

EXECUTIVE SUMMARY

USDA Forest Service National Environmental Policy Act Procedures Revision

Advance Notice of Proposed Rulemaking Comment Analysis

INTRODUCTION

The following is a summary of public comments received by the U.S. Forest Service (Forest Service) regarding the Advance Notice of Proposed Rulemaking for the National Environmental Policy Act Procedures Revision (hereafter referred to as the ANPR). The public comment period for the ANPR occurred from January 3 to February 2, 2018. During this timeframe, the Forest Service received 34,667 responses (excluding duplicate submittals) and 1,229 unique responses. These responses are analyzed using the content analysis process described in the next section.

Although this summary attempts to capture the range of public issues and concerns expressed, they should be considered with caution. Because respondents are self-selected, their comments may not necessarily represent the sentiments of the public as a whole. This analysis attempts to provide a fair representation of the wide range of views submitted, but it does not attempt to treat input as if it was a vote or a statistical sample. In addition, many of the respondents' reasons for voicing these viewpoints are varied, subtle, or detailed. In an effort to provide a succinct summary of all of the concerns raised, many subtleties are not conveyed in this summary.

This summary is divided into the following sections:

- Introduction
- Content Analysis Process
- Summary of Public Comment

CONTENT ANALYSIS PROCESS

Content analysis is a method of eliciting meanings, ideas, and other information from written text, pictures, or audio or video messages. The goals of the content analysis process are to:

- Ensure that every comment is considered,
- Identify the concerns raised by all respondents,
- Represent the breadth and depth of the public's viewpoints and concerns as fairly as possible, and
- Present public concerns in such a way as to facilitate the Forest Service's consideration of comments.

A specific method of content analysis has been developed and refined by the National Environmental Policy Act (NEPA) Services Group, a specialized Forest Service unit that analyzes public comment on federal land and resource management agency assessments and proposals. This systematic process is designed to provide specific demographic information, establish a mailing list of respondents, identify individual comments by topic in each response, evaluate similar comments from different responses, and summarize like comments as specific concern statements. The process also provides a relational database capable of reporting various types of information while linking comments to original letters.

Through the content analysis process, the content analysis team strives to identify all relevant issues—not just those represented by the most respondents. The breadth, depth, and rationale of each comment are especially important. In addition to capturing relevant factual input, analysts try to capture the relative emotion and strength of public sentiment behind particular viewpoints.

SUMMARY OF PUBLIC COMMENT

The following section is a summary of public sentiment on a variety of issues regarding the Proposed Rule. Content is organized by responses to four topics posed by the Forest Service in the ANPR:

- Topic 1: Processes and analysis requirements that can be modified, reduced, or eliminated in order to reduce time and cost while maintaining science-based, high-quality analysis; public involvement; and honoring agency stewardship responsibilities.
- Topic 2: Approaches to landscape-scale analysis and decision making under NEPA that facilitate restoration of National Forest System lands.
- Topic 3: Classes of actions that are unlikely, either individually or cumulatively, to have significant impacts and therefore should be categorically excluded from NEPA’s environmental assessment and environmental impact statement (EIS) requirements, such as integrated restoration projects; special use authorizations; and activities to maintain and manage Forest Service sites (including recreation sites), facilities, and associated infrastructure.
- Topic 4: Ways the Forest Service might expand and enhance coordination of environmental review and authorization decisions with other federal agencies, as well as state, Tribal, or local environmental reviews.

Responses in italics are direct quotations from respondents.

Processes and analysis requirements that can be modified, reduced, or eliminated

Agency Organization

Numerous comments state that the Forest Service must address administrative challenges that reduce NEPA process efficiency, including:

- Ensuring sufficient funding is available, such as cost recovery and reimbursable agreements, consolidating agencies, and other partner funding or focusing funding on targeted projects.
- Hiring and training Forest Service personnel to provide consistent NEPA compliance across offices. Recommendations include maintaining staff, long term, at locations; requiring staff to stay for the duration of a project or at least ensuring consistency through staffing changes; using regional strike teams or other dedicated alternative staffing options; eliminating personal biases, and emphasizing the need for decision-making and involvement by local line officers. As one entity states, *“We believe that improved training, coupled with clearer measures for accountability, management and supervision, as well as monitoring and reporting of successes, will lead to improved environmental planning and decision making. Such training can and should be provided internally.”*
- To address staffing issues, some respondents suggest that the Forest Service use volunteers, groups, and other independent experts to provide additional support. Outside contractors are also

identified as a solution to help reduce agency review, but “*direct or third-party contracting must be thoughtfully set up and maintained in order to truly make NEPA more efficient and effective.*” Along the same lines, requests are made for the Forest Service to permit more applicant-prepared NEPA documents, as well as incorporate applicants or other stakeholders more fully into inter-agency coordination, environmental analysis, and mitigation planning efforts to minimize potential for rework.

Process

Comments related to process requirements that can be modified, reduced, or eliminated cover a variety of topics. The reader is referred to the comment report for additional details.

Timeframes. Numerous respondents recommend adopting time limits set forth in the Secretary of the Interior's Secretarial Order 3355, as well as 1) combining steps in the NEPA process to shorten the timeline, 2) establishing internal and cooperating agency review deadlines and coordinating activities, 3) posting project schedules and conducting regular updates, and 4) developing metrics for tracking NEPA document costs and timeframes.

Decision and Objection/Appeals Process. Several entities identify opportunities to eliminate the need for decision memos or combine them with other NEPA steps to increase efficiency.

Comments on the Forest Service's objections/appeals process vary from requests to return to previous Administrative Appeals procedures to requests for 1) independently reviewing officer tribunals, 2) incorporating applicants into the resolution process, 3) establishing an “intervenor” process, 4) eliminating the objection process for non-controversial projects, 5) providing substantive answers to all objections with citation to legal precedent, statute, and/or regulation, and 6) resolving redundancies and inconsistencies with the Forest Service's objections process and state-level environmental review processes. Along the same lines, comments state that NEPA has strayed from its purpose in an effort to be litigation bullet proof and some note options for minimizing litigation on future projects. However, other respondents argue that it is Americans' right to file NEPA challenges in court.

Lifespan. Some commenters recommend that the Forest Service establish a lifespan for NEPA documents that sets sideboards on when a document is considered out-of-date to avoid unnecessary rework.

Public Involvement. Comments in this category suggest identifying and better incorporating local and/or key stakeholder groups into the NEPA process to facilitate analysis and alternatives, as well as manage controversy and conflict. Commenters also state that all NEPA materials should be made available publicly and that materials should be presented in reader-friendly fashion with sufficient information disclosed to permit public understanding of the project. Some recommend the Forest Service tailor the comment period and public involvement approach to the decision to be made, because there may be opportunities to reduce and/or avoid comment period extensions.

Respondents differ on how to manage comments. While some state that the Forest Service should avoid letting extensive form letters or non-substantive letters overwhelm the decision, others express that the weight of volume matters and should be considered. Similarly, one individual requests that the Forest Service provide substantive responses to all substantive comments, while another recommends forgoing detailed responses to expedite the comment process. Some commenters recommend that the Forest Service provide a more user-friendly commenting database and incorporate relevant information, even if submitted after the comment period closes.

Technical/Editorial Changes and Geographic Information System (GIS). Comments provide a range of suggestions for improving the efficiency of NEPA through development of document templates, reducing redundancy in documents by concentrating on relevant analysis, eliminating specialist reports, adhering to page limits set forth in the Secretary of the Interior's Secretarial Order 3355, developing standardized language for sections of the document, using reader-friendly language, promoting greater incorporation by reference, and limiting in-text references to those most applicable or relevant. One commenter states, *"The Forest Service should adhere to appropriate purpose, level of detail, and length of NEPA analysis."* Other commenters state that the Forest Service should better leverage technology (e.g., GIS tools) to reduce the time, cost, redundancy, and subjectivity in NEPA documents. Specific examples include a pilot project to develop a collaborative online GIS or an electronic system to share data and other resources.

Integration of NEPA with other review processes. Although the Proposed Rule is focused on NEPA process streamlining, some respondents note that the consultation process for other, related review processes can often take longer than the prescribed timeline, which further delays project implementation. Suggestions for improvement include 1) using previous studies so that Forest Service or consulting staff are not surveying the same ground more than once, 2) establishing agency survey/review protocols or checklists, 3) establishing the Forest Service as the lead agency for threatened and endangered species on National Forest System land capable of making effect determinations, 4) reducing fieldwork requirements, 5) allowing application involvement in the consultation process, 6) implementing expedited review processes, and 7) limiting agency review time.

Permitting. It is recommended that the Forest Service implement permit processing timeframes, establish screening processes, and develop application templates, among other topics, to facilitate faster decisions.

Adaptive Management. Several commenters request that the Forest Service implement adaptive management processes to minimize need for data updates and new data collection during document preparation, as well as provide monitoring and response post-project implementation. One commenter states, *"NEPA needs to include a process that allows adaptive management to be implemented in response to monitoring, without triggering a complete re-analysis or a substantial supplemental analysis, if the adaptive management Action differs from the Action originally intended in the FONSI or ROD."* Developing metrics to assess outcomes and tracking federal project planning and implementation is also identified as a need.

Analysis

Comments related to analysis requirements that can be modified, reduced, or eliminated cover a variety of topics. The reader is referred to the comment report for additional details.

Pework and Analysis Level Selection. A variety of prework suggestions are offered, including developing standardized approaches to analysis and establishing significance criteria early to gain consensus before NEPA preparation begins.

Tiering and Data Collection. Commenters recommend that the Forest Service reduce unnecessary analysis by tiering to existing NEPA documents and Forest Plans more often. It is noted that this tiering will require regular Forest Plan updates and establishment of appropriate goals and objectives. Similar requests are made for the Forest Service to consolidate data for use across projects.

Issues. With regards to scoping and issues development, respondents state that the Forest Service should encourage pre-scoping outreach and identify significant issues early in process to avoid unnecessary work, *"The Forest Service is not required to analyze every 'issue' raised by any stakeholder as a separate*

portion of its NEPA analysis. This section should direct the responsible official to add new ‘issues’ only if doing so would ensure that the effects of the action are adequately analyzed and disclosed.” Numerous comments support the scoping process and highlight its importance for refining issues. However, others recommend that guidance state that scoping be excluded or optional for categorical exclusions (CEs).

Proposed Action. Recommendations related to development of the Proposed action to improve efficiency include 1) limiting analysis to proposed actions with no significant impacts; 2) incorporating earlier and greater applicant and public involvement; 3) integrating adaptive management into the document where project details are not yet known; 4) tiering the proposed action to forest plan guidance; 5) avoiding changing the proposed action once analysis has started; 6) clarifying that NEPA does not require a specific goal or objective, 7) avoiding segmentation, and 8) including robust mitigation measures as part of the project design. Comments also recommend that the Forest Service establish pre-approved best management practices to “remove uncertainty and improve the timing of review and the amount of analysis required.”

Purpose and Need. Recommendations related to purpose and need (P&N) include 1) keeping the statement brief and concise, while still providing a clear picture of the proposed action; 2) providing measures to quantify successful outcomes; 3) making sure the P&N is narrowly defined per regulations; and 4) recognizing needs of local communities and Forest Plan objectives and designations in the P&N, such as timber production or developed recreation.

Alternatives. Concern is also expressed that the Forest Service not require alternatives development that exceeds the NEPA statute or Council on Environmental Quality regulations. Other comments recommend establishing a timeline for alternative development and incorporating collaboratively-developed alternatives. One commenter states that, “NEPA reviews need to embody more flexibility in incorporating and encouraging beneficial alternatives or incremental changes in alternatives that may emerge during the project review process without requiring formal public scoping of such alternatives.” More specifically, some respondents recommend that the Forest Service solicit public input on preliminary alternatives and clarify that the agency’s preferred alternative may be developed to a higher level of detail than the other alternatives considered in the NEPA document. It is also stated that all NEPA documents must clearly address the consequences of the No Action Alternative.

Level of Analysis. Respondents indicate that the Forest Service should create clear, unambiguous criteria for the selection of CEs, environmental assessments, or environmental impact statements. This, in conjunction with scoping efforts (discussed previously), will ensure analysis is focused and consistently applied across offices. Comments also state that the Forest Service should not require more work than strictly needed for any given analysis, per existing regulations.

General Analysis Comments. It is stated that the Forest Service should seek to prepare concise, scientifically support analyses. As noted in agency organization, some respondents also recommend leveraging available data from external sources.

Cumulative Effects and Baseline Data. One entity requests that the Forest Service clarify which types of future actions are appropriate for consideration under the cumulative impact analysis. Some respondents recommend that the Forest Service set standards for baseline data collection to minimize unnecessary effort, guide proponent input, and establish a baseline for current conditions and past actions. Comments also emphasize a need to limit modeling and survey efforts to speed project implementation.

Approaches to landscape-scale analysis and decision making

Support for landscape-scale (also referred to as programmatic) analysis and decision making is expressed by numerous respondents. Benefits cited for such analysis (either as a stand-alone EIS or in Forest Plan) include faster or fewer evaluations of specific projects; greater opportunities for adaptive management; reduced analysis and document redundancy, particularly when similar work is proposed across a landscape with similar environmental impacts; better assessment of cumulative impacts; and improved capacity to accomplish valuable, larger restoration projects across complete watersheds. As one entity says,

“[Name deleted] believes the ability of an agency to move beyond approving a specific project and instead authorizing a program of work, or a suite of projects using an agreed-upon framework that is defined in a programmatic NEPA review, can have great benefits. This approach allows the agency to tier the required environmental analysis based on the scope of the project and impacts it may have to environmental resources. An example of this would be approving a wide range of O&M activities over several decades. Rather than approving the work activities, the USFS would approve the process that the applicant would use to determine the amount of environmental analysis required for each site-specific activity in order to obtain USFS authorization to move forward. The rigor of analysis would depend on the likelihood of environmental resources present and whether they can be avoided. This could free up USFS resources because it is likely only a subset of activities would require further USFS review and approval based on the environmental risk.”

Some respondents recommend that the Forest Service review successful landscape projects for lessons learned and consider conducting a pilot landscape program. It is also stated that geographic scale is not the sole indicator for landscape-level analysis; project needs should guide the analysis area and level of analysis. Some express concern that this approach does not become an unintentionally “new” planning level that is required to move forward with project-level decisions. Other respondents note that landscape analysis is not a cure-all, additional guidance and data are needed in the use of programmatic analysis to ensure consistent application, and that the process has the potential to

- over-minimize localized conditions and impacts or result in reduced public involvement due to the scale of the analysis;
- be ineffective if tiering, enforceable side-boards, and affirmative priorities are not established to help limit project-level actions;
- complicate and prolong NEPA by creating highly complex projects with significant environmental impacts, thereby increasing the time investment and potentially elevating the risk of litigation; and
- stall due to limited staffing and budgets.

Per some comments, landscape-scale analysis is also inconsistent with the current administration’s stated policies and is contrary to law.

Classes of actions that are unlikely, either individually or cumulatively, to have significant impacts

Comments related to the CEs posed in the Proposed Rule are addressed below. Additional comments related to other recommended CEs are provided later in this summary.

Integrated Restoration

Some respondents express support for an integrated restoration CE that includes actions such as commercial and non-commercial timber harvest, hazardous fuels removal, prescribed fire, and post-fire restoration that yield forest health and resiliency benefits. However, it is noted that certain actions may require more in-depth analysis if significant effects are possible or mitigation is required to reduce impacts. One entity states that the Forest Service should focus restoration efforts on restoration of lands occupied by system roads that have been closed to public motorized use; proposed revisions to existing CE 20 are provided in support of this goal. Additionally, it is stated that a shift towards CEs may impede larger-scale restoration goals.

Special Use Permits

Comments are mixed on the need for special use permit (SUP) CEs. Those opposed to the CEs would prefer to see SUP issuance decreased or believe that existing CEs are either sufficient or that CEs will not resolve permitting issues, while other comments express support for streamlining the permitting process for ski areas, outfitter/guiding services, and recreation events. It is also stated that NEPA streamlining benefits should not favor certain user groups or interests. Comments in favor note that the process is currently costly, time consuming and administratively resource intensive.

As one respondent's comment highlights, support is expressed for the Forest Service to streamline outfitter/guide services by creating *"a new CE that would give the agency the flexibility to issue new permits of longer duration and for more service days and allow existing permittees to receive service day increases and conduct new uses when those uses are similar to general public uses and take place on established recreational infrastructure that is open to the public."*

Respondents also recommend increasing the use of programmatic environmental reviews to approve outfitter-guide permits on a broader scale and clarifying existing SUP CEs so they can be more readily applied. Comments within this topic also identify a need to address non-profit organizations and research institutes SUP needs, as well as commercial or for-profit operations.

Comments related to special use authorization of Forest Service lands for ski area use include a need by the Forest Service to:

- Recognize that the management priorities for permitted lands at ski areas should be four-season developed recreation.
- Use existing or develop new CEs for routine repairs and maintenance; projects occurring in previously analyzed/disturbed areas or less than 5 acres in size; common projects at ski areas like replacing chair lifts, replacing or expanding buildings, or adding utilities; actions inside existing ski area SUP boundaries; and snowmaking infrastructure and other utilities or sanitary facilities. As one entity states, *"Once an initial and comprehensive environmental review has been done and a Special Use Permit issued for a ski area, the essential and constituent activities and project components of ski areas, including trails, lifts, facilities and infrastructure should be considered for treatment as Categorical Exclusions under NEPA."*

- Avoid unnecessary analysis by tiering to previously conducted studies and establish time frame requirement, such that ski area lands are categorically excluded from NEPA review so long as any NEPA document (environmental assessments [EA] or EIS or Forest Plan EIS) is prepared within the ski area permit duration.
- Allow local rangers to make SUP decisions based on compliance with Forest Plans, not public sentiment.

Comments also request that the Forest Service exclude previously permitted recreation events from cost recovery and NEPA review and/or implement a simple, equitable, and predictable procedure for determining recreation permit fees.

Maintenance/Management

Some commenters support expanding the scope and use of CEs for reoccurring management projects that now require an EA, such as road and trail projects, trail bridge construction, trail reconstruction and heavy maintenance. It is noted that the current backlog of deferred maintenance for recreation sites and facilities is further worsened by the need to undergo NEPA prior to any action, as indicated by the following quote:

“The high cost of NEPA review is a primary budget impediment to improving their poor conditions. Example are: Campground restoration. Work on our neglected local public campgrounds has been severely reduced over the last decade, mostly due to review costs. Historical sites maintenance. A recent example is the installation of a new interpretive sign at our Bowerman Barn and Ranch under USFS management. The digging of holes for the sign was “ground disturbing” and required multiple specialist reviews. The area under and around the sign has been walked on by tourists for decades. Overlooks. The USFS has numerous overlooks along Trinity Lake. The adjacent trees have overgrown the vistas such that there is very little view anymore and the overlooks mostly unused. The NEPA requirement to thin the trees has made maintenance cost prohibitive.”

In contrast, other respondents indicate that these management actions can result in significant impacts and that existing CEs are available to address these activities.

Ways the Agency might expand and enhance coordination

Comments related to opportunities to expand and enhance coordination highlight a desire for greater state, local, and tribal coordination; greater incorporation of collaborative groups; recognition of local socio-economic conditions; and other suggestions for improvement, such as use of memorandums of understanding (MOUs).

Many commenters note a need for greater and earlier coordination with state and local governments to streamline and enhance environmental review. Likewise, commenters also recommend early coordination with Tribal authorities with knowledge and perspective regarding sacred sites and other value and proper analysis of Treaty-reserved rights and resources. Earlier participation/notice and enhanced coordination could facilitate programmatic consultation on certain categories of projects and permit these agencies to supply analysis and expertise during NEPA review, such as aiding in alternative development and analysis approach to ensure documents are consistent with state and local plans. Numerous respondents indicate that states and local governments should be given the right to be treated as coordinating and cooperating agencies. One respondent recommends that the Forest Service allow cooperating agency review prior to release of the final NEPA document to prevent adversarial comments at the end of the

NEPA process, “A crucial coordination step to ensure all resolvable issues are addressed before the proposed decisions are released/noticed is missing between the draft and proposed alternatives/decisions (leaving agencies with only the objection/appeal process for resolution).”

A small dissenting group, however, indicate that coordination and review are already adequately afforded in existing NEPA regulations and that the number of outside agencies should be limited and those participating need to adhere to any time frame set up by the Forest Service for completion of the project.

As noted previously, some respondents recommend that the Forest Service incorporate volunteers, local clubs, organizations, and stakeholder groups into the decision-making process. In particular, respondents highlight the role of collaborative groups as a means of increasing public participation and project support. Respondents encourage the Forest Service to allow collaboratives to help with environmental analysis and decision-making process, project design and layout, and implementation. These groups, it is stated, also allow for a better assessment of public sentiment on projects and can potentially help diffuse opposition. However, comments also indicate a need for guidance and Forest Service support/training on how to incorporate collaboratives effectively. Standard protocols for collaborative engagement may help improve consistency across offices. One commenter states, “collaborative partners are unsure of when or how to engage effectively, are frustrated by unexpected delays and unpredictable timelines, and must repeatedly re-establish an engagement process as leadership turns over and NEPA strategies change.”

Other comments note that incorporation of collaborative processes should always be public-driven and voluntary; collaboratives should not be allowed to obstruct projects, cause bottlenecks, or replace the public involvement process. Some also express concern that over reliance on collaboration could cause problems under the Federal Advisory Committee Act.

Other topics related to coordination and collaboration include:

- **Socio-economics.** It is requested that all NEPA documents conduct an assessment of social and economic impacts, “not simply be dismissed with a finding of no significant impact” to better reflect local community needs.
- **MOUs.** Direction is requested to develop and implement MOUs to facilitate NEPA review and timeframes across office and industries.
- **Other Mechanisms.** It is stated that programs like Good Neighbor Agreement represents a good example of effective mechanisms that can enhance the ability of state agencies to partner with the Forest Service.

Miscellaneous

In addition to responses on the four topics posed by the Forest Service, commenters also provided input and suggestion on a wide range of other topics. These are briefly described below.

NEPA and Need for Proposed Rule

Numerous respondents state that the Forest Service should not propose any changes to the current NEPA process. In particular, some express concern that changes do not lessen opportunities for public involvement, particularly if new CEs are introduced. In contrast, many other respondents express support for the need for streamlining to improve forest management, speed decision-making, improve economics, and maintain and expand multiple uses. Several comments suggest that NEPA regulations should be eliminated entirely.

It is requested that the Forest Service better leverage existing authorities, be consistent with other regulations, make updates to the Forest Service Handbook and Manual, as needed, and ensure that any changes to NEPA reflect CEQ regulations. Some commenters also state that the Forest Service should justify the P&N for Proposed Rule. As one commenter notes,

“The Federal Register notice, 83 FR 302, indicates that the reason for the proposed changes and “streamlining” of the NEPA process is due to a backlog of projects and special use permits. However, there is no information indicating that the NEPA process is the cause of this backlog. The Forest Service must therefore provide and make public any and all information used to identify the project backlog and disclose all causes of this backlog. Given that NEPA is the bedrock law providing the public with the opportunity to have a voice in the management of millions of acres of public lands, any short-cutting or “streamlining” of this critically important process must be based in sound rationale and also on a factual basis that identifies the true cause of the backlog.”

Other CE Comments

In general, respondents are mixed on the need for new CEs; many comments ask the Forest Service to ensure CEs are only used for projects without significant impacts and that have undergone public scrutiny. Other comments note that existing CEs are already in place for use or provide suggested guidance on additional criteria that should be applied to determine CEs, such as routinely approved actions or actions with limited footprints. Specific edits to existing 36 CFR 220 language are provided.

Comments are also mixed on the use of extraordinary circumstances to determine whether a project can be a CE. Some comments request that the Forest Service not relax its definition or even strengthen it, whereas others seek to expand the concept or create more flexibility in how it is applied:

“The State further suggest that the criteria for extraordinary circumstances not include Forest Service sensitive species, but only consider state sensitive species with a known presence in the area. Additionally, the Forest Service stop identifying inventoried roadless areas and potential wilderness areas as an extraordinary circumstance requiring greater NEPA analysis. Inventoried roadless areas do not automatically create an extraordinary circumstance that should preclude the use of a CE.”

In addition to the four CE categories noted in the Federal Register, many respondents request the inclusion of additional CEs. The following list, although not comprehensive, highlights the range of CEs recommended for consideration. However, not all CEs are supported by all commenters. For example, some respondents express opposition to CEs for salvage logging or large projects or the 3,000 acre exclusion and designation process created by the 2014 Farm Bill.

- **Water CEs:** water improvements and maintenance; water supply watersheds; all wetland and hydrologic restoration and enhancement activities; all stream, aquatic habitat, and riparian restoration and enhancement activities.
- **Soil CEs:** all soil stabilization, productivity, and fertility management and enhancement activities.
- **Mineral CEs:** small-scale exploration projects; in stream prospecting and small-scale suction dredging; activities incidental to mining projects when the underlying mining project has already undergone review; mining exploration roads and drill sites to 120 acres; joint CEs with other regulating agencies; CEs allowed by Section 390 of the Energy Policy Act of 2005; exploration that is associated with an approved Surface Mining Control and Reclamation Act permit; mine closures; geological exploration; mineral withdrawals.

- **Wildfire CEs:** hazardous fuels reduction; fire salvage; post-fire rehabilitation activities; wildland urban interface CE; all prescribed fire activities; fire risk reduction activities such as targeted grazing, active vegetation management, tree thinning, brush treatment, pinyon juniper removal, and fuel reduction.
- **Vegetation CEs:** routine maintenance; brush/veg treatments; research projects; plant or replanting tree or other vegetative native species; applying herbicide previously authorized.
- **Timber CEs:** road side salvage; post-damage restoration; post-fire rehabilitation activities; certain commercial and non-commercial timber harvest; timber stand and/or wildlife habitat improvement activities.
- **Wildlife CEs:** All wildlife habitat maintenance and enhancement activities.
- **Livestock/Grazing Management:** range improvements such as installing fencing or water facilities, renewing grazing permits with no substantive changes and that are meeting rangeland health standards, re-issue of vacant grazing allotments; minor management practices to improve allotment condition or animal distribution.
- **Utility CEs:** maintained rights-of-way, vegetation management, O&M activities; construction, improvement, or repair of roads or other infrastructure within existing easements or rights of way; installation, operation, and maintenance of groundwater and stream flow measurement equipment and infrastructure; modification, repair, maintenance, or upgrade of, and minor addition to existing electrical transmission and distribution infrastructure; adding existing roads to SUPs; communication site updates; wireless infrastructure.
- **Road CEs:** obtaining access rights to existing roads; decommissioning roads; activities that restore, rehabilitate, or stabilize lands occupied by roads and trails; temporary roads; road construction, road re-opening.
- **Trail CEs:** trail maintenance; construction of new trails; trail re-routes/reconstruction.
- **Recreation CEs:** management actions related to motorized and non-motorized recreation facilities on existing roads, trails, or areas; construction of year-round motorized trails; oversnow actions that do not involve ground disturbance or changes in vegetation.
- **Land CEs:** land transfers and easements; land exchanges that do not involve large acreages or likely changes in development or management; land exchanges that involve conveyance of lands to an Alaska Native Corporation under the Alaska Native Claims Settlement Act or the Alaska National Interest Lands Conservation Act.
- **Cultural CEs:** non-disturbing activities in the presence of light lithic scatter; gathering of cones, seeds, or other vegetative material; subsistence and traditional use activities.

Other Topics

Many comments were received on topics that may not be directly within the scope of the Proposed Rule, but that respondents believe are lacking or require additional consideration during NEPA analysis. It is stated that rigorous analysis of relevant resources may facilitate more efficient or effective decision-making. For example, *“Programmatic analysis of climate impacts and contributions also provides an important opportunity to develop appropriate climate adaptation and mitigation measures that will help confine project-level impacts and analysis. For instance, programmatic analysis of climate adaptation needs could help set priorities and identify best management practices for aquatic restoration, including removal of under-sized culverts and other mechanisms to stormproof aging infrastructure.”*

These topics include concerns over air quality, forestry, wildlife, agriculture, transportation systems, recreation, land use, and water resources. Comments vary too greatly in content and perspective to be summarized in this document. Readers are referred to the comment report for details. On a broader scale, comments encourage the Forest Service to better implement a multiple use management philosophy and to implement best available science throughout the planning effort.