

Utah Environmental Congress comments, e-mail received 3/29/2007:

March 29, 2007

Dear Horst Greczmiel,

The Utah Environmental Congress (UEC) appreciates this opportunity to provide comments on the CEQ's proposed "Citizen's Guide to the National Environmental Policy Act." (<http://www.nepa.gov/nepa/waisgate.htm>) UEC is interested in the CEQ's development of this and similar types of guides.

I just finished reading your proposed guide in detail. I think the time spent in developing it was time well spent. It will be very useful and will aid effective NEPA implementation. In fact, I just forwarded it to new UEC staff to read as a NEPA primer, and may use it as a supplement in future workshops that UEC does to aid in citizen involvement in Forest Service projects.

I do not have detailed suggestions or corrections for you. The guide will be useful as is.

However, I can't resist pointing out the following concern regarding what I believe to be Forest Service abuse of the CE authorities and how it is in conflict with the direction in this guide:

Page 8 of your "Draft Guide Developed for Comments" explains that, "A CE is a category of actions that the agency has determined does not individually or cumulatively have a significant effect on the quality of the human environment., Examples include issuing administrative procedures, making minor facility renovations, and reconstruction of trails." I understand these are generic examples, but if this guide was specific to the Forest Service use of CE's, the examples listed would need to include things such as "approving projects that involve logging or mechanical treatments on thousands of acres of cutting units at a time..."

In other words, the Forest Service has some CE authorities that, in practice, allow it to CE major federal actions that involve logging, mechanical treatments, and prescribed fires that significantly impact the human environment.

As you know, the Forest Service NEPA implementing procedures and policy for Categorical Exclusion are found at FSH 1909.15 Ch 30:

http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?1909.15!..

One commonly used CE category for approving these major federal actions is "CE #6" (at link above, FSH 1909.15 Ch. 30 Sec. 31.2.6). "CE #6" has NO acreage or size

limits on the logging, mechanical, or burning treatments approved. I have always wondered why the CEQ approved this effectively unlimited CE category? The text in italics below is a description of the treatments recently approved via this CE authority on the Ashley National Forest (Alma Taylor project):

DM pages 4-6 describe the logging and prescribed fire treatments and acres this DM approves:

- *3,516 acres total of vegetative treatments*
- *562 acres of prescribed fire in aspen*
- *290 acres option prescribed burn*
- *335 and 292 acres of prescribed burn on top of acres treated mechanically*
- *869 acres of mechanical treatments to construct new fire breaks*
- *835 acres of 'group selection regeneration method' with openings ranging in size from 2 tree lengths in width, up to 10 acres. Those even aged regeneration patch cuts created here that are adjacent to openings from past clear cuts or push overs will be no more than 20 or 40 acres in size combined, depending on Forest Plan direction. Larger openings will have 100 percent cover removal until regenerated.*
- *83 acres of shelterwood harvest (another even aged prescription), "The shelterwood method will be used to regenerate the stands since these stands have sufficient stocking for seed trees that have a lower incidence of mistletoe infection."*
- *250 acres of thinning in intermediate to mature lodgepole pine stands in an effort to trigger a stand release growth response, however, dead conifers of commercial size will also be available for product removal. This silvicultural treatment can be distinguished from the above in that it is not apparently an even aged management prescription.*
- *"Planned additional wildlife habitat improvement projects include seeding, water developments, and reducing conifer encroachment in meadow areas." DM, p. 6.*

The logging approved will be implemented with skidder OR tractor harvesting equipment, chainsaws, standard log loading and transportation trucks.

That is over 2,000 acres, or a little over three square miles, of combined logging units approved at one time via one CE. For a sense of scale consider this roughly 3 square mile area in D.C.:

- Start at Washington Circle Park, and fly directly north to Duke Ellington Bridge
- Then fly east to McMillan Park
- Then fly south to the MCI center and back to Washington Circle park
- The area inside that square is about three square miles. Picture that area as never before logged native forest, then picture it all logged, and you have the scale of a Forest Service CE that the CEQ has approved. That's also a long way from being a minor project.

I think the CEQ needs to withdraw its approval of the Forest Service's "CE #6" because it allows approval of major federal actions via CE, and also because it allows CE approval of actions many times larger than any of the more recent Healthy Forests Initiative CEs (aka CE #10 - #14). For example, why did CEQ bother approving CE #10 [burning on up to 4500 acres and mechanical treatments on up to 1000 acres], when those projects (and larger ones) could already be approved via CE #6? If by any

chance you know what's going on with CE 6, or the CEQ's intent or understanding of its limits when it was approved, I'm all ears.

In conclusion, thank you for the time CEQ took to write this Citizen's guide. I think it will be of great use to many people.

Sincerely,

Kevin Mueller

Kevin Mueller,
Executive Director
Utah Environmental Congress