



August 20, 2019

NEPA Services Group
c/o Ms. Amy Barker
USDA Forest Service
125 South State Street, Suite 7105
Salt Lake City, UT 84138

Re: U.S. Forest Service National Environmental Policy Act Compliance Proposed Rule (Docket: FS-2019-0010)

Dear Ms. Barker,

On behalf of the National Association of Counties (NACo) and the 3,069 counties, parishes and boroughs we represent, I write to offer comments in response to the U.S. Forest Service's (USFS) proposed rulemaking to improve the National Environmental Policy Act (NEPA) review process. Counties appreciate the opportunity to offer input on these proposed revisions that directly impact local governments with large tracts of federal land within our jurisdictions.

As you are aware, the USFS owns approximately 193 million acres nationwide, impacting hundreds of counties across the United States. **As co-regulators and intergovernmental partners in the Forest Service's mission, counties have a tremendous interest in providing the most meaningful information and analysis to help update the NEPA process.**

Counties support broader use of categorical exclusions (CEs) under NEPA, especially in cases of imminent threats to communities or watersheds, to rapidly and effectively address the threat of catastrophic events to our public forest and rangeland resources, and to allow for harvest of resources while they have economic value. As the USFS conducts land management planning on a regular basis to meet various NEPA requirements, the USFS is well-suited for determining when and how to apply a CE. The proposed NEPA revisions meet many of the desired policy outcomes and address the concerns of counties with national forestlands in our jurisdictions.

Specifically, counties urge the adoption of the categorical exclusions under the proposed NEPA revisions that will help to increase tourism and recreation on federal lands. For example, CEs for construction or reconstruction of trails (220.5(e)(1)) and construction, reconstruction, decommissioning or disposal of buildings, infrastructure or improvements at existing recreation sites (220.5(e)(22)) will help to reduce deferred maintenance within national forests. Adoption of these CEs will ensure the best possible recreational experience on public lands by expanding access to parking facilities, ski areas, trailheads and rental cabins, among other recreational facilities. This can lead to economic opportunities in gateway communities from increased tourism.

Additionally, counties support the use of CEs as outlined under 220.5(e)(26) of the proposed NEPA revisions to ensure forest management activities can be conducted in a limited capacity to

improve watershed conditions and ecosystem health. Catastrophic wildfires pose a significant threat to landscapes and watersheds, impacting communities surrounded by national forestlands. Authorizing USFS to conduct hazardous fuels treatments, prescribed burns, reforestation activities and timber harvests within the acreage limitations of the proposed NEPA revisions without forcing the agency to undergo extensive and often redundant studies and analyses will reduce the threat wildfire poses to public health and ensure clean water supplies.

Post-fire recovery efforts are also essential to protect landscapes and access to clean water. Counties urge the adoption of CEs under 220.5(e)(11), (12), (13) and (14) to ensure the salvage or removal of dead or dying trees to improve vegetation regeneration and reduce the threat that these trees can pose to individuals on our national forests. USFS currently estimates 80 million acres of national forestlands are at risk of insect and disease infestation, drought or wildfire. Use of these CEs will help to reduce this environmental burden.

Counties urge the adoption of these CEs but also encourage USFS to establish the greatest possible opportunities for public comments. Such comment periods should be appropriate to the size and scale of proposed projects in order to reduce delays to project implementation. Additionally, counties request the USFS place a heavy emphasis on comments put forth by those communities and individuals most impacted by federal agencies' decisions and that necessary public comment sessions be held in those impacted counties. When federal agencies work with local governments and residents to form consensus, proposed projects are more likely to be implemented on the ground without significant pushback.

We also urge the USFS to mandate that legally required efforts at coordination and cooperation with counties be applied consistently nationwide. Standards for including state and local governments as cooperating agencies vary considerably from region to region, creating a difficult relationship between the federal government and its partners at the state and local level. Counties urge USFS to use locally developed information and research and create databases to allow for the uploading of data and the re-use of information. This will prevent the need to recreate data and research as each project analysis is conducted, thus reducing paperwork and redundant efforts.

Furthermore, coordination and cooperation should be ongoing, and not just limited to specific projects or steps within the NEPA process. This could be achieved by holding meetings with state and local officials on a regular basis from the beginning of the NEPA process to ensure transparency and open lines of communication. Additionally, USFS should vest more authority in local and regional offices so that they may enter into formal agreements with state and local partners, including allowing state or local governments to conduct portions of or provide critical data for a NEPA analysis.

Counties also recommend that federal agencies work with state and local officials to ensure that proposed actions and CEs are consistent with state and local land management plans. States currently work with federal officials through consistency reviews to ensure federal and state plans are synchronized and that both levels of government are working toward the same goals. Expanding and mandating such reviews for federal land management agencies will ensure a better relationship and improved decision-making.

These are just a few of the many the recommendations from counties regarding the proposed NEPA process updates. Counties encourage USFS to take the comments from NACo, state-level county organizations and individual counties into account when finalizing any changes to NEPA procedures. It is in the interest of all levels of government to ensure a consistent and fair process for conducting environmental studies.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Matthew D. Chase". The signature is written in a cursive style with a large, prominent loop at the beginning of the word "Matthew".

Matthew D. Chase
Executive Director
National Association of Counties