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Mystic Ranger District Office,
Attn: Sawbuck Project,
8221 S. Mount Rushmore Rd.,
Rapid City, SD, 57702

1st Comment Letter for PHAS on Sawbuck Forest Management Project Draft Environmental Assessment

Project Page: <https://www.fs.usda.gov/r02/blackhills/projects/67518>

Prairie Hills Audubon Society submits the following comment regarding the Sawbuck Forest Management Project Environmental Assessment.

Upon accessing the official U.S. Forest Service project web page, a banner in yellow appears stating:

“The Radical Left Democrats shut down the government. This government website will be updated periodically during the funding lapse for mission critical functions. President Trump has made it clear he wants to keep the government open and support those who feed, fuel, and clothe the American people.”

This language introduces partisan political messaging into an official NEPA public participation platform, which is required under law to facilitate neutral, open, and nonpartisan civic engagement.

I. Hatch Act Concerns – Use of Official Authority for Partisan Messaging

The Hatch Act, 5 U.S.C. § 7323(a)(1), prohibits federal employees from using their official authority or influence to interfere with or affect the result of an election. The implementing regulation at 5 C.F.R. § 734.302(b) states:

“An employee may not use his or her official authority or influence for the purpose of interfering with or affecting the result of an election.”

Under 5 C.F.R. § 734.101, “political activity” is defined as “activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.”

The banner language blaming “Radical Left Democrats” and crediting President Trump constitutes express partisan framing that promotes one political figure while disparaging a political party. Displaying this statement on an official federal agency website, particularly one tied to the NEPA public comment process, appears to constitute political activity using government resources, which is prohibited.

II. Anti-Lobbying Act – 18 U.S.C. § 1913

The Anti-Lobbying Act, 18 U.S.C. § 1913, prohibits the use of appropriated funds or official agency communications for activities “intended or designed to influence... a Member of Congress, jurisdiction, or public opinion” in a partisan context. Federal appropriations riders and Government Accountability Office (GAO) decisions have repeatedly found that partisan messaging or propaganda on official agency platforms violates this standard.

III. Public Participation Under NEPA Requires Neutrality (Statutory Standard)

Regardless of the shifting rules implementing NEPA, the core statutory mandate of NEPA remains binding. Under 42 U.S.C. § 4332(C), federal agencies are required to make environmental information available to the public and facilitate meaningful public involvement. Courts have long recognized that this includes providing an accessible, non-coercive, and impartial forum for civic participation. Introducing partisan blame language into the NEPA comment portal undermines this statutory obligation by creating the appearance of political alignment by the agency, which can discourage public engagement from those who do not share the partisan framing expressed.

IV. Requested Corrective Action

Prairie Hills Audubon Society respectfully requests that the Forest Service:

Immediately remove the partisan banner language from the Sawbuck Forest Management Project page and any other NEPA related pages managed by the Forest Service.

Issue internal ethics guidance to ensure that future NEPA engagement pages remain free of partisan or campaign-style messaging.

Acknowledge in the project record that partisan political messaging on a NEPA portal undermined the integrity and neutrality of the administrative process, and may be inconsistent with the Hatch Act (5 U.S.C. § 7323; 5 C.F.R. § 734.302), 18 U.S.C. § 1913 (Anti-Lobbying Act), and NEPA’s statutory public participation mandate at 42 U.S.C. § 4332(C).

Provide a Project page without the partisan banner at the top and extend the comment period by two weeks, so people can participate without the harassment, polarization and intimidation of partisan politics.

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For self and for Prairie Hills Audubon Society