



Friends of the Clearwater

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Forest Supervisor Cheryl Probert
Nez Perce-Clearwater National Forests
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Via email: leanne.marten@usda.gov, cheryl.probert@usda.gov

Dear Regional Forester Marten and Supervisor Probert,

I am writing on behalf of my client, Friends of the Clearwater (FOC), to request a 60-day extension on the Nez Perce-Clearwater National Forests forest-plan revision comment period, which is set to expire April 20, 2020. As stated in FOC's first request, the Forest Service released this comment period the week before Christmas and when most forest-planning employees promptly left for the holidays and were not reachable until after the new year. While the Forest Service extended its original 90-day comment period by 30 days, this is not enough, especially since employees were not initially reachable for at least 14 of those days. This revised draft forest plan and the accompanying environmental impact statement (EIS) is complex: The Forest Service has asked for comments on a draft revision that combines two forest plans into one and is requesting public comment on an EIS over 2,000 pages long. Since the beginning of this comment period, as of the date of this letter, the Forest Service on these forests has released at least nine other projects for some level of comment under the National Environmental Policy Act, and most of these projects involve some level of logging. Just those two factors alone warrant giving the public the longest comment period possible for a forest-plan revision. However, these factors have been further complicated by an unfolding pandemic not seen in our lifetimes, which is causing extraordinary hardship and disruption. For the combination of all these reasons, FOC implores you to extend the forest-plan revision comment period for 60 more days at minimum.

My client has already described the issues with releasing the plan just before Christmas and becoming promptly unavailable over the holidays to answer any of the public's questions, including FOC's, so described below is what has been observed since then. As of the date of this letter, the Forest Service has released comment periods for nine different projects proposed on the Nez Perce-Clearwater National Forests, most of which involve some level of timber harvest. These comments have all overlapped with the forest-plan comment period (December 20, 2019 to April 20, 2020) and have had due dates preceding the deadline for forest-plan comments:

Hungry Ridge: a logging project with an objection due January 10, 2020.

Gold Hill: a logging project with an objection due January 16, 2020.

Black Skull/Lost Toboggan: a 60,000-acre burn project the Forest Service is trying to do with a categorical exclusion, citing no potential significant circumstances, comments due February 4, 2020

Hisloc Fuels: logging project in lieu of fire-wise landscaping around the agency's historic ranger station, due February 12, 2020.

East Saddle Restoration Project: A logging and burning project that proposes to log 400 acres and burn 3,500 under a categorical exclusion, comments due March 26, 2020.

Stray Creek Project: A 500-acre logging project, comments due around March 20, 2020

Green Horse Project: A 1,500-acre logging project with approximately 600 acres of burning, comments due March 23, 2020.

Section 16 Project: A 380-acre logging project where the Forest Service stated that the comments on the proposed action would be the only open comment period before the objection, comments due April 15, 2020.

Dead Laundry Project: A 3,500+ acre logging project with 1,300+ acres of burning, comments due April 15, 2020.

These comment periods require thoughtful consideration on many aspects of each project, including Forest Service assumptions on why these projects are necessary, what impacts the project will have to various species of wildlife and fish (including ESA-listed species and sensitive species), the management areas where the projects are proposed, whether the proposed action follows the forest plan, and whether the best available science has been introduced or considered. There is simply no way for the public to keep up with these new project proposals and comment on the agency's 2,000-plus pages of environmental analysis that will set the trajectory of this forest for the next 30 years. My client can only keep up with these proposals at the expense of time spent focusing more on the forest plan, and commenting on these projects and planning is FOC's full-time job—this is just too much for FOC members who want to participate in decisions that involve their forests but have unrelated full-time jobs. Please know that these numerous project comments have prejudiced the public and our organization from meaningful review during the forest-plan comment period, and the COVID-19 pandemic unfolding in the United States has multiplied this impact.

On March 13, 2020, President Trump issued an executive order declaring a state of national emergency in response to the COVID-19 outbreak in the United States. Across the United States, communities have been addressing the public health crisis at varying levels. While some governors have issued preemptory state-of-emergency orders (Governor Brad Little of Idaho), other governors have issued stay-home orders and banned gatherings (Governor Jay Inslee of Washington). Finally, other communities have closed schools, event venues, and restaurants. Some courts have postponed filing deadlines and many have reduced court operations to only the essential emergency issues.

The public needs additional time to participate in planning processes if the Forest Service is to afford meaningful public comment. Now is a time when the public is and should be focused on keeping their loved ones healthy and safe while complying with the extraordinary measures imposed to contain and limit the spread of COVID-19. This disease has disrupted normal routines, impairing the public's ability to go about their regular daily work, school, and living routines, much less giving them the time, energy, or space to weigh in on Forest Service actions. Additionally, internet connections are overwhelmed, which might further impact connection and impair communication. Finally, even though the NEPA regulation 40 C.F.R. § 1502.19 requires the Forest Service to provide paper copies of the environmental impact statement to those who have asked for it,¹ at least two members have reported to

¹ The regulation states, "However, if the [environmental impact] statement is unusually long, the agency may circulate the summary instead, **except that the entire statement shall be furnished to...**(c) Any

FOC that the Forest Service has refused their requests. The forest planner suggested to these folks that a paper copy of the EIS is on file at various local libraries. The Forest Service should be aware that some local libraries are now closing, so the public will not be able to access the few paper EIS copies the Forest Service has made available.

Beyond the life disruptions that impact our members' and the general public's ability to meaningfully comment, COVID-19 has halted the normal facets of outreach and education on the forest-plan revision process. Friends of the Clearwater has had to cancel several of these outreach and education events, including three in Idaho and two in the State of Washington. FOC members and the public far and wide recreate in the Nez Perce-Clearwater National Forests; regionally this draw extends to Idahoans and Washingtonians who camp, hike, fish, hunt, recreate, and seek spiritual renewal in the Nez-Clear. When developing the 1987 Forest Plan, the Forest Service had a public meeting in Spokane, Washington. Although the Forest Service decided not do outreach in Washington for this revision during this current comment period, Friends of the Clearwater had. FOC scheduled an education and outreach event on the forest-plan revision in Spokane and was in the process of scheduling another in Seattle when venues began shutting down due to COVID-19 a couple of weeks ago. As mentioned above, yesterday Governor Inslee issued a "stay home" executive order, and group meetings are banned. There is so much uncertainty and tragedy unfolding in Washington that rescheduling within the next month is unfeasible. Additionally, Friends of the Clearwater had to cancel an education and outreach event on the revised forest plan in Ketchum, Idaho, and was in the process of scheduling events in Lapwai and Kamiah earlier this March when the spread of COVID-19 motivated concerned communities to shut down venues and restaurants, and began ordering the public to practice social distancing.

Other federal agencies and other regions of the Forest Service have extended public comment periods. For example, in October 2019 the National Marine Fisheries Service first solicited the public for information to help with the agency's five-year status review for Pacific salmon and steelhead under the Endangered Species Act. That comment period was set to expire March 27, 2020, but today the agency extended its deadline sixty days to May 26, 2020 to allow for additional opportunity for public input. Also, in response to the COVID-19 pandemic, today the Bureau of Land Management extended filing deadlines by sixty days for all cases before the Interior Board of Land Appeals. And other regions in the Forest Service are extending forest-plan comment periods, such as the Nantahala and Pisgah National Forests in North Carolina. Friends of the Clearwater hopes Region 1 and the Nez Perce-Clearwater National Forests exercise similarly compassionate and reasonable measures.

Please extend the comment period for the Nez Perce-Clearwater National Forests plan revision to the full 180 days allowed for plan revisions (i.e., sixty more days from the April 20, 2020 deadline) to give the public a full opportunity to meaningfully comment in light of all the other projects and in light of the pandemic our society now faces. Thank you in advance for your consideration.

Sincerely,



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person, organization, or agency requesting the entire environmental impact statement.” 40 C.F.R. § 1502.19. This particular NEPA regulation was promulgated in 1978, 43 Fed. Reg. 55997 (Nov. 29, 1978), when environmental impact statements would have only been paper copies.