2025 Central Wasatch Symposium: Forest Service National Environmental Policy Act & Public Participation Opportunities Presentation

During the Central Wasatch Commission's, 2025 Central Wasatch Symposium, the Forest Service administered a presentation on the *National Environmental Policy Act (NEPA) and Public Participation Opportunities*. The intent of the presentation was to provide a basic, high-level introduction to the Forest Service NEPA process, and provide guidance on how to make effective comments during the NEPA process, whether during a scoping period or other official NEPA comment period. A question-and-answer session was not held following the presentation due to the allotted time during the Symposium. The Forest Service has since received questions regarding topics discussed during the presentation. The following is a summary of questions the Forest Service has received and the respective responses.

Question: Does my NEPA comment matter?

Forest Service Response: Yes. Every formal comment received during a NEPA scoping, or other formal NEPA comment period is read and considered by the Forest Service. The Forest Service encourages users of our public lands to stay informed and to take advantage of opportunities to comment during the NEPA process.

Question: I dislike (or like) a project proposed by the Forest Service and simply want to express that in my comment; will the Forest Service consider my comment?

Forest Service Response: Yes. As mentioned during the presentation, commentors may make any comment they desire during NEPA comment periods, and all comments will be considered by the agency. However, comments that only state a like or dislike of a project are opinions, and by themselves do not provide substantive information for the agency to consider. The purpose of NEPA is to assess the potential environmental effects of a project, and help decision makers take actions that protect, restore, and enhance the environment (40 CFR 1500.1[c]). NEPA comments are not votes on an agency decision, but rather considerations to the effects of an agency proposed action. Adding details of why a commentor has a certain opinion may introduce information that can be considered by the agency, and the result of which may improve the NEPA analysis and overall decision.

For example, consider the hypothetical comment, "I dislike this project because I walk my dog on trail X and mountain bikers using the trail scare my dog and endanger my safety." Within the context of NEPA, the agency is not statutorily required or permitted to take into account or respond to the commenter's opinion that they do not like the project. However, the agency is

obligated to consider that the commenter regularly walks their dog in the project area and has expressed feelings of being endangered due to the multiuse nature of the trail. In this scenario, the agency may be prompted to reassess the various activities permitted on the trail and/or consider implementing mitigation measures, such as alternating leash and permitted bike days on the trail. Please see slides 24-26 in the presentation for more examples and guidance on adding specifics to comments to make them more effective.

Question: I do not have a technical background. Will my non-technical comment benefit the NEPA process?

Forest Service Response: Yes. The Forest Service recognizes the public has specific knowledge of uses, conditions, and/or resources on the forest of which the agency may not be completely aware. This additional information can potentially change the analysis and decision for a project. One of the purposes of NEPA comment periods is to provide the public an opportunity to inform the agency of what the agency may have missed in the analysis, and/or provide the agency with additional information, regardless of how technical it is, that may have a bearing on the NEPA analysis and agency decision.

Comments may be as complex as informing the agency that habitat exists for a specific threatened or endangered species, or as simple as informing the agency of why visitors visit a certain area and how it would be affected. Again, these types of detailed comments provide additional information that the agency must consider during the NEPA analysis. Regardless of background or qualifications, all members of the public can provide valuable information through commenting during the NEPA process.

Question: I previously submitted a formal comment during a NEPA comment period to include a dedicated bike lane above Elbow Fork as part of the Upper Mill Creek Road Improvement Project, and my comment was not included in the final decision, so what purpose did my comment serve?

Forest Service Response: The Forest Service recognizes that it can be frustrating when a project appears to move forward without implementing recommendations made in specific comments, such as in the referenced example of a dedicated bike lane not being extended above Elbow Fork as part of the Upper Mill Creek Canyon Road Improvement Project. It is important to remember that the NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment. Although not to debate, or rehash the Federal Highway Administration, Central Federal Lands Highway Division's (FHWA-CFLHD's) decision related to the bike lane in upper Mill Creek Canyon, the Forest Service would like to emphasize that, as is typical with all NEPA projects, all public comments were considered by the agencies involved with the Upper Mill Creek Canyon Road Improvement Project (FHWA-CFLHD as the lead agency, and the Forest Service as a cooperating agency). This included public comments both advocating for and against the inclusion of a bike lane in the upper canyon. The comments that were received resulted in the project team evaluating different options for bike accessibility and safety in the upper canyon. Based on the NEPA analysis, FHWA-CFLHD ultimately determined that

continuing the bicycle lane beyond Elbow Fork would result in adverse environmental impacts and excessive project costs. However, due to the detailed public comments that were received, the design team considered different perspectives for bicycle safety and incorporated them into the Proposed Action in a way that balanced the safety and needs of multiple uses with other social, environmental, and economic considerations. This example shows that even though some comments may not have been implemented to their full extent, the agency was able to effectively consider and apply comments to make a better decision for all users of Mill Creek Canyon, while minimizing potential environmental impacts.

Additionally, it is important to note that comments made during the NEPA process are not a vote. Tabulations are not made of whether comments are for or against a project or elements of a project. The number of comments for or against a project or project element does not influence the agency's responsibility to understand the environmental impacts and make decisions that protect, restore, and enhance the environment.

The Forest Service extends our gratitude to those who were able to attend our presentations at the Central Wasatch Commission, Central Wasatch Symposium, and thanks everyone for their continued interest in our National Forest System lands.