

# Deer Creek Valley Natural Resources Conservation Association

PO Box 670, Selma, OR 97538  
541 597-4313

June 21, 2017

Allen Bollschweiler, Field Manager  
Grants Pass Area, Interagency Office (Medford District)  
2164 NE Spalding Ave  
Grants Pass, OR 97526

[BLM\\_OR\\_PWest@blm.gov](mailto:BLM_OR_PWest@blm.gov)

Re: Pickett West Forest Management Project Environmental Assessment (DOI-BLM-ORWA-M070-2016-0006-EA)

Dear Allen,

I am writing in behalf of the Deer Creek Valley Natural Resources Conservation Association (DCA) and the Illinois Valley Section Sierra Club regarding the BLM's responsibility for public involvement purpose of the National Environmental Policy Act's (NEPA) procedural requirements that requires access to interdisciplinary (ID) team members by the public.

Public access to environmental assessment (EA) interdisciplinary (ID) team members is a function of the "Analyzing Effects Methodology" of information that we, the public, need to understand "significant" impacts. We believe this is a NEPA compliance issue per the BLM NEPA Handbook and the CEQ NEPA regulations.

In this case the BLM has asked for comments from the public on the environmental assessment (EA) for the Pickett West Forest Management Project. Most important is the BLM's must analyzing effects methodologies implementing regulations identified in the 2008 BLM NEPA Handbook, Chapter 6 "NEPA Analysis" (pages 33 - 68). *"Chapter 6 identifies the essential analytical elements that are common to NEPA analysis, regardless of whether you are preparing an Environmental Assessment or an Environmental Impact Statement."* (BLM. 2008, p. ix). The handbook's Section 6.8.1.2 Analyzing Effects provides *"A NEPA document must describe the analytical methodology sufficiently so that the reader can understand how the analysis was conducted and why the particular methodology was used."*

The Pickett West EA must describe the analytical methodologies to determine effects and significantly sufficiently so that the reader, including the public, can understand how the analysis was conducted (BLM. 2008, p. 55). Understanding by the public is key to meeting the public involvement (PI) test: *"Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures."* (40 CFR1506.6 Public Involvement), and the BLM's PI test so that the reader, including the public, can understand.

**Section 6.8.1.2 Analyzing Effects “Methodology”:** A NEPA document **must describe** (emphasis added) the analytical methodology sufficiently so that the reader can understand how the analysis was conducted and why the particular methodology was used (40 CFR 1502.24). This explanation **must include** (emphasis added) a **description of any limitations inherent in the methodology** (emphasis added). If there is substantial dispute over models, methodology, or data, **you must recognize** (emphasis added) the opposing viewpoint(s) **and explain the rationale for your choice of analysis** (emphasis added) (Chapter 6, Section 6.8.1.2 “Analyzing Effects” BLM NEPA Handbook (H-1790-1) (BLM. 2008, p. 55).

The important CFRs supporting Section 6.8.1.2 Analyzing Effects applicable to the Pickett West EA follow (BLM. 2008, p. ix).

- **40 CFR 1502.22 Incomplete or Unavailable Information.** When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, **the agency shall always make clear that such information is lacking** (emphasis added).
- **40 CFR 1502.24. Methodology and Scientific Accuracy.** Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.
- **40 CFR 1507.3 Agency Procedures.** (a) . . . each agency shall as necessary adopt procedures to supplement these regulations. When the agency is a department, major subunits are encouraged (with the consent of the department) to adopt their own procedures.

The EA must describe the analytical methodologies to -determine effects and significantly sufficiently so that the reader can understand how the analysis was conducted and why the particular methodology was used (BLM. 2008, p. 55). The BLM Medford and its EA ID teams’ PI purpose of NEPA’s “shall” requirement (i.e., “must” requirement) responsibility follows (NEPA, Section 102(2)(B); 40 CFR 1502.24; BLM. 2008, p. 70). It would be unusual if BLM does not share the BLM NEPA Handbook during public outreach as the handbook provides the specific rules for developing EAs and EISs, and how the public can become involved. This includes providing access to individual members of the ID team to share their knowledge about significant impacts and analyses methodologies.

- 40 CFR 1506.6 Public Involvement: **“Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.”** (BLM. 2008, p. 2).
- This Handbook contains direction for use by BLM employees from all levels of our organization, including decision-makers, program managers, specialists, interdisciplinary team members, and any BLM contractors involved in the NEPA process. **“We” (BLM) believe it will help “you” (the reader) help us in meeting the legal requirements of the NEPA** (BLM. 2008, p. 2).

The responsibilities of the EA and EIS ID team members is at the center of NEPA’s systematic, interdisciplinary approach. Federal agency management, land use planners, NEPA specialists, and team leaders are not responsible for identifying and developing methods and procedures for determining significant impacts (Section 102(2)(B)), nor to study the effects of appropriate alternatives (Section 102(2)(E)). The ID team members may get advice and consul from management and other specialists, but the responsibility for the determination of significance is theirs alone. The ID team’s mandate is to utilize a systematic, interdisciplinary approach (Section 102(2)(A)) which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the human environment (40 CFR 1508.14).

The ID team’s responsibility in an EA and/or EIS is to determine the significance (40 CFR 1508.27. Significantly) and/or the non-significance of “issue” effects/impacts (40 CFR 1508.8).

Effects (direct and indirect); 40 CFR 1508.7 Cumulative Impact) to the natural and physical environment and the relationship of people (i.e., this means the economic or social effects with that environment; 40 CFR 1508.14).

In summary, we previously requested that BLM make available to the public its individual ID team members to discuss their individual analytical methodologies sufficiently so that we could understand how the analyses were conducted and why particular methodologies were used (40 CFR 1502.24). We again formally request access to the ID team members to discuss their individual analytical methodologies in order to understand the EA for the Pickett West Forest Management Project. These meetings need to occur at least a couple of weeks before the end of the public comment period.

In conclusion, we believe the BLM may be in non-compliance with 40 CFR1506.6 – Public Involvement by not making EA ID team members accessible to the public to explain their “Analyzing Effects Methodologies” during scoping before the EA for the Pickett West Forest Management Project became publicly available. We believe it would be in non-compliance if it does not make the EA ID team members accessible soon after the EA became available for public review. Beyond Section 6.8.1.2, Analyzing Effects, of the BLM NEPA Handbook, the PI purposes for accessible EA ID team members follow.

- Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.” (40 CFR1506.6 Public Involvement).
- Describing the EA ID team members’ analytical methodologies sufficiently so that the public can understand (40 CFR 1506.6) how the analysis was conducted and why particular methodologies were used (40 CFR 1502.24).
- Explaining with descriptions of any limitations inherent in the methodologies to the public (40 CFR 1502.22).
- Recognizing and explaining substantial dispute over models, methodology, or data, by recognizing the public’s viewpoint(s) and EA ID team members’ rationale for their choice of analysis methodologies (40 CFR 1502.24; 40 CFR 1502.24; BLM. 2008, p.55).

Thank you for your consideration of these comments.

Sincerely,

Mary Camp, President  
Deer Creek Valley Natural Resources Conservation Association

Frederick Mittleman, Chair  
Illinois Valley Section, Oregon Chapter Sierra Club