota	4	4
	Missouri	1	1
	Montana	2	2
	New Hampshire	2	2
	New Jersey	4	4
	New Mexico	4	4
	New York	6	6
	North Carolina	3	3
	Ohio	3	3
	Oklahoma	1	1
	Oregon	18	19
	Pennsylvania	9	9
	South Carolina	1	1
	South Dakota	1	1
	Tennessee	2	2
	Texas	9	9
	Utah	6	6

Country	State	Number of Responses	Number of Signatures
	Virginia	4	4
	Washington	9	9
	Wisconsin	1	2
	Wyoming	3	3
	Unknown Location	7	7
	Multiple Respondent Responses	5	55
Canada		1	1
Total		**196**	**248**

Organizational Affiliation

Responses were received from various organizations and unaffiliated individuals. Respondents include Preservation/Conservation, State and County Governments/Elected Officials, Mining Industry, and Timber or Wood Products Industry as well as unaffiliated individuals and others. Organization types were tracked for each letter, email, or fax received.

Table C2 - Number of Responses/Signatures by Organizational Affiliation

Organization Field	Organization Type	Number of Responses	Number of Signatures
A	Agriculture Industry or Association	1	1
B	Business	1	1
H	Consultants/legal representatives	1	1
C	County Government Agency/Elected Officials/Association	3	3
F	Federal Agency/Elected Official	1	1
I	Individual (unaffiliated, unknown, or unidentifiable	160	162
M	Mining Industry/Association	2	2
P	Preservation/Conservation	22	72
S	State Government/Elected Official/Association	2	2
T	Timber or Wood Products Industry/Association	2	2
U	Utility Group	1	1
Total		**196**	**248**

Response Type

Response types were tracked for each response received on the project. Responses were received in the form of Letters and Forms.

Table C3 - Number of Responses/Signatures by Response Type

Response Type #	Response Type	Number of Responses	Number of Signatures
1	Letter	73	123
2	Forms Plus	123	125
Total		**196**	**248**

Delivery Type

Delivery types were tracked for each response received on the project. Responses were received in the form of Email, Fax and US Mail or Commercial Carrier.

Table C4 - Number of Responses/Signatures by Delivery Type

Delivery Type Code	Delivery Type	Number of Responses	Number of Signatures
E	Email	189	241
F	FAX	2	2
M	US Mail or Commercial Carrier	4	4
W	Web-based submission	1	1
Total		**196**	**248**

Appendix D: Organized Response Report

Organized response campaigns represent 98.2 percent of the total responses received during the public comment period for the proposal. (10780 forms out of 10976 responses).

Form Responses

Forms are defined as five or more responses, received separately, but containing identical text. Once a form is identified, a "form master" is entered into the database with all of the content information. All responses with matching text are then linked to this master form within the database with a designated "form number." If a response does not contain all of the text presented in a given form, it is entered as an individual letter. Duplicate responses from four or fewer respondents are also entered as individual letters.

Forms are designated with a number for the purpose of tracking subsequent submissions. Form numbers are assigned as each "form master" is identified.

The following table presents the number of responses and signatures associated with each form as well as brief content summaries. Two forms were identified.

Table D1 – Forms

Number of Form	Number of Responses	Number of Signatures	Description of Form
1	79	81	I have serious concerns about the NEPA procedural changes the U.S. Forest Service has proposed. These procedural changes threaten to undermine and weaken one of this country's most important environmental laws. NEPA has served as an invaluable tool to guide policy decisions that affect our quality of life. I am concerned that if the Forest Service implements these procedural changes, my ability to comment on policy decisions and activities that affect our water, air and land will be severely limited. I am also disappointed that the Forest Service is proposing to curtail the consideration or evaluation of past actions and their effects on the land when proposing future activities. I object to the proposal to eliminate the requirement to consider a "no action" alternative in an Environmental Assessment. NEPA is critical to maintaining our wildlife, keeping our watersheds pure, and protecting our national forests and grasslands for future generations.
2	10701	10786	EPA has guided environmental policy decisions that affect the quality of life for all American citizens. I am seriously concerned about how these changes will weaken one of our nation's most important environmental laws. I am concerned that these procedural changes will limit the ability of the public to comment on policy decisions. Because these policy decisions affect our water, air, and land, it is

Number of Form	Number of Responses	Number of Signatures	Description of Form
			essential that the public have a chance to comment on policy proposals. Despite the possible benefits associated with moving the NEPA procedures from the Forest Service Handbook to the Code of Federal Regulations, such a change would enshrine into law the fundamentally flawed NEPA policies the Administration has advanced.
Total:	**10780**	**10867**	

The following table presents the demographic information tracked for each form response.

Table D2 – Responses by State

State	FORM 1 Number of Responses	Form 1 Number of Signatures	FORM 2 Number of Responses	Form 2 Number of Signatures
Alabama			49	49
Alaska	2	2	35	35
Arizona			257	258
Arkansas			38	38
California	7	7	2130	2170
Colorado	4	4	400	404
Connecticut	3	3	143	144
District of Columbia	1	1	16	16
Delaware			23	23
Florida			552	555
Georgia	1	1	136	136
Hawaii	1	1	52	52
Idaho	2	2	34	34
Illinois	1	1	471	474
Indiana	2	2	128	128
Iowa			63	63
Kansas			68	68
Kentucky	1	2	76	76
Louisiana			31	31
Maine	1	1	62	62

State	FORM 1 Number of Responses	Form 1 Number of Signatures	FORM 2 Number of Responses	Form 2 Number of Signatures
Maryland	2	2	174	174
Massachusetts	1	1	331	335
Michigan	1	1	301	303
Minnesota	1	1	223	224
Mississippi			26	26
Missouri			140	140
Montana	2	2	43	43
Nebraska			30	31
Nevada			75	76
New Hampshire	1	1	81	81
New Jersey	1	1	350	351
New Mexico	1	1	144	147
New York	3	3	816	818
North Carolina	2	2	236	236
North Dakota			6	6
Ohio			298	300
Oklahoma			40	40
Oregon	13	13	350	351
Pennsylvania	3	4	486	488
Rhode Island			29	29
South Carolina			64	64
South Dakota			17	18
Tennessee			139	140
Texas	1	1	452	456
Utah	4	4	67	68
Vermont			48	48
Virginia	3	3	231	232
Washington	4	4	495	500
West Virginia	1	1	37	37
Wisconsin	2	2	181	181

State	FORM 1 Number of Responses	Form 1 Number of Signatures	FORM 2 Number of Responses	Form 2 Number of Signatures
Wyoming	1	1	17	17
APO/FPO			2	2
Unknown or International	6	6	8	8
Total	**79**	**81**	**10701**	**10786**