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<https://www.regulations.gov/document?D=FS2019-0010-0001>

RE: Comments on Proposed Rule, National Environmental Policy Act (NEPA)  
Compliance (84 Fed. Reg. 27,544, June 13, 2019)

Dear Chief Christensen, Deputy Chief French, Secretary Perdue, and Under  
Secretary Hubbard:

I am submitting the comments below, on behalf of Wild Virginia and its  
members. Wild Virginia's mission is to protect and connect Virginia's wild  
places. We strongly oppose the proposed regulatory amendments, based on the  
fact that this process itself violates the National Environmental Policy Act  
(NEPA), that the proposed changes would lead to Forest Service (Service)

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decisions that violate NEPA and the Service's own governing statutes, that they would greatly weaken the protections afforded our public lands and wider environments, and that these provisions would harm members of the public while depriving them of their rights to act effectively to represent their interests.

Many of these issues are addressed in detailed comments in which Wild Virginia has joined with allied organizations. Therefore, we do not repeat those arguments here. Rather, this letter is intended to explain how this regulatory change would damage Wild Virginia and our members and why we will oppose them through any means necessary and available to us.

Wild Virginia has been actively and frequently involved in the review of Forest Service project proposals since 1996. That experience has taught us that citizen's voices are vital to make Forest Service actions reflect its mission to protect and improve our federal lands and the ecosystems of which each forms a part. Our work has been centered on the George Washington and Jefferson National Forests (GW&JNF), which comprise one of the greatest repositories of sensitive and valuable ecosystems and species in the United States. Wild Virginia and our members use and value these Forests for recreation, scientific study, and many other purposes. Given these high resource values, extensive and detailed reviews are vital to understanding and adequately planning all substantial actions and decisions undertaken or allowed by the Service.

Without the public's involvement in these decisions, much important information would not be known to the Forest Service and bad decisions are made. One of the bases cited as justification for these amendments is the lack of personnel and resources at the agency to carry out proper reviews. This deficiency must support more public involvement, not less. It is reckless to adopt administrative procedures that block citizens from the chance to make effective and fully-informed comments and to follow up those comments with formal appeals, where necessary. That kind of involvement makes the decision process better and without it environments will be damaged in ways that violate the letter and intent of Congressional actions.

Even under the current regulations meant to implement the National Environmental Policy Act (NEPA), the agency frequently makes decisions that do not account for important factors and result in negative forest impacts that should be avoided. Under the proposed version of the regulations currently under consideration, those problems would be substantially increased.

An expanded use of categorical exclusions, as proposed, would be improper and damaging to public resources and the public's rights. Already, categorical exclusions have frequently been used to allow timbering and other harmful actions in the guise of "forest improvements." These rule changes would allow even more exclusions like those that have been abused in the past.

Categorical exclusions are often fundamentally inconsistent with the kinds of analyses needed to understand and protect against negative impacts of human activities on the

environment and the public. These broad-brush justifications ignore the fact the conditions can vary to a vast degree from one National Forest to another and from one local area in each Forest to another. Ecosystems are not interchangeable and it is both foolish and scientifically indefensible to pretend that we can generalize these impacts and declare them insignificant, unless we study the details of each and act on the knowledge gained.

As is the case with many actions by the federal government, this rule change will allow more projects (like cutting and burning) of our forests that exacerbate climate change and its impacts. Projects like these devalue what should be regarded as one of the most valuable products of our forests – that of important carbon sinks and as buffers against the impacts of climate change. These threats to our climate, which constitute the direst threat to humans and species worldwide, have not been addressed in this process, and they must be.

Recent court cases have demonstrated that, even under the current regulatory regime, the Forest Service has sometimes ignored its responsibilities and authorized actions it did not fully analyze and for which certain and impermissible harms were virtually assured. In cases before the U.S. Court of Appeals for the Fourth Circuit, Wild Virginia and other parties challenged approvals by the Service for two major natural gas pipelines, the Atlantic Coast Pipeline and the Mountain Valley Pipeline, to cross National Forests in Virginia and West Virginia. In each case, the Service ignored facts and analyses brought forward by the public and based decisions on flawed and incomplete records.

In both cases, the federal court found conclusively that the Service had abandoned its duty to the public in favor of profit-making corporations. We can be assured that like results would occur if the amendments now under review are adopted.

The Forest Service must abandon this proposal. Instead, it should work with the public to enhance public notice and comment and appeal opportunities. Only then can the Service fully live up to its mission.

Respectfully,

/s/ David Sligh

David Sligh

Conservation Director