



Proposed Revision of U.S. Forest Service’s National Environmental Policy Act Procedures: Recommendations from California Collaboratives

Background

The Sierra Institute for Community and Environment (Sierra Institute), based in northern California, has been advancing collaborative forest restoration and management for the past 25 years. As part of this work, the Sierra Institute facilitates the Sierra to California All-Lands Enhancement project (SCALE), funded by the U.S. Forest Service (USFS) Region 5 and the National Forest Foundation. The SCALE project coordinates the efforts of fourteen forest collaboratives throughout California, improving their ability to work as effective partners with the USFS to increase the pace and scale of forest restoration on all-lands.

Based on our work with these groups, the Sierra Institute submits the following comments in response to the USFS proposal to revise its National Environmental Policy Act procedures. These comments are a summary of major concerns, challenges, and solutions that have been voiced by collaborative members. Collaboratives across California are eager to partner with the USFS to explore innovative ways to improve NEPA efficiency; to explore ways to conduct NEPA activities at a scale that facilitates the landscape-scale restoration that is needed; and to work with the USFS to coordinate Federal review with State, Tribal, and local reviews. The Sierra Institute and collaborative partners in the SCALE network look forward to working with the USFS to ensure that the environmental analysis and decision-making processes associated with NEPA are robust, effective, and efficient.

Major Concerns

Nationally, the USFS is seeking to accelerate the pace and scale of forest restoration on public lands. At the same time, however, the agency’s non-fire workforce is the lowest it has been in decades and a substantial amount of resources are tied up in project planning. On the topic of project planning and environmental assessment in compliance with the National Environmental Policy Act (NEPA), USFS Chief Tony Tooke observed, “The work we do costs too much and it takes too long to see results.” His statement is supported by a U.S. Government Accountability Office review (1997), which found that environmental analyses and document preparation consume roughly 18% of USFS funds, and 30% of the agency’s field resources. The USFS estimates that this work costs over \$250 million per year, including at least \$100 million in avoidable costs. As Auer et al. wrote in 2011¹, “Compliance with NEPA...not only encumbers Forest Service resources, but leads to delays and diminished predictability about project start dates (or whether projects will begin at all).”

¹ Auer, M., Richards, K., Seesholtz, D., Fischer, B., Freitag, C., & Grice, J. (2011). The US Forest Service and its responsibilities under the National Environmental Policy Act: a work design problem. *Public Organization Review*, 11(2), 135-153. Chicago

Recently, the USFS National Leadership Council met with 150 agency leaders to review how the agency performs environmental analysis. Real change, however, requires implementing new models on the ground, assessing their success, and adopting improvements. During a November 2017 SCALE meeting, attended by 14 forest collaboratives from across the state of California, collaborative members discussed both the challenges of environmental analysis and decision-making and potential solutions. At the core, stakeholders acknowledge and wish to retain the fundamental value and purpose of NEPA, however, there is a growing sentiment that the USFS would be well served by more fully utilizing relationships with existing collaboratives. Below we highlight four key challenges and four potential solutions identified by collaborative members.

Challenges

- 1) Environmental analysis and decision-making is time consuming. It is not always clear to collaborative members where the time is spent, and this can lead to greater frustrations when projects are seemingly indefinitely delayed.
- 2) There are multiple styles and types of environmental analysis and decision-making. Participants reported that experiences varied with every forest, and sometimes every interdisciplinary team, they were involved with. Though there are requirements to be met by law, there are also many standard operating procedures developed at the Forest level to avoid litigation. As a result, 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.
- 3) Collaboratives in many areas have reached agreement around core principles for restoration, and are ready and willing to partner with the agency. However, it is not apparent to collaboratives where they can be most helpful in the environmental analysis and decision-making process, nor is it always clear the agency is prepared to accept outside help.
- 4) There is growing consensus on the need to increase the pace and scale of restoration, and many are interested in conducting environmental analysis and decision-making at larger scales. However, expanding the scale of analysis comes with a trade-off, increasing the time investment and potentially elevating the risk of litigation.

Solutions

- 1) Embrace opportunities to add capacity to the environmental analysis and decision-making process. The diverse stakeholders involved in collaboratives across California - and other western states - could provide an array of contributions to the environmental analysis and decision-making process, from marking timber to aiding public outreach. The USFS should engage collaboratives more intentionally, transparently, and consistently to improve the environmental analysis and decision-making process.



- a) Establish clear timelines and protocols for communicating and collaborating on project selection for program of work planning, particularly with regard to out-years. This will allow the USFS and collaboratives to align their priorities and capacity.
 - b) Allow collaboratives to take greater leadership in diffusing conflict with groups in opposition of projects, especially those that may be controversial (e.g. fire salvage).
 - c) Utilize collaboratives as a litmus test to determine where the agency's analysis efforts should go. Collaboratives are, by their nature, inclusive groups of diverse stakeholders that hold an array of interests. Thus, they can be employed as a reliable proxy of public reaction. Though not a replacement for a full public involvement process, gauging receptivity of a collaborative could help direct agency effort appropriately.
 - d) Develop pilot projects that capitalize on the value-added capacity that collaboratives can bring to the table by allowing them to work as full partners with the USFS to accelerate forest restoration; including through the environmental analysis and decision-making process, project design and layout, and implementation.
- 2) Perform large-scale resource surveys for more static resources (e.g. botany, archaeology) across the entire footprint of a planning area. Surveying these relatively stable resources across a large area will streamline the environmental analysis process for individual projects within the boundaries.
- 3) For smaller decisions and projects, the USFS should consider how a rapid assessment model could be developed. This will also necessitate reconsidering how interdisciplinary teams are structured, and the amount of time they spend on analysis for a given project.
- 4) Aim to complete analyses that satisfy both NEPA and state requirements, such as the California Environmental Quality Act (CEQA). This is preferable to independently conducting NEPA and CEQA, both because it saves time and money and avoids re-exposing the project to litigation.