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February 2, 2018

Amy Baker  
USDA Forest Service  
Geospatial Technology and Applications Center  
2222 West 2300 South  
Salt Lake City, UT 84119

Dear Ms. Baker:

**Re: National Environmental Policy Act (NEPA) Compliance; Advance Notice of Proposed Rulemaking, 83 Fed. Reg. 302 (January 3, 2018)**

The Women's Mining Coalition is a grassroots organization of a broad spectrum of women engaged in work throughout the mining industry. As a group, we support commitment by the mining industry to resource stewardship and environmentally responsible mining. The Women's Mining Coalition (WMC) appreciates the opportunity to provide the Forest Service with comments on their National Environmental Policy Act (NEPA) procedures in an effort to improve the efficiency of environmental analyses.

The NEPA process was originally designed to be an assurance that permits were only issued after an appropriate evaluation of the potential and risks for negative environmental impacts of a proposed project. While it continues to serve this purpose, it suffers from an inefficient process and lack of timeliness in completing the work in order to reach a permit decision. The lengthy process for mineral exploration programs discourages companies from investing in an area which includes significant acreage managed by the US Forest Service. It also limits the profitability of expansion of existing operations or developing new operations because of the length of time that a proponent must wait, tying up capital investment while incurring continuing maintenance fees.

As ways of how the process can be improved are considered, WMC offers the following thoughts:

- Look to the Department of Interior's Secretarial Order 3355 which provides the path forward to establishment of timelines and page limitations as a method to streamline the NEPA process to craft similar guidance for the USFS;
- Develop a standardized memorandum of understanding template for cooperation among agencies in the review of NEPA data rather than negotiate separate agreements for every NEPA implementation;
- Consider allowing the proponent to provide a preliminary document for review and assessment;
- Develop a threshold of significance for various issues. Not every issue within a proposal rises to the same level of need to be analyzed;

- Review the criteria for determining issuance of categorical exclusions to standardize when these can be issued. Examples of proposed projects that could be approved with a categorical exclusion should include the following: 1) projects that create less than 5 acres of land disturbance; 2) short-term exploration programs where the earthworks portion of the proposed reclamation activities can be completed within one year following completion of the exploration activities; 3) project modifications or expansions in an area for which a NEPA document has already been prepared that analyzes the same kinds of activities and impacts; and 4) a surface use permit application for an area that has already had a comprehensive NEPA analysis — either an Environmental Assessment or an Environmental Impact Statement. These suggestions for expanding the use of categorical exclusions would provide the Forest Service with a decision option similar to the Bureau of Land Management’s Determination of NEPA Adequacy;
- Regarding approaches to NEPA decisions based on landscape-scale analysis: because landscape-scale analysis is inconsistent with this administration’s stated policies and contrary to law, it should not be used as the basis for USFS’ future NEPA decisions or incorporated into the USFS’ NEPA rules. Congress recently rejected the concept of landscape-scale planning and analysis when it rescinded the Bureau of Land Management’s Planning 2.0 Rule, finding that landscape-scale planning is not authorized. Consequently, a rule based on landscape-scale analysis would be unlawful. Additionally, in his March 28, 2017 Executive Order “Promoting Energy Independence and Economic Growth,” President Trump rescinded the November 3, 2015 Presidential Memorandum entitled “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment,” which embraced a landscape-scale mitigation policy. Secretary of the Interior, Ryan Zinke, subsequently issued Secretarial Order 3349, which revokes the October 13, 2013 Secretarial Order 3330 “Improving Mitigation Policies and Practices of the Department of the Interior.” In light of Congress’ and the current administration’s wholesale rejection of landscape-scale planning, USFS must not include landscape-scale analysis in the agency’s NEPA rules.

These thoughts are highlights of some of the efficiencies that might be realized through rule changes. WMC commends the Forest Service for advancing the review and for its efforts to revise the NEPA process within the Agency. WMC appreciates the opportunity to submit these comments in response to the ANPR and looks forward to working with the Forest Service to improve the efficiency of the NEPA review process.

Respectfully,



Barbara A. Coppola  
President  
Women’s Mining Coalition