



## **ACTION ALERT**

**The Council for Environmental Quality is seeking to make the entire NEPA process more effective and efficient. We are asking for your comments in support of this effort.**

The Council on Environmental Quality("Council") is seeking to make the entire NEPA process more effective and efficient and is undertaking a review similar to those recently performed by the Forest Service("USFS"). The Council is a division of the White House and oversees NEPA processes for all federal agencies, so this is different than the process recently completed by the USFS. Both the USFS and BLM are subsidiary organizations of other federal agencies and CEQ is much higher in the federal management model. This proposal would be a quantum leap forward in reducing the amount of analysis and paperwork needed for the basic maintenance and operations of trail networks on public lands.

One of the major barriers consistently encountered by the motorized community is extensive NEPA analysis of minor projects. This is exemplified by the fact CDOT can add a lane to I70 with an EA but we are required to do an EA to build a 36-inch-wide dirt path in the woods? These changes will allow the Agency and partners to more efficiently implement projects that support the management and operation of agency infrastructure, including administrative sites and facilities, recreation sites and facilities, and trails, roads, and bridges.

While this is a quantum leap forward, we also expect a lot of opposition to the proposal from those opposed to multiple use, and as a result we are asking for your comments in support. That information is below.

### **Our thoughts for comments:**

**Overall Proposal is a major step towards a more efficient and effective NEPA process. A few examples of the Proposal revisions would include:**

- **Expanded usage of CEQ guidelines regarding scientific uncertainty around a project.** Too often NEPA is attempting to analyze the impacts of weather and other forces on a project or seeks far to specific a level of analysis of issues that are generally well understood. Expanded use of the ability to determine this data is

unnecessary or that conclusions are uncertain and allowing greater flexibility in these situations is very reasonable.

- **Expanded public scoping of projects early in the NEPA process**, in a manner similar to the GMUG efforts on their new Forest Plan.

#### **Recommendations for further improvements to the NEPA process:**

- **The travel management Executive Orders (EO 11644 and 11989) simply must be updated** as the travel management EO concepts add significant complexity to the NEPA process when they are overlapped with other statutory charges passed since the early 1970's. The EO create highly subjective requirements such as minimum roads for an area, and this is simply redundant with planning requirements found in most forest plans. Minimization was never supposed to be an ongoing process.
- **We need more data on what drives NEPA analysis.** It has been our experience that managers are seeing NEPA analysis as a cost reducing tool when compared to legal defense of decisions. An example of this would be the litigation settlement of claims on the Pike/San Isabel NF. NEPA analysis from this settlement has now taken 5 years of work and is no where near completion. This is a significant cost and a tracking system should be implemented to track these costs. We do not believe this model is saving money overall but has resulted in significant extra costs to land managers.
- **More clarity is needed on what can be done with lower levels of NEPA-** USFS provided specific examples of project that can be done under low levels of NEPA such as:
  - Land managers can now construct trailhead facilities like parking lots and toilets with a Categorical Exclusion;
  - Allow land managers to construct/realign up to 5 miles of new NFS road and reconstruct up to 10 miles of NFS roads;
  - Clarifying that managers can move user created routes to system routes with a categorical exclusion under certain circumstances; and
  - Allow issuance of permits for events that are occurring on existing USFS roads and trails.

CEQ should follow this example.

- **A Cooling Off period following NPEA is warranted.** The Proposal does seek to avoid repetition of NEPA analysis in other proceedings, and we are all too familiar with groups using emergency petitions for endangered species listings as a replacement for NEPA. The Organizations would support a cooling off period for alternative reviews of a NEPA decision for a period of time in order to avoid these types of behaviors.

**One issue of concern has arisen, which is concerning for us, which is the reduced analysis of possible economic impacts from a project.** Too often economic impacts are poorly understood and calculated and rather than making this easier, the proposal should require additional discussion of how decisions of no economic impact are reached. If there are truly no economic

impacts from a project this is evidence that too high a level of NEPA is being pursued for the analysis not that there are no economic impacts.

**More information on the NEPA streamlining efforts**

[https://www.whitehouse.gov/wp-content/uploads/2020/01/NEPA-NPRM-01092020\\_Pre-publication-version.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/01/NEPA-NPRM-01092020_Pre-publication-version.pdf)

**Filing Information for comments**

**Electronic comments**

Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments to Docket ID No. CEQ-2019-0003

**Written comments**

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Attn: Docket No. CEQ-2019-0003

**Due Date:** March 10, 2020