

TESTIMONY OF MARK MENLOVE, OUTDOOR ALLIANCE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
OVERSIGHT HEARING ON THE FOREST SERVICE USE OF NEPA
CATEGORICAL EXCLUSIONS
JUNE 28, 2007

Mr. Chairman and Members of the Subcommittee:

I am Mark Menlove. I live in Boise, Idaho and I serve as the Executive Director of Winter Wildlands Alliance.

I am testifying today on behalf of the Outdoor Alliance, a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through responsible human-powered outdoor recreation. Outdoor Alliance includes: Access Fund, American Canoe Association, American Hiking Society American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance, and represents the interests of the millions Americans who hike, paddle, climb, mountain bike, ski and snowshoe on our nation's public lands, waters and snowscapes.

Collectively, we have members in all fifty states and a network of almost 2,000 local clubs and advocacy groups across the nation, including 22 in Idaho where I live, but also 32 in Arizona and 21 in Utah.

As a native Utahn, I grew up hiking, skiing and camping in Utah's Wasatch Mountains. My childhood time in the outdoors profoundly influenced my life and, indeed, served as the basis for my pursuing a career in the outdoor and winter recreation industry. Among other recreation jobs, I worked for the U.S. Ski Team and served as President of the Utah Ski Association. I've also worked as a backcountry ski guide and am a certified avalanche and snow safety professional. I was involved, through my role at Ski Utah, in the Salt Lake Olympic bid efforts and later had the honor of working for the Salt Lake Olympic Committee by running the press operation for all of the Olympic events held at Park City Resort.

Much of my time these days is spent passing on my love of the outdoors to my three children. Almost any weekend will find my family and me tent camping in the Payette or Boise National Forests, hiking the trails or fly fishing from our drift boat on one of Idaho's many rivers. Winter weekends find us at our local ski hill, Bogus Basin, located on the Boise National Forest, or backcountry skiing or snowshoeing into the Sawtooth National Recreation Area. This winter, as we do every winter, we made a family trek into one of Idaho's backcountry yurts for an

overnight stay. I put my five-year-old-son, Asa, on cross-country skis for the first time and to see the sense of accomplishment and sheer joy he got from skiing all the way in to the yurt and back out by himself was one of the most rewarding parenting experiences of my life.

I. Outdoor Alliance's Stake in Forest Management

As outdoor enthusiasts, we need public lands and their topography to do what we do – kayakers need rivers, climbers need escarpments and hikers and mountain bikers need trails; but what truly unifies our broader community is an unshakeable conservation and stewardship ethic towards the land. This ethic is reflected in practicing outdoor principles such as “Leave No Trace” to spending thousands of volunteer hours devoted to infrastructure design, construction and maintenance. We recognize that our pursuits depend on healthy lands and waters and that recreational access must sometimes be subordinate to resource conservation and protection of fragile ecosystems and sensitive wildlife habitats.

Our community's conservation and stewardship ethic is also reflected in our active involvement in how public lands are managed by the Federal agencies. Our central opportunity for participation is through the NEPA process. Though Outdoor Alliance is a fairly new coalition, the member organizations have filed comments on river management plans, climbing management plans and travel plans as well as forest management plans for decades.

We recognize that the NEPA process does not mandate any particular decision and does not require an agency to favor alternatives that enhance habitat, the environment, or wildlife, let alone our outdoor pursuits. What it does require is a hard look at how decisions could impact the human environment. It requires land managers to put all pertinent information on the table in order to make sound decisions; and also brings diverse interests to the table to ensure that the public, who actually own the lands, is vested in the process.

NEPA, with its transparent process, accountability and informed, meaningful public involvement enables our community to live up to our conservation and stewardship ethic and to have a meaningful voice in management decisions impacting our respective recreational pursuits. Volunteering for a trash pick-up day at a local forest district is certainly important, but nothing can take the place of having the informed public weigh-in on critical agency decisions.

The trend to subject more and more Forest Service decisions to categorical exclusions causes our community concern. In particular, we believe that excluding forest plans from NEPA review is a grave mistake for a number of reasons.

II. Decisions Made in Forest Plans Materially Impact our Community

The U.S. Forest System is a multiple use land management agency. While 192 million acres seems like all the space in the world, it can get crowded very quickly when all these uses, including timber harvesting, mining and the spectrum of different types of recreation are pursued at the same time or at the same place. Thankfully, forest planning creates a framework for managing an entire forest including management designations that effectively allow or disallow specific recreational use on all or part of a particular forest. The process of arriving at a final forest plan, therefore, is profoundly important to the active outdoor recreation community. The Forest Service wisely recognizes that a balanced, zoned approach, which designates different areas for different use is the best way to meet the diverse needs of the many different appropriate uses of our public forests.

Outdoor Alliance supports the Forest Service's zoned approach. However, the allocation of different uses in a multi-use landscape begs for the type of analysis that NEPA provides so effectively. How can you balance different recreation uses without first determining the needs and use patterns of these diverse groups as well as forest-wide capacity to accommodate different uses? The public needs to (1) be made aware of these zoning implications and (2) be able to share their positions as well as their own information. Proper NEPA analysis at the planning stage helps ensure balanced management at the project level and helps make sure the individual projects make sense not only for the forest, but also relative to all the other existing and future projects.

The environmental analysis that NEPA facilitates ensures informed decision-making. The collective effort and public participation embedded in the NEPA process results in better management decisions and assures the greatest good for the greatest number of people.

III. Informed and Meaningful Public Participation Helps the Forest Service and Inspires Greater Public Confidence in Agency Decisions

Participation in land use decision-making at the Forest Service is a two-way street. The outdoor community treasures the ability to have our perspectives considered. However, our perspectives can be particularly valuable to the Forest Service. Our community spends time in places few managers ever go. In fact, as a community we traverse virtually every foot of trail and river and backcountry ski route in the nation each year – something no agency can claim of their collective staff. We thus bring not only our *interests* to federal land management planning processes – but also practical, on-the-ground knowledge and *information* that is critical to responsible management of those lands. The ability to bring a useful perspective to the forest planning process is *not* unique to the outdoor recreation community.

Indeed, it is the process of collecting, analyzing and sharing *all* of the various perspectives and insights that make a forest plan developed with a NEPA review one that has earned the public's trust.

NEPA facilitates intelligent, informed public input. Though the Forest Service has explored ways to secure public participation without a NEPA analysis (such as is contemplated in the recently stayed 2005 Forest Planning regulation at 36 CFR Part 219), these efforts ultimately ring hollow. Simply directing the Responsible Official at a forest to use a "collaborative and participatory approach" is of limited utility if no one has the benefit of the type of necessary information generated under a proper NEPA analysis. NEPA provides the "critical mass" of facts necessary for collaboration between the agency and the public to transpire in a meaningful way.

Furthermore, leaving the public involvement requirement open to the interpretation of a local Responsible Official rather than a time-proven NEPA public involvement process creates confusion among the public and unacceptable disparity from one forest to another. As mentioned earlier, our constituents are knowledgeable, participatory and committed to responsible stewardship of public lands. We thus offer a valuable resource to forest managers. To cut us, or any other community, out of the forest planning process is unfair and ultimately imprudent.

The Forest Service motto is "Caring for the Land and Serving the People." To us, this means that the agency should be listening to the people it serves so that it can care for the land in a manner that best meets the people's needs.

IV. Forest Planning Developed Under a NEPA Analysis Assures Straight-Forward Administrative Review

Outdoor Alliance is concerned with the ambiguous administrative review process when forest planning is categorically excluded from a NEPA analysis. A critically important attribute of a NEPA review is the administrative appeal framework, which provides meaningful opportunities to resolve difference without immediately looking to the courts. We support the thorough administrative appeals process afforded by NEPA and appreciate the higher level of public trust that process engenders. Creating a well-informed initial plan with adequate public participation and built-in accountability will reduce conflicts down the road.

V. Forest Planning with NEPA Review – More Efficient Over the Long Term

Many have derided NEPA review for involving too much red tape and for taking too long. Though we are all in favor of increased government efficiency and better implementation, efficiency cannot trump transparent agency decision-making that takes into account informed and meaningful public input when the topic is a multi-year plan for an entire forest. This is not to say that categorical exclusions are not an important part of NEPA compliance, but we feel that their use should be judicious and that categorical exclusions are inappropriate for the forest planning process. Put more directly, it pays to do things the “right way” the first time, even if it takes a little bit longer.

In terms of doing things the “right way”, take, for example, the recently developed plan for the Monongehela National Forest - which forms the headwaters of the Potomac. The draft environmental assessment that informed the forest plan drew over 13,000 public comments, many of which were based on the explicitly defined outcomes expected from the implementation of specific alternatives. These comments, coming from Outdoor Alliance member organizations as well as individual members of the outdoor community, led to several substantive changes to the forest plan including additional protective measures for wild areas of great interest to our community. NEPA allowed the Regional Forester to balance resource extraction interests with resource conservation interests and recreation interests based on a well-defined set of alternatives and a wealth of data on anticipated effects of those alternatives. Without NEPA, these decisions on which lands should be zoned for various levels of protection, extraction or recreational use would not have undergone rigorous analysis and public scrutiny.

Conclusion

Responsible management and stewardship decisions require multiple perspectives. These decisions cannot take place in a vacuum and certainly should not take place without the informed exploration of reasonable alternatives regarding how a forest should be managed over a stretch of years. For multiple uses to properly coexist, the forest planning process must be transparent, have robust public input, be premised on informed decision-making, and have mechanisms to assure accountability. NEPA may be an imperfect process, but it is a process that works and enjoys the public’s trust.

In short, NEPA protects more than the environment, it protects our constituencies’ opportunity for healthy recreation on public lands. By categorically excluding forest planning from NEPA analysis, that protection is lost.

Thank you for the opportunity to appear before the Subcommittee.