

January 28, 2006

NEPA Draft Report Comments
c/o NEPA Task Force
Committee on Resources

re: comments on NEPA

Greetings Committee Members:

I am a professional forester in NW Montana/No. Idaho who is very aware of the NEPA process in the natural resources/land management arena. There is a lot of intermingled land ownership in this area, and trying to work with and collaborate with the federal land management agencies here in the area is very difficult. Nothing can get implemented in a timely manner. The joke here is that NEPA stands for Never Ending Paper Abyss. There is nothing pro-active about the NEPA process and the follow-up litigation and judge meddling that kills more good projects than your statistics show; in the area where I work. When the agenda of an environmental organization is "to stop all harvesting of timber from public lands" (from their web page), it is hard to collaborate and find a middle ground. It's frustrating, expensive, and counter productive. It wears on the morale of the professionals working for the federal agencies. That's why NEPA needs to be changed. And as long as the federal judges "bias themselves" to the emotional position or personal opinions, the NEPA process has no significant meaning. As one who comments and participates as a public citizen in the NEPA process, it is extremely disheartening when a judge rules for the minority, non-collaborative groups, and shuts out the voices of all others who choose to work within the process. Decisions above and beyond NEPA are based on emotions, not on science and the best professional judgement of government scientist and natural resource specialist. These people are college educated, professionals in their resource field and their say should be worth something!

Now for some specifics on your recommendations:

Recommendation 1.1....Will this then set the stage for which level of NEPA to be completed..a CE, EA, EIS?? Is that going to be so specific that local managers will not be able to pick the appropriate level of documentation, because the law will be too rigid. Keep the decision at the local level.

Recommendation 1.2....This goes well with Recommendation 2.2

Recommendation 1.3....Let's not make it so specific and rigid, that local managers hands are tied and have no option it which level of NEPA to use. Keep as many of the decisions at the local level.

Recommendation 1.4....Does this re-op the NEPA decision to additional scoping and then a delay in implementation?, or is this just documentation to the project file?

Recommendation 2.1....Good!! It's known as direct vs. indirect impacts and they should be weighted. I believe those impacts are suppose to be analyzed for now, anyway.

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Recommendation 2.2....YES!! For a judge to state that a 2000 page document is "arbitrary and capricious" is ludicrous.

Recommendation 4.1....If everything is a collaborative effort; stakeholders have their say. It's those minority few, who are not team participants that cause the delays and litigation problems. You can't please everybody! Form letters in response to public scoping should not carry much weight. There are groups that send the same 18 pages of "concerns" with a project; no matter the difference in the scope of the project. Also, 180 days is a long time to delay implementation in some decisions, as a summer operating season may be lost, and the value of the project decreases, and the cost increase.

Recommendation 4.2....How will this affect the time frames in Recommendation 1.2? Will a whole new 18 month or 9 month time frame have to begin?

Group 5...Good; but you are asking for more paperwork and documentation, in some instances.

Group 6..."interested parties"; pretty subjective! Who is an interested party?...I foresee a legal battle over the definition of "interested party".

Group 7...Okay; if it cuts down on delays with implementation of NEPA approved projects, it's good.

Group 8...Good, if it cuts down on delays, but need to watch for paperwork and documentation.

Recommendation 9.1....Needs to be looked at. There is like 300 laws that apply to the natural resource management arena. I think there is a high probability of overlap, duplication, and CONFLICT between the laws.

Recommendation 9.2....Why is this needed? Staff is synonymous with management which keeps money from the project level of the federal agency. I'd like more at the staffing at the project level...team leaders and project team specialist. The money needs to go to the project level.

Recommendation 9.3....Needs to be looked at. There is like 300 laws that apply to the natural resource management arena. I think there is a high probability of overlap, duplication, and CONFLICT between the laws.

Thank you for the opportunity to comment. You have a huge task ahead of you. I hope there are some positive, pro-active changes that come to NEPA. And that they don't get litigated.....

Pat Shira
Troy, MT
pshira@frontiernet.net