

**IDAHO RECREATION COUNCIL**  
**1810 W. State Street #108**  
**Boise, ID 83702**

February 5, 2006

NEPA Draft Report Comments  
c/o NEPA Task Force  
Committee on Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515  
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Ladies and Gentlemen:

The Idaho Recreation Council is a statewide organization representing motorized, equestrian, and mountain bike organizations, clubs and associations that work together to promote responsible recreation. We recreate on public land and therefore we participate in the planning process. We are familiar with the strengths and weaknesses of NEPA. We appreciate this opportunity to comment on the Committee recommendations.

General Comments:

There is no question that the planning process that is typically followed by litigation has the Forest Service tied up in knots unable to do much more than plan. But the problem is not just NEPA; FLIPMA and NFMA also contribute to the gridlock. We applaud you reviewing NEPA but don't stop there.

NEPA seems to us to be primarily a decision making process by which to review the potential impacts to the environment of an action. There is a need for some adjustment in this process to clarify and simplify. In conducting the NEPA process agencies must meet the requirements of the other laws, such as ESA, that determine analysis content and fuel the long time frames, appeals and litigation. Revising NEPA alone will do little to solve the serious problems facing federal land management.

Specific Comments:

**Group 1**

Recommendation 1.1: A definition of major federal actions is needed, but it needs to also define what is considered “substantial”—how much time, how many resources, how much money.

Recommendation 1.2: It would be nice to see the process completed in a reasonable length of time, but we question the practicality of these time frames. Many variables are involved that are outside agency control, such as annual funding, new information uncovered during the process, and the vastly different complexities of various proposed actions. Required consultation under ESA can take a year or more. These timeframes might serve as guidelines, but are not constructive as hard, fast limits.

Recommendation 1.3: This is badly needed and could remove the ambiguity of present regulations.

Recommendation 1.4: NEPA supplements are sometimes necessary and definition of those circumstances would be helpful.

**Group 2**

Recommendation 2.1: While we would like to see people directly affected by an action receive more consideration in the public involvement process; this recommendation as written creates an avalanche of problems. A decision to eliminate snowmobiling from national forest lands near McCall, Idaho might have as much impact on riders from Boise, Idaho and Spokane, Washington as well as the locals. A decision to build a new highway affects everyone who uses it, not just the local communities. A national forest timber sale in Washington State could directly affect a timber company stockholder in New York. Should an affected person outside the local area have less say in how those public lands are managed? Just how will we define “local” and just how much additional weight will they be given?

Recommendation 2.2: We question the advisability of this restriction, although we must admit it is attractive. NEPA documents should be concise and to the point, but if a complex action require 350 pages to address every issue likely to generate a successful appeal or litigation, then it should be 350 pages.

**Group 3**

Recommendation 3.1: No comment

Recommendation 3.2: No comment

#### **Group 4**

Recommendation 4.1: This section is very confusing, addressing appeals and litigation, two very different processes. The term “suit” would appear to deal with litigation. This should be clarified. We would support a process where a person or organizational entity would be required to establish standing by involvement throughout the NEPA process before they could appeal. It would be beneficial if litigants were required to exhaust their administrative recourses before bringing suit in the courts. However, can you require standing in an administrative process as a prerequisite to exercising rights to bring suit in the judicial system?

Is the 180 day time frame intended to affect appeals, litigation or both?

Recommendation 4.2: No comment

#### **Group 5**

Recommendation 5.1: No comment

Recommendation 5.2: This is a welcome change, making no-action a real alternative rather than a straw-man simply for comparative purposes.

Recommendation 5.3: No comment

#### **Group 6**

Recommendation 6.1: We feel the current process, at least as conducted by the B.L.M. and Forest Service provides adequate opportunities for public input. If the requirements go too far in this direction it could become very difficult and expensive to complete the process in a reasonable time frame. Adequate opportunities for public participation at certain junctures in the process are necessary, but be careful not to go overboard.

Recommendation 6.2: No comment

#### **Group 7**

Recommendation 7.1: Is this really necessary?

Recommendation 7.2: No comment

#### **Group 8**

Recommendation 8.1: No comment

Recommendation 8.2: No comment

#### **Group 9**

Recommendation 9.1: No comment

Recommendation 9.2: We see no purpose to this study. How are you going to measure “amount” and “experience” and what will you do with the information when you get it? We deal with land management agencies conducting NEPA processes on a daily basis and have generally found their personnel competent in their respective fields. The biggest problem

we encounter with agency personnel is lack of objectivity and the presence of biases, both institutional and individual.

Recommendation 9.3: No comment

Thank you for this opportunity to comment. We support your efforts to revise NEPA and hope that in the future the Committee will be able to address other federal resource management laws urgently in need of review and revision.

Sincerely,  
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Idaho Recreation Council  
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