



Pennsylvania Council of Trout Unlimited
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The Pennsylvania Council of Trout Unlimited (PATU) is America's largest state council with over 14,000 members and 49 chapters statewide.

The USFS manages the Allegheny National Forest in the northwest part of our state, our only National Forest. The ANF is an incredibly important recreational, environmental, and cultural resource for our members and is the home to many native and wild trout streams throughout.

NEPA is important to the ANF and our members and as the President of the PATU, I offer the following comments in response to the proposed rulemaking.

- Collaboration is one of the most important tools for fostering efficient land management. When projects are conceived, developed and implement in a collaborative manner, the result is not only increased efficiency, but also more durable decisions less prone to legal challenges. Strengthening opportunities for collaboration should be a primary objective of the revised regulations.
- Hunters and anglers must be assured that the revised regulations will not erode opportunities for meaningful public involvement in decisions affecting their public lands. Soliciting input at the beginning of the NEPA process, called scoping, is an important part of any decision. Unfortunately, the proposed rule would eliminate scoping from all but the most complex projects. **The final rule must allow for scoping and meaningful public involvement.**
- The proposed rule includes ten new categorical exclusions that exempt certain project from comprehensive NEPA review. These categorical exclusions fall into three categories: (1) those covering infrastructure activities, (2) those covering special uses, and (3) those covering

restoration activities. Categorical exclusions that allow projects to be exempted from further NEPA review can be useful tools to expedite projects that are reasonably expected to have minimal adverse environmental effects. However, **categorical exclusions must include a narrow focus and adequate sideboards to prevent unexpected impacts on important fisheries, or misapplication when a more robust process should be utilized.**

- An important check to ensure that categorical exclusions are properly used is the “extraordinary circumstances” review. Under current practice, if an extraordinary circumstance is present, such as the potential for significant impacts to a threatened species, then a more thorough review is required. The proposed rule would eliminate the existing requirement to consider impacts to the agency’s Sensitive Species list, which includes numerous native trout species, including Westslope cutthroat, Bonneville cutthroat and Colorado River cutthroat trout. Additionally, the proposal does not add Species of Conservation Concern, a new classification developed by the agency. **The final proposal must require consideration of the agency’s Sensitive Species list, as well as the Species of Conservation Concern, as applicable.**
- Timber harvest on up to 4,200 acres would be categorically excluded from further NEPA review so long as at least one “restoration” activity is included. Any categorical exclusion for restoration should be **limited to projects where restoration is the true priority** and not an afterthought, and **include meaningful sideboards** to ensure that the categorical exclusion is not applied haphazardly. **Allowances for permanent roads must be eliminated** and there should be a requirement that all activities directly address environmental impairments, resulting in a **net conservation gain.**
- Determinations of NEPA adequacy could help relieve the agency of redundant NEPA reviews by establishing a consistent process for determining if an existing analysis is adequate. This decision must not be made in a vacuum. Public involvement – including scoping – and consultation with stakeholders, applicable resource professionals, and partners is necessary to ensure that this decision is fully informed. Additionally, the determination cannot be a simple yes or no. The deciding official should be required to not only answer if an existing

analysis is sufficient, but more importantly *why* it is sufficient. **The final rule must support meaningful public engagement and require clear explanation of NEPA adequacy determinations.**

- **Funding for agency staff and programs is needed.** Creating efficient processes is about more than revising regulations. Without sufficient funding and qualified resource professionals, streamlining NEPA is just a band-aid on a bigger problem. Since 1995, there has been a nearly 40% decline in non-fire personnel. That means fewer biologists, fewer engineers, fewer hydrologists, fewer trail crews and fewer professionals to conduct timely, thorough NEPA procedures. **Ensuring adequate funding is an issue that Congress and the Administration must address to not only ensure healthier forests, but a healthier Forest Service.**



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