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31 January 2006

NEPA Draft Report Comments
c/o NEPA Task Force
Committee on Resources
1324 Longworth House Office Bldg
nepataskforce@mail.house.gov

Subject: Comments on Draft NEPA Report

Dear House Resources Committee:

Please accept the following comments from Oregon Natural Resources Council (ONRC) on the proposed changes to NEPA. Please make sure these comments are included in the official record. ONRC uses NEPA on a regular basis to represent the interests of approximately 5,500 members and tens of thousands of like-minded people who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. In our view, NEPA is the very embodiment of Democracy as it applies to important decisions affecting our common natural heritage and the environment that sustains all of humanity. NEPA is not broken and does not need "fixing." NEPA allows us to become informed of decisions affecting the environment and allows us to provide meaningful and well-informed public comment on projects that directly affect our health, welfare, and quality of life.

The current concern over the burdens of "process" can be easily resolved if the land management agencies chose less controversial projects, and sought consensus-based projects, there would be a lot fewer challenges and delays.

ONRC's primary goals are to protect and restore healthy ecosystems on federal forest lands in Oregon. The long record of past agency management clearly shows that prior to the passage of NEPA the Forest Service and BLM failed to protect public values such as clean water and air, fertile soil, and abundant wildlife.

Fall Creek Late Successional Reserve Willamette National Forest Seral Stage Forest Conditions—1997



This image shows the legacy of past clearcutting in a “protected” old-growth reserve on Oregon’s Willamette National Forest. Most of this logging was conducted without adequate NEPA compliance. The adverse consequences of this kind of logging across the landscape is revealed by the Threatened status of many fish and wildlife that previously thrived in the old-growth ecosystem.

The evidence shows that after NEPA was adopted and began to be implemented this situation slowly but surely changed to the betterment of our nation and its people. While it is hard to prove the causation behind this correlation, it only makes sense that public involvement helps achieve public values and public objectives.

The vast majority of Oregonians drink surface water that flows from federal forest lands. Public involvement is therefore sensible from the most fundamental level of public health. Virtually every Oregonian has had formative experiences on public forest lands, whether it was camping on the Oregon Coast with family, rafting the whitewater of the magnificent Rogue River, hiking the Pacific Crest Trail with a church group, or climbing Mt Hood with friends, Oregonians are connected with the public lands and they have every right to fully participate in decisions affecting their cherished public lands.

NEPA must be properly viewed as a check on executive power, as insurance against the corrupting influence of power and money. NEPA requires openness and accountability and prevents the executive branch from making ill-informed decisions, even corrupt

decisions based on cronyisms rather than the facts. Consider these timely comments from a former Vice President of the United States – in reading these comments just substitute “NEPA” for “democracy” or “rule of law” or “informed citizenry”:

The rule of law makes us stronger by ensuring that decisions will be tested, studied, reviewed and examined through the processes of government that are designed to improve policy. And the knowledge that they will be reviewed prevents over-reaching and checks the accretion of power.

A commitment to openness, truthfulness and accountability also helps our country avoid many serious mistakes.

...

The principle alternative to democracy throughout history has been the consolidation of virtually all state power in the hands of a single strongman or small group who together exercise that power without the informed consent of the governed.

...

Thomas Jefferson said: "An informed citizenry is the only true repository of the public will."

The revolutionary departure on which the idea of America was based was the audacious belief that people can govern themselves and responsibly exercise the ultimate authority in self-government. This insight proceeded inevitably from the bedrock principle articulated by the Enlightenment philosopher John Locke: "All just power is derived from the consent of the governed."

...

One of the other ways the Administration has tried to control the flow of information is by consistently resorting to the language and politics of fear in order to short-circuit the debate and drive its agenda forward without regard to the evidence or the public interest. As President Eisenhower said, "Any who act as if freedom's defenses are to be found in suppression and suspicion and fear confess a doctrine that is alien to America."

Fear drives out reason. Fear suppresses the politics of discourse and opens the door to the politics of destruction. Justice Brandeis once wrote: "Men feared witches and burnt women."

...

In the words of George Orwell: "We are all capable of believing things which we know to be untrue, and then, when we are finally proved wrong, impudently twisting the facts so as to show that we were right. Intellectually, it is possible to carry on this process for an indefinite time: the only check on it is that sooner or later a false belief bumps up against solid reality, ..."

Whenever power is unchecked and unaccountable it almost inevitably leads to

mistakes and abuses. In the absence of rigorous accountability, incompetence flourishes. Dishonesty is encouraged and rewarded.¹

NEPA is the guarantee that Americans who are affected by a federal action will get accurate information about its impacts, a choice of sound stewardship alternatives, and the right to have their voice heard before the government makes a final decision. NEPA ensures balance, common sense and openness in federal decision-making, it is an effective tool to keep 'Big Government' in check. NEPA is an effective means of ensuring accountability by federal managers, whether they are distant bureaucrats or potentially corrupt local managers.

At the heart of NEPA is its requirement that alternatives must be considered - including alternatives that will minimize possible damage to our health, environment, quality of life, or to protect human life from a wildfire. Comparing the relative merits of several alternatives is a core requirement of rational decision-making. Absent this requirement, the decision-maker might propose a "good" alternative, but might miss the opportunity to consider a "great" alternative suggested by the public, a cooperating agency, or a scientific reviewer.

By making sure that the public is informed and that alternatives are considered, NEPA has stopped some harmful projects and made countless projects better. Cutting corners on NEPA review can have serious adverse consequences, especially when it comes to spending taxpayer money on projects that might harm citizens or the environment that sustains us. The value of our common air and water cannot be under-estimated. The value of "ecosystem services" is in the trillions of dollars. We must not diminish these services without fully and consciously considering the consequences.

NEPA conserves public resources. Less waste is likely when federal decision-makers operate in the daylight where the public can see what they do. NEPA also saves time and money in the long run by reducing controversy, building consensus, and ensuring that a project is done right the first time. Limiting public involvement and weakening environmental review won't avoid controversy or improve projects.

NEPA requires federal agencies to use the accurate scientific analysis and respond to opposing viewpoints, which ensures that federal managers use modern standards and ensures that they don't put blinders on and ignore relevant information that has a bearing on the decision. NEPA requires consideration of cumulative effects, which simply means that federal managers should make decisions within the context of what happened before and what might happen later, and that the left hand should know what the right hand is doing.

There is no need to improve NEPA . . . because it works. A recent example might help. Several years ago, the Umpqua National Forest's Diamond Lake Ranger District proposed to log thousands of acres of mature and old-growth forest (some even in inventoried roadless areas) around Lemolo Reservoir in the High Cascades. In the course

¹ Jan 16, 2006 Al Gore "Restoring the Rule of Law" speech at DAR Constitutional Hall, Washington DC.

of all stages of NEPA participation (scoping, public meetings and site tours, Draft EIS, Supplemental Draft EIS, Final EIS, ROD) the public was able to convince the Forest Service to modify the project so that it could eventually move forward with a modified design. The project was administratively appealed, but appellants agreed to withdraw the appeal in exchange for some changes to the design of temporary roads to be constructed and assurances about protecting some large trees. If not for NEPA, this project would certainly have ended up in a contentious lawsuit, but NEPA provided a framework for data collection, disclosure, and common understanding essential to a peaceful resolution.

Another example relates to the government's keen interest in wildland/urban fuel reduction. NEPA ensures that the trade-offs between fuel reduction and wildlife habitat and water quality are fully disclosed carefully considered. NEPA also helps ensure that fuel reduction efforts are *effective* in terms of reducing fire hazards. It is well known that thinning forests can reduce fire hazard by reducing surface fuels and ladder fuels, but it is much less well known that *thinning can also make fire hazard worse* by moving fuels from the canopy to the ground where they are relatively more available for combustion during a fire, and by increasing sunlight at ground level which reduces fuel moisture and stimulates the growth of future ladder fuels. When properly used, NEPA helps the decision-maker design fuel reduction efforts to optimize the competing values (e.g. reducing fire hazard vs. increasing fire hazard, degrading water quality, degrading wildlife habitat, compacting soil, etc.)

When Forest Service Chief Dale Bosworth complained about the “process predicament” some pointed out that “The real problem is that the Forest Service continues to propose destructive projects in sensitive areas like roadless areas, old-growth and watersheds that supply clean drinking water,” said Jasmine Minbashian of the Northwest Old-Growth Campaign “The real solution is to stop logging in these sensitive areas and begin to restore the damage from logging excesses of the past. Restoration is something that everyone can get behind, so it won’t get bogged down in analysis.”

The solution to gridlock, according to conservationists, is to continue to uphold the core principles of informed decision-making and accountability and demand that federal forest managers protect mature and old-growth forests and begin helping rural communities *restore* public forests and watersheds. Sound decisions that restore the forest will be approved quickly without controversy, while poor decisions that destroy old-growth, should be stopped and held accountable. NEPA helps separate the wheat from the chaff.

“Before we irreversibly destroy an old-growth forest or a blue-ribbon trout stream, it is perfectly reasonable to expect an open and honest decision-making process,” said Doug Heiken of Oregon Natural Resources Council. “Even if it takes a little more time, requirements for informed and accountable decisions are a small price to pay to protect our children’s public land heritage. We must not relax environmental safeguards for the convenience of the timber industry or the bureaucrats.”

“Environmental review shines a bright light on the dark truth of forest destruction, species extinction, and impaired water quality,” said Mitch Freidman of Northwest

Ecosystem Alliance. “The Bush administration wants to pull the wool over the eyes of the public and ignore the serious consequences of forest destruction. Clean air, clean water and healthy forests are too important to sacrifice for the convenience of the timber industry.”

James Johnston of Cascadia Wildlands Project points to the Northwest Forest Plan, which requires logging some of the last ten percent of old-growth forests in Oregon and Washington: "'Analysis paralysis' is a Forest Service term for public input. The problem isn't the process, it's the product. The public doesn't support an old-growth product. We need to focus on restoring forest health, not logging dwindling old-growth forests."

“Millions of American’s get their drinking water from rivers and streams that flow from the National Forests. Do we want to weaken our environmental laws to make it easier for the timber industry to pollute our drinking water?” rhetorically asked Regna Merritt of Oregon Natural Resources Council.

Alleged NEPA “gridlock” is primarily the result of two things: (1) well-founded public opposition to controversial projects in sensitive areas such as old growth, roadless areas, drinking watersheds, and important habitat areas, and (2) the agencies’ own bureaucratic incompetence.

Congressional acts like the National Environmental Policy Act are like a “due process clause” for the environment. It’s the closest thing we have to a Bill-of-Rights for the environment. Our nation’s principle environmental safeguards are *processes and procedures* intended to achieve decisions that are fully informed and accountable. The most basic premise of federal environmental law is that a federal decision-maker must “look before they leap.”

Comments on specific Task Force proposals:

Almost all of the proposed changes are not warranted, not beneficial, or impractical. The alleged problems with uncertainty, exclusion, costs and delays, are all misperceptions based on limited experience with NEPA and limited understanding of the core principles behind NEPA. Properly implemented, NEPA decreases uncertainty, fosters inclusion, and reduces costs and delays caused by uninformed or capricious federal decision-making.

The improvements we could support include:

- Increasing substantive protection for the environmental values that American hold dear which would decrease the number of controversial decisions that end up caught in the NEPA net. This would include protecting all remaining mature and old-growth forests on federal lands, protecting roadless areas, and restoring the habitats of imperiled species.
- Increasing the agencies capacity to timely complete highly quality NEPA analyses. We are tired to seeing timber sales planned via aerial photos instead of foresters, biologists, soil scientists, and hydrologists actually going out on the ground to study and evaluate the ecosystems that are at risk. Budget cuts in the

- Forest Service and BLM are slowly but surely eliminating technical skills among the rank and file while the bureaucracy remains bloated at the top.
- Improve public notice and comment so that agencies are required to make full use of internet tools such as email lists and RSS (“real simple syndication”) to provide notice, instead of publishing NEPA notices exclusively in obscure rural newspapers.
 - Ensure that the public has a right to review the draft NEPA document AND the affected land during the public comment period. No more comment periods during the dead of winter when the logging sites are snowed in or behind locked gates.
 - Prohibit federal agencies from entering into binding contracts until all NEPA controversies are resolved.
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Group 1 – Addressing delays in the process - Proposed changes are not warranted, not beneficial, and/or not possible.

1.1 – [Re]define major federal action. Major federal action is already defined (40 CFR 1508.18) and this definition has not revealed itself to be a problem. NEPA has three levels of analysis (EIS, EA, and CE) for projects with different levels of impacts.

It is important to recognize that the concepts of “major federal action” and “significant impact” are intertwined. (“Major reinforces but does not have a meaning independent of significantly.” 40 CFR 1508.18). Some federal actions may seem minor but still have significant impacts. The CEQ regs wisely focused the analysis more on the *significance* of the impacts rather than the *majorness* of the federal action. The Task Force should not undercut this carefully considered policy framework, and the Task Force must recognize the potential impact on the interpretation of the phrase “significantly affecting the quality of the human environment.”

1.2 - Add mandatory timelines. This is not warranted or beneficial. The time and expense of NEPA is part of the cost of "doing the right thing" when the environment that sustains us is at stake. Popular elections and trial-by-jury also delay decision-making, but they are essential for the peaceful functioning of our civil society. Totalitarianism is quicker and cheaper than Democracy but at what cost to humanity? NEPA does not delay decision-making, it improves decision-making by ensuring that it is well-informed, inclusive.

The length and complexity of EISs can be addressed if the agencies would organize their analysis and presentation and focus on the issues that the public really cares about. I have reviewed literally hundreds of NEPA documents and they are generally poorly organized and confusing. Most timber sales EISs fail to include simple and relevant information such as the size and age of the trees to be cut and the size and age of the trees to be retained after logging. EISs could easily be more informative and less wordy. However, it is simply not practical to impose a time limit or a page limit. The agencies will simply use that as an excuse to conduct substandard analyses and avoid accountability.

An important factor that must be considered before requiring minimum time frames is that the public should have a fair chance to review the draft NEPA documents AND THE AFFECTED ECOSYSTEM during the comment period. The sites affected by many logging proposals are snowed in or located behind locked gates and inaccessible during the comment period, effectively denying the public an opportunity to check the accuracy of the analysis or form an independent opinion of the agencies description of the affected environment. This unethical practice prevents effective public involvement and conflicts with one of NEPA's core purposes and so it must stop. Why is the task force not outraged by these practices and proposing to fix this?

1.3 - Unambiguous criteria for categorical exclusions. This is not possible. It is impossible to anticipate every action and all the extraordinary circumstances that can accompany them. The system works as well as can be expected. Many of the agencies categorical exclusions are already highly questionable. The Task Force should not move to expand them.

1.4 - Clarify requirements for NEPA supplementation. This is not warranted or beneficial. The CEQ regs already have a rational and effective method of addressing this issue (40 CFR 1502.9). It may not be perfect but it's better than any alternative.

Group 2 – Enhancing public participation - Proposed changes would not enhance public participation so are not warranted.

2.1 - Give weight to local comments. This is not beneficial nor warranted. Local communities already enjoy greater access to the decision-making process due to their greater likelihood of obtaining notice, their familiarity with the affected area, and their access to federal personnel. Local communities are not entitled to special status when dealing with NATIONAL resources. Impacts to air we breath and the water we drink are often caused miles away. The places where Americans vacation are often located thousands of miles from where we live. Locals often have a history of exploitation, rather than conservation. Small governments often run on cronyism rather than as meritocracies. The carbon consequences of federal actions affect the *global* climate. Local interests should not be given special rights to cause globally significant impacts.

2.2 - Codify page limits. This is not beneficial nor warranted. The length and complexity of EISs can be addressed if the agencies would organize their analysis and presentation and focus on the issues that the public really cares about. I have reviewed literally hundreds of NEPA documents and they are generally poorly organized and confusing. Most timber sales EISs fail to include simple and relevant information such as the size and age of the trees to be cut and the size and age of the trees to be retained after logging. EISs could easily be more informative and less wordy. However, it is simply not practical to impose a time limit or a page limit. The agencies will simply use that as an excuse to conduct substandard analysis and avoid accountability.

Group 3 – Better involvement for state, local and Tribal stakeholders - Proposed changes are not warranted and not beneficial.

3.1 - Give cooperating agency status to non-federal agencies. This is not warranted or beneficial. The federal agencies charged with stewardship of our nations lands and resources should not share their authority with parties who are not accountable through our federal democratic processes. There are plenty of ways for them to be involved short of cooperating agency status.

3.2 - Use state processes to meet NEPA. This is not warranted or desirable. NEPA already has effective mechanisms for minimizing duplicative processes. State processes are not the same, and many federal actions do not have significant state involvement.

Group 4 – Addressing litigation issues - Proposed changes are not warranted and not beneficial.

4.1 – Create a citizen suit provision. This is not warranted or desirable. Most citizen suit provisions are empowering, while this proposal is entirely restrictive of the public's right to hold their public servants accountable.

- **Put the burden of proof on the citizen.** This is already required. The plaintiffs burden should not be increased any more than it already is.
- **Require scrupulous public participation.** This would be unfair because it would effectively limit access to the courts to those able to hire professional advocates to represent their interests not just in court but all the way through the NEP process. Citizens are not professional public participants and they should not be penalized for failing to jump through some hoop that seemed optional earlier in the process. Sometimes citizens don't find out about a federal action until mid-way through the process. Citizen input would become meaningless because federal decision-makers would know that most citizens would have no power to hold them accountable. Federal agencies would also have a new incentive to make it hard to be involved in every step of the process if they knew it could immunize them from accountability. If anything Congress should consider taking steps to ensure that the agencies provide better notice so that they cannot surprise citizens with poorly designed notice and prevent effective citizen participation. The USDA Forest Service and BLM for instance publish notice of NEPA actions in obscure rural newspapers and do not use email and internet tools to their full advantage to effectively inform and involve the public. The Forest Service even goes so far as to say that the public cannot rely on the agencies stated deadlines for public comment. The Forest Service expects citizens to learn the CFRs, get the legal notice out of an obscure rural newspaper, and calculate the comment time period themselves. This is a broken aspect of public participation that needs fixing!
- **Involve affected businesses.** This is basically already required and can best be dealt with by prohibiting agency from entering into contracts before the NEPA and judicial processes are complete. For example, the BLM's timber sale process is so poorly designed that the resolution of NEPA controversies does not even start until the BLM has advertised the timber sale to bidders.

- **Clarify standing.** The doctrines of judicial standing are well-established and should remain uniform across all the courts and cases. There should not be special barriers erected for citizens seeking to hold bureaucrats accountable to protect the environment.
- **Shorten the statute of limitations.** These long established judicial principles should not be altered. There are already balanced judicial principles in operation to protect the rights of both plaintiffs and defendants. The legal doctrine of “laches” prevents plaintiffs from “sitting on their rights.” Defendants can raise this claim at any time to prevent the alleged harm alleged here.

The best ways to reduce NEPA litigation would be to:

- Pass substantive laws that better protect the environmental values that the American public cares about. Pass legislation to protect roadless areas, old-growth, and endangered species habitat.
- Ensure that federal decision-makers are responsive to public concerns when making decisions. For example, the Forest Service and BLM should stop logging old-growth and roadless forests, protect habitat for threatened & endangered species, protect water quality, etc.
- Make the administrative appeal processes more effective. Too many administrative appeals are dismissed by bureaucrats within the same agency with the same biases as the decision-maker. Most litigation follows an ineffective administrative process that could have resolved the issue before it gets to court.
- Congress should reaffirm the value of NEPA and ensure uniform application of NEPA principles across all federal agencies and actions. Congress in its wisdom determined that NEPA should apply equally to all federal agencies and all major federal actions. This uniform application has been somewhat eroded over time by misguided special interest legislation.

4.2 – Require CEQ to “pre-clear” projects. We will admit that the agencies are not very good at tracking and adapting to new court rulings, but this pre-clearance process would probably further delay the decision-making process. CEQ should just do a better job of keeping federal officials informed and educated about their NEPA responsibilities. NEPA knowledge, experience and expertise should not be centralized at CEQ; it should be well-distributed across all federal agencies.

Group 5 – Clarifying alternative analysis under NEPA - Proposed changes are not warranted and not beneficial.

5.1 – Limit consideration to “feasible” alternatives. It is often not possible to determine whether an alternative is feasible without thoroughly developing and analyzing the alternative. Federal agencies should not be allowed to draw conclusions about feasibility without backing up their conclusions with analysis, that’s exactly what NEPA is intended for, to prevent agencies from making unsupported conclusions. Federal bureaucrats should not be allowed to hide behind analysis-free assertions of infeasibility.

Limiting the range of alternatives will directly impact the free flow of ideas and the effectiveness of the decision-making process. The agencies should not settle for “adequate” alternatives, when “great” alternatives go unevaluated because of the desire to streamline NEPA. A creative alternative might have great promise for resolving an issue in a way that the agency is not entirely comfortable with, but they could declare this alternative infeasible and hide behind that to avoid thinking outside the box.

5.2 – Consider the impact of not taking action. This is a non-issue. Considering the impact of *inaction* is already explicitly required and is a fully developed aspect of current NEPA practice. It’s known as the no action alternative. In reviewing hundreds of NEPA documents we find that agencies often describe in great detail the adverse consequences of the no action alternative.

The Task Force however goes a step further and suggests that federal agencies be prohibited from adopting such alternatives when the impacts of no action outweigh the impacts of action. This would change NEPA into a substantive law. Should the agency be required to adopt that alternative that had the greatest net ecological benefits? How should economic factors be accounted for? What if the agency lacked the resources to implement the action alternative?

This proposal would also be analytically impractical, because the ecological gains and losses are often highly uncertain as well as separated in time. If the action alternative had short-term negative impacts and long-term positive impacts, how would the decision-maker compare that to the uncertain and speculative adverse impacts of no-action (as is common in most fuel reduction projects). Thinning the forest today causes short-term increases in hazardous logging slash, soil erosion, and water pollution and degrades habitat, while potentially bringing long-term benefits in terms of large trees and fuel reduction and potential long-term harm in terms of the spread of weeds. It’s hard to compare these apples and oranges, even harder to mandate a certain way to balance them.

5.3 – Make mitigation mandatory. This could be good but it could also be bad. Sometimes the mitigation could have its own impacts that are not fully disclosed in the NEPA analysis, such as spreading the seeds of non-native plants as mitigation to control erosion on disturbed soil. Artificial wetlands are less functional than natural wetlands. Burning slash that results from logging can harm the soil.

Group 6 – Better Federal agency coordination - proposed changes are not warranted and not beneficial.

6.1 – Encourage consultation with stakeholders. This is already done. Agencies already have significant incentives to consult with stakeholders. They fail to do so at their own peril. A federal law is not going to make it work better.

6.2 – Codify lead agency regs. The CFRs are just as binding as the US Code, so there is no point.

Group 7 – Additional authority for the Council on Environmental Quality - proposed changes are not warranted and not beneficial.

7.1 – Create a NEPA Ombudsman within CEQ. If done with sincerity this could be effective in selected cases, but there are too many NEPA controversies to make this a magic bullet. The real solution will be more effective conservation leadership across the federal government.

7.2 – Direct CEQ to control NEPA costs. This is not feasible and will be ineffective. This is like telling states to control the cost of elections.

Group 8 – Clarifying the meaning of “cumulative impacts” - Proposed changes are not warranted and not beneficial. It is not practical or possible to proscribe a definition of “cumulative impact” that will fix the perceived problems. These terms have well-considered meanings developed through the CEQ regulations and subsequent court interpretations. Congress will only muddle the picture, not clarify it.

8.1 – Clarify which past actions are part of cumulative impacts. Cumulative impacts analysis has two functions. It informs current decision-makers on the current state of the ecosystem as affected by past, present, and foreseeable actions, and in addition it educates the decision-maker on the effects of specific past actions, so that current decisions are informed by the mistakes (and successes) of the past. This latter value is recognized in recent the 9th Circuit cases. Congress must be mindful of both of these benefits of cumulative impacts analysis.

A simple description of current environmental conditions does not serve the dual purposes of cumulative effects analysis, in particular the purpose of learning from the experience of past management. In evaluating current conditions, it is important to separate the background ecological conditions and natural processes from the effects of past management. A manager should not be able to say that 65% of a watershed is composed of seedlings and saplings and water quality does not meet standards for water quality and populations of old-growth specie are imperiled, while failing to report the specific clearcutting practices that are the cause of those conditions. NEPA requires that managers become fully informed and learn from the mistakes of the past.

8.2 - Clarify which future actions are part of cumulative impacts. Future actions considered in cumulative impacts analysis must include all actions contemplated in land and resource management plans, not just those actions that have concrete proposals published in the federal register. Decision-makers must “play it forward” and consider the long-term consequences of management as contemplated in current plans and policies. For instance, experts have reported that healthy woodpecker habitat may be maintained only within roadless areas because of the common practice of removing hazard trees as well as firewood poaching. The effects removing trees along roads must consider the cumulative effects of similar practices along the entire regional logging road system, given the high road density in forested areas. Federal forest managers should consider mitigation such as careful selection of hazard trees to leave those that are

unlikely to fall on the road; closing remote and unnecessary roads; and high cutting stumps to provide woodpecker habitat in the form of short snags.

Group 9 – Studies - Proposed studies are not warranted and not beneficial. This administration lacks the credibility to provide information that the public and Congress can trust and rely upon.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Doug Heiken". The signature is written in a cursive, slightly slanted style.

Doug Heiken