Bark’s mission is to transform Mt. Hood National Forest into a place where natural processes prevail, where wildlife thrives and where local communities have a social, cultural, and economic investment in its restoration and preservation.

Since 1999, Bark has organized people from communities around Mt. Hood National Forest to keep watch over the ecological conditions of the forest and the actions of the federal agency tasked with managing these public lands, the Forest Service.
Zigzag IRP
Comment Writing Training
June 3, 2020
Introductions

Ashley Bromberg: Biologist/Environmental Consultant

Mia Pisano: Bark volunteer

Courtney Rae: Associate Director of Bark
Agenda

1. NEPA (National Environmental Policy Act) overview
2. How to read a NEPA document (about a project)
3. How to comment on a project through the NEPA process
4. Effective comment-writing practices
5. Zigzag IRP (Integrated Resource Management Project) overview
6. Q+A
What is NEPA?

The National Environmental Policy Act (NEPA) was passed by Congress in 1969 and signed into law on January 1, 1970. It became the first law to establish a national framework for environmental protection.
NEPA is intended to support environmental protection.

- Requires agency and public participation in planning process
- Requires disclosure about the action, alternatives, environmental effects, and mitigation
- Brings out environmental concerns of the affected public
- Requires environmental impacts to be considered during planning and decision making
- Results in informed and better decision-making
What doesn’t NEPA do?

- Decide which alternative to choose
- Prevent environmental impacts from happening
- Guarantee decisions you like
- Prohibit any actions
NEPA Process Timeline

Scoping
Submit your comments
30 days

Preliminary Environmental Assessment (PA/EA)
Submit your comments
30 days

Draft Decision / Proposed Action
Submit your formal objection
45 days

Objection / Resolution
Agency must publish Objection Response Letter and hold a meeting (upon request) with Objectors to resolve objections, or explain why not
In Summary

The purpose of the National Environmental Policy Act is to provide both the public and elected officials with access to the information necessary for informed decision-making, resulting in a more just, democratic, productive, and sustainable society. (....theoretically)
Why participate in a NEPA process?

1) To **change** the project
2) To **preserve** the ability to sue
3) To **gather** information about the project
4) As a focus-point for **organizing** the public

The type of comments you write depends on the answer to the question above. So – **What is your reason?**
Effective Comment-Writing Practices
What is a Public Comment?

- A written statement of official participation in the NEPA process, submitted by a member of the public, organization or other non-agency entity. The comment becomes part of the Public Record.

- Not a general comment stating an opinion or asking a question to the Forest Service (or any Federal agency). It’s a formal legal comment regarding a specific document that is going through the NEPA process. It gains the commenter legal standing. (Does not guarantee that the commenter’s issues will be adequately addressed.)

- **Substantive** comments can have significant impact, as opposed to commenter opinions, which generally do not have impact.
Substantive comments are **not**:

- On a topic **unrelated** to the NEPA document under review.
- Simply disagreeing with the proposed action.
- Simply agreeing with an action or policy.
Substantive Comments do one or more of the following:

Question, with reasonable basis, the accuracy of information in the EA

Question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis

Identify a different way to meet the stated need of the PA

Present reasonable alternatives other than those analyzed in the EA

Present new information relevant to the PA, an alternative, or the analysis

Point out specific flaws in the analysis

Make factual corrections, or identify a different source of credible research

cause changes or revisions in one or more of the alternatives.
Present reasonable alternatives other than those analyzed in the EA.

Given that this area is within listed fish critical habitat, and that presumably these roads were decommissioned to reduce impacts to aquatic species, we ask the FS to thoroughly develop an alternative that does not require building temporary roads in the Horseshoe area. (Bark Zigzag Scoping Comments, p. 51)

Present new information relevant to the PA, an alternative, or the analysis.

In Unit 61, at the end of the temporary road (45°24'32.66"N, 121°47'34.11"W) into the unit from the 1828-118, there is a barbed wire that remains from some past activity. It is hard to see from a distance and may be posing a risk to wildlife or people. Bark requests that this barbed wire be removed and disposed of during this project in order to eliminate this risk. (Bark Zigzag Scoping Comments, p.48)
Identify a different way to meet the stated need of the PA

In many instances, Aquatic Conservation Strategy objectives (ACSO) would be better met through “no action”. For example, Riparian Reserves on the Forest are currently far below the Forest Plan standards for woody debris in streams (which correlates to ACSO #3 and #8). Given that many of the forests in Zigzag are entering the stem-exclusion phase, where trees naturally begin to die and structural diversity increases, No-Action would lead to more available large woody debris. However, the FS typically characterizes the no-action alternative as though it is stuck in time, in contrast to the action, in which time moves; not properly acknowledging that no-action will effectively allow natural processes to prevail.

Make factual corrections, or identify a different source of credible research

Several sources point to passive management as the best approach to achieve ACSOs in RRs. Pollock and Beechie reviewed the sizes of deadwood and live trees used by different vertebrate species to understand which species are likely to benefit from different thinning treatments. They examined how riparian thinning affects the long-term development of both large diameter live trees and dead wood. In forest growth models they created, passive management created dense forests that produced large
Point out specific flaws in the analysis:

Unit 2 is a small unit with two streams, and almost completely within Riparian Reserves. The mature stand is “fire origin” and is an example of a stand that would require Aquatic Conservation Strategy related rationale to enter. In the PA, the agency should drop areas within RRs that already contain complex forest structure, provide a summary of all current stand conditions in remaining proposed units in Riparian Reserves, provide justifiable, ecological rationale for active management, and predicted short and long-term results of this treatment. If rationale and short- and long-term predictions cannot be provided, these units should also be dropped.

~from Bark’s comments during the Scoping Period for Zigzag Timber Sale
“A project of this magnitude makes an infinitesimal contribution to overall emissions. Therefore, at the global and national scales, this proposed action’s direct and indirect contribution to greenhouse gases and climate change would be negligible. In addition, because the direct and indirect effects would be negligible, the Proposed Action’s contribution to cumulative effects on global greenhouse gases and climate change would also be negligible.” Crystal Clear Timber Sale Environmental Assessment

“The proposed treatments would result in some carbon emissions and some carbon sequestration. The benefits to forest health and resiliency with the Plan, as action alternatives would allow stands to adapt to the future climate. The Forest amended, does not contain direction related to climate change. The contribution to cumulative effects on global greenhouse gasses and climate change would be negligible.” North Clack Timber Sale Environmental Assessment

“This project was not specifically designed to mitigate or respond to potential climate change. This analysis does not attempt to quantify carbon emission or sequestration.” Hunter Timber Sale Environmental Assessment
What to Look for in the Project Documents:

Keep in mind: The Forest Service is following the Forest Management Plan’s “management directives”, Congressionally determined “timber targets”, and political pressures.

- If you have substantive issues with the project’s stated “Purpose and Need”, clearly state your issue, and provide supporting argument.
- The agency should use "best available science" and give a preference to science that is peer-reviewed over that which is not.
- Did the agency correctly describe the existing environment (baseline)?
- Are there direct or indirect effects that the agency did not address?
- Are there cumulative effects that the agency did not consider or that the agency underestimated?
- Are there statements that are legally or factually inaccurate or incomplete?
Organizing your Comment

- Use Descriptive HEADINGS: Structure your comment in thematic sections.
- Focus on Cause and Effect: If you allege that the NEPA document does or does not do something, clearly connect the dots.
- Provide as Much Factual Support as Possible: Include photos, maps, GPS coordinates, historical documents, scientific citations, studies, reports, etc.
- Point out Inadequacies: Failure to address some issue or failure to give high quality information.
- Focus on Environmental and Economic Impacts Separately
- Do not rant. Resist the urge! It weakens your argument and does not influence the proposed project in any way.
- Be Efficient. Make your points direct and succinct.

You don’t need to read the entire document. Focus on the discussion of effects for the issue you want to comment on, and utilize any maps or other appendices provided which clarify the information.