

4FRI AND THE NEPA PROCESS

Annette Fredette*

The Four Forest Restoration Initiative (4FRI) is the largest collaborative, landscape-scale restoration initiative in the country, the largest initiative of its kind ever endeavored.¹ This initiative's goal is nothing less than the restoration of the ponderosa pine forest stretching across northern Arizona.² It seeks to reduce the threat of destructive wildfire to thriving forest communities, restore forest ecosystems with natural fire regimes and functioning populations of native plants and animals, and build and sustain forest industries that strengthen local economies.

4FRI as an initiative stretches across four national forests: the Kaibab, Coconino, Apache-Sitgreaves, and Tonto.³ This initiative is a large umbrella that not only includes the project area analyzed in the first Environmental Impact Statement (EIS),⁴ but also restoration projects already approved in other National Environmental Policy Act (NEPA)⁵ analyses that are already being implemented, as well as other restoration projects currently being analyzed or planned to go through the NEPA process.⁶ Basically, any restoration project, large or small, within the 4FRI footprint on these four national forests, is considered part of 4FRI.

The first 4FRI EIS, for which the final Record of Decision (ROD) was signed on April 17, 2015, analyzed almost one million acres on two of the four forests, the Kaibab and Coconino.⁷ This EIS is the largest single analysis in Forest Service history. The final ROD approves restoration treatments on

* Team Leader, Four Forest Restoration Initiative, United States Forest Service.

1. Loretta Yerian, *Forest Service Discusses Four Forest Restoration Initiative with Tusayan*, GRAND CANYON NEWS (Jan. 6, 2015, 9:56 AM), <http://grandcanyonnews.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=11108>;

Press Release, Four Forest Restoration Initiative, 4FRI Takes Next Step in Nation's Largest Forest Restoration Project (Apr. 2, 2013), <http://www.4fri.org/pdfs/press/4FRI-DEIS-stakeholder-press-release-4-2-13.pdf>.

2. See U.S. FOREST SERV., THE FOUR FOREST RESTORATION INITIATIVE, http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5328017.pdf.

3. *Id.*

4. See U.S. FOREST SERV., COMPONENTS OF 4FRI, http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3831045.pdf.

5. *Id.*

6. *Id.*

7. U.S. FOREST SERV., RECORD OF DECISION FOR THE FOUR-Forest RESTORATION INITIATIVE 1 (2015), https://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3836454.pdf.

a total of 586,000 acres.⁸ Approximately 430,000 acres will be treated by a combination of thinning and prescribed burning, and about 136,000 acres will be treated by prescribed burning only.⁹

Forest Service project planning is guided by direction from numerous sources such as:

- The Organic Act of 1897;¹⁰
- The Multiple Use Sustained Yield Act of 1964 (MUSYA);¹¹
- The National Environmental Policy Act of 1969 (NEPA);¹²
- The Endangered Species Act of 1973 (ESA);¹³
- And the National Forest Management Act of 1976 (NFMA).¹⁴

NEPA directs us through a planning and analysis process that includes public involvement.¹⁵ In developing an EIS, the basic steps are:

1. Developing a proposed action;
2. Public scoping of and collecting comments on that proposed action;
3. From public comments, gleaning issues and developing alternatives to the proposed action driven by those issues;
4. Developing a draft EIS with analysis of the effects from those alternatives;
5. Engaging the public and collecting comments on the draft EIS;
6. Developing a final EIS which includes responses to public comments, and a draft Record of Decision;
7. The Objection Process, including a thorough review of objections raised and objection resolution meetings; and
8. The Final Record of Decision.¹⁶

One of the primary goals of NEPA is to encourage meaningful public input and involvement in the process of evaluating the environmental impacts of proposed federal actions.¹⁷ This once innovative feature of the 1970 landmark

8. *Id.*

9. U.S. FOREST SERV., FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE FOUR-Forest RESTORATION INITIATIVE WITH ERRATA AND OBJECTION RESOLUTION MODIFICATIONS vii, ix–x (2015), https://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3836625.pdf.

10. U.S. FOREST SERV., GIANT SEQUOIA NATIONAL MONUMENT: MANAGEMENT PLAN 69 (2012), http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3797629.pdf.

11. *Id.*

12. *Id.* at 73.

13. *Id.* at 69.

14. *Id.*

15. NEPA Compliance, 36 C.F.R. § 220.4 (2008).

16. *Id.*; NEPA and Agency Planning, 40 C.F.R. § 1501.7 (1978).

17. 36 C.F.R. § 220.4(c)(2) (2008).

legislation has become routine practice for some NEPA review processes.¹⁸ However, the full potential for more actively identifying and engaging other federal, tribal, state, and local agencies, affected and interested parties, and the public at large in collaborative environmental analysis and federal decision-making was rarely realized.

The Council of Environmental Quality publication *Collaboration in NEPA: A Handbook for NEPA Practitioners*, published in 2007, was written to assist in expanding the effective use of collaboration as part of the NEPA process.¹⁹ It describes a spectrum of public involvement that includes informing, involving, consulting, and collaborating with the public.²⁰

In addition to NEPA, the 2012 Planning Rule pushes us to more and improved collaboration throughout the NEPA process.²¹ The rule requires the responsible official to reach out to a diverse group of stakeholders, encouraging participation by interested individuals and entities; private landowners; youth, low-income populations, and minority populations; Tribes; and other federal agencies, states, counties, and local governments.²² This provides greater opportunity for people to engage early and throughout the process, and to interact directly with decision makers.

The 2012 Planning Rule emphasizes collaboration, requires improved transparency, and strengthens the role of public involvement and dialogue throughout the planning process.²³ It also requires the use of the best available scientific information to inform decisions.²⁴ The collaborative effort brings diverse interests together to explore critical issues and provide meaningful input to the agency's decision process.

One of the reasons 4FRI is so unique, and so successful, is the unprecedented stakeholder involvement. 4FRI builds on many years of collaboration, research, and action since the mid-1990s. The 4FRI Stakeholder Group is made up of individuals and groups, including members of local, county, and state governments; environmental groups, organizations, and institutions; and industry representatives.²⁵ With their

18. COUNCIL ON ENVTL. QUALITY, *COLLABORATION IN NEPA: A HANDBOOK FOR NEPA PRACTITIONERS* (2007), http://energy.gov/sites/prod/files/CEQ_Collaboration_in_NEPA_10-2007.pdf.

19. *Id.*

20. *Id.* at 11–17.

21. *See* 36 C.F.R. § 219.1(c) (2012).

22. *Id.* § 219.4(a)(1).

23. *See id.* § 219.4.

24. National Forest System Land Management Planning, 77 Fed. Reg. 21,162, 21,260 (2012) (to be codified at 36 C.F.R. § 219).

25. FOUR FOREST RESTORATION INITIATIVE, <http://www.4fri.org/stakeholders.html> (last visited Feb. 12, 2016).

commitment to seeing these forests restored, and their continual engagement and participation throughout this process, the Forest Service has been able to develop this comprehensive 4FRI EIS and start the process of accelerating restoration across the 4FRI landscape.

We count on the diversity of thought from the stakeholders. Reaching this milestone has proven that, though individual values and opinions may be different at times, we as a community can find common ground in our passion for the forests and our commitment to restoring the landscape.

This level of collaboration is challenging, but has added depth to each and every stage of 4FRI. Indeed, on the scale of 4FRI, a scale never attempted before, this level of collaboration is needed to thoroughly vet the many and complex issues inherent to such an initiative. Collaboration takes time, but the investment leads to a substantially more balanced and informed decision that considers all or most of the interests in each issue. The 4FRI Stakeholder Group includes research scientists who share their knowledge of and discuss the best available scientific information to both inform group decisions and help inform Forest Service decisions.²⁶

Parties working collaboratively on a NEPA analysis can surface and resolve differences as they arise, thus preventing conflict and building agreements between stakeholders. This was very evident during the objection process for the first 4FRI EIS.²⁷ This is the first Forest Service project in which stakeholders were active participants in the objection process, actually asked for and giving their input in each of the resolution meetings with objectors.²⁸ The Stakeholder Group's extensive engagement in the development of the EIS and draft ROD was acknowledged and appreciated in this last phase of administrative review, and their involvement contributed to a successful objection resolution process.²⁹ The collaborative process with engaged stakeholders helped to narrow the issues still of concern and made them easier to reach some level of agreement on.

The 4FRI Stakeholder Group is not just helping the Forest Service during this NEPA process, but is assisting in accelerating this landscape-scale restoration in the implementation and monitoring of many 4FRI projects. The group has proven to be very effective in allowing stakeholders to move beyond conflicts of the past and to find agreement for accomplishing work

26. *Id.*

27. U.S. FOREST SERV., MB-R3-04-28, RECORD OF DECISION FOR THE FOUR-Forest RESTORATION INITIATIVE (2015), https://fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3836454.pdf.

28. *Id.*

29. *Id.*

on the ground. For example, one of the stakeholder working groups is the Multi-party Monitoring Board which helped design the Monitoring and Adaptive Management Plan for the EIS, and is actually in the process of setting up pre-treatment monitoring of vegetation attributes for 4FRI treatments.³⁰ In addition to collecting data, this working group will analyze the data and provide recommendations to the Forest Service for adaptive management.³¹

Results that measure success with 4FRI include:

- The degree to which we're continuing to increase the pace and scale of the restoration of ponderosa pine ecosystems. The decision on the first 4FRI EIS approves restoration activities on almost 600,000 more acres. And, as industry is rebuilt on the west side, the pace of implementation will increase.
- Continued engagement and collaboration mean continued success.

The challenges of going through the NEPA process on a project like 4FRI are two-fold. First, the sheer size and scope of analysis of 2.4 million acres, even at one million acres per EIS, combined with the depth of analysis needed for a site-specific project. And second, collaboration takes time: the discussions, the meetings, the sharing of information, all of which take time and effort by many.

But the results are clear, and are becoming clearer, as we implement different 4FRI projects—that the same things that are challenges: the scope, the scale, the extensive collaboration—have given us a better, richer process which incorporates a wider range of interests and values, and leads to better decisions and solutions for our natural resources and the communities that depend upon them.

30. FOUR FOREST RESTORATION INITIATIVE, 4FRI MULTI-PARTY MONITORING BOARD CHARTER 1-4 (2014), http://4fri.com/pdfs/multiparty_monitoring_charter.pdf.

31. *Id.*