

Data Submitted (UTC 11): 1/13/2021 9:54:36 PM

First name: Dick

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Organization:

Title:

Comments: Dear Ranger Berner and selected IDT members,

Why must a member of the public explain the basics of NEPA to a USFS line-officer?

You sent a pre-scoping letter to the public explaining the proposed Scattered Lands project on August 19, 2020. Here is the link to this letter:

https://www.fs.usda.gov/nfs/11558/www/nepa/114241_FSPLT3_5342138.pdf

Your follow-up January 4, 2021 "Dear Friends and Neighbors" letter says

the "Scattered Lands Comment Period Packet and preliminary effects analysis is to share information regarding the proposed Scattered Lands project. It describes the need for fuels reduction work in the area, proposed activities, design features and preliminary effects that the Responsible Official is taking into consideration."

"Environmental Assessments must provide an opportunity for public comment and this comment period satisfies this requirement. Unless the Responsible Official chooses to provide an additional opportunity to submit written comments, this combined scoping comment period will be the only time written comments are solicited for the Scattered Lands project."

Here is the link to the "Dear Friends and Neighbors" letter:

https://www.fs.usda.gov/nfs/11558/www/nepa/114241_FSPLT3_5572866.pdf

Why would you combine the scoping and comment period? Why didn't you send a scoping package to the public on January 4, 2021 and ask for additional scoping comments? Instead, you present the public with a preliminary effects analysis document and asked for comments. NEPA does not mention a "preliminary effects analysis document."

As you might know NEPA has specific requirements. Your preliminary effects analysis is not a substitute for an EA.

Since you say this will be "the only time written comments are solicited for the Scattered Lands project" you are telling us that you have no intention of preparing an EA ... or if you do you will not allow the public 30 days to submit comments.

You cannot change laws to suit your fancy.

Your illegal, ridiculous comment period does not satisfy NEPA. Allow me to introduce you to some laws you either don't know about, or hope you won't get caught violating.

40 CFR §1500.2 Policy.

Federal agencies shall to the fullest extent possible:

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

40 CFR §1501.3 When to prepare an environmental assessment.

(a) Agencies shall prepare an environmental assessment (Sec. 1508.9) when necessary under the procedures

adopted by individual agencies to supplement these regulations as described in Sec. 1507.3. An assessment is not necessary if the agency has decided to prepare an environmental impact statement

40 CFR §1506.6 Public involvement.

Agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

So, why do the Rangers and Supervisors on the other 153 national forests follow up their scoping with pre-decisional EAs and DEISs and send them to the public to provide comments in 30 days on EAs and 45 days on EISs? They strive to obey the law. Why should the Sandpoint District of the IPNF be different? What makes you so special?

Please post your scoping package online and request comments. This is the next step in the process. Forget about the preliminary effects analysis document.

Supervisor Higgins you need to bring Ranger Berner under control. Not doing so might jeopardize your career because the public will believe you were aware of her scheme and did nothing.

I hope to receive a response to this letter ASAP from someone in authority who might explain the situation. If not, my member of Congress will help me.

Sincerely,

CCs to selected staff and

MELANY GLOSS R-1 drf

Julie Schaefer R-1 Director Ecosystem Assessment and Planning

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