



UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE

REPORT IN RESPONSE TO EXECUTIVE ORDER 13927, ACCELERATING THE NATION'S ECONOMIC RECOVERY FROM THE COVID-19 EMERGENCY BY EXPEDITING INFRASTRUCTURE INVESTMENTS AND OTHER ACTIVITIES

On June 4, 2020, President Trump issued Executive Order 13927 (EO) to address the economic downturn resulting from the measures the Nation has taken to mitigate the spread of COVID-19. The EO instructs all agencies to take all appropriate steps to facilitate the country's economic recovery, including expediting infrastructure investments and getting Americans back to work. The EO includes specific instruction to the Secretary of Agriculture regarding National Environmental Policy Act (NEPA) compliance. Section 5 directs the Secretary to use all relevant emergency and other authorities to expedite and complete work on "all authorized and appropriated infrastructure, energy, environmental, and natural resources projects on Federal lands." Section 6 directs the heads of all agencies to identify potential actions to facilitate the U.S.'s economic recovery using statutory exemptions from NEPA and methods for expeditious NEPA compliance, including: alternative arrangements under the emergency provisions in CEQ's NEPA regulations (40 CFR 1506.11); categorical exclusions (CE); focused environmental assessments (EA); and approving additional projects under previously completed NEPA analysis.

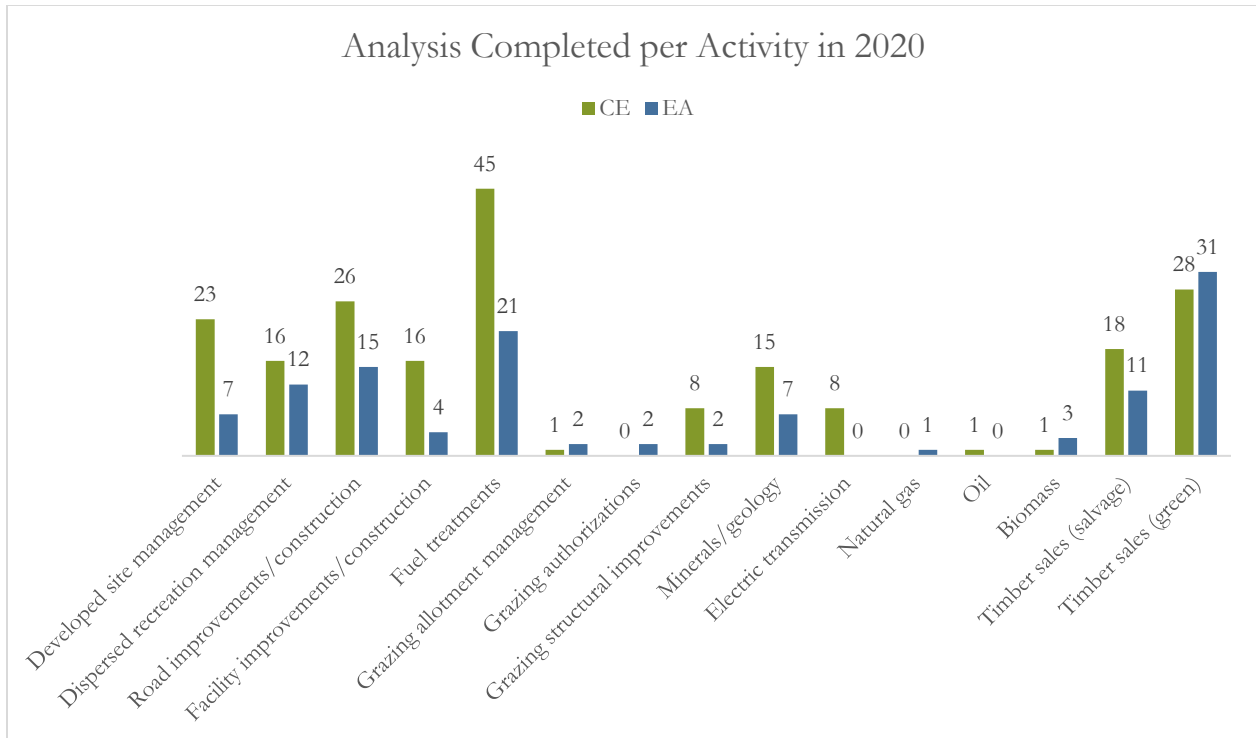
Where possible, the United States Department of Agriculture's Forest Service (Forest Service) is moving forward with projects that can proceed under previously completed NEPA analysis. The Forest Service is conducting NEPA at the lowest level possible in order to speed its environmental analyses, using CEs whenever they apply. It is also focusing its EAs, developing precise purpose and need statements and limiting effects discussions to only the truly relevant issues.



ANALYSIS COMPLETED IN 2020 (EO SECTION 5)

Section 5 of EO 13927 directs agencies to report on all authorized and appropriated infrastructure, energy, environmental, and natural resources projects on Federal lands that have been expedited. The Forest Service has been working to streamline its NEPA analysis processes. To date in 2020, the Forest Service has completed **511** decisions using categorical exclusions (CEs) and **85** decisions using Environmental Assessments (EAs).

The chart below shows decisions completed this year under CEs and EAs.



Note that many NEPA documents analyze more than one activity, so the numbers in these charts represent activities, rather than the number of NEPA documents. The agency routinely assesses the effects of activities that take place in the same location within the same period of time to increase efficiency.

IN PROGRESS ANALYSIS AS OF JUNE 2020 (EO SECTION 6)

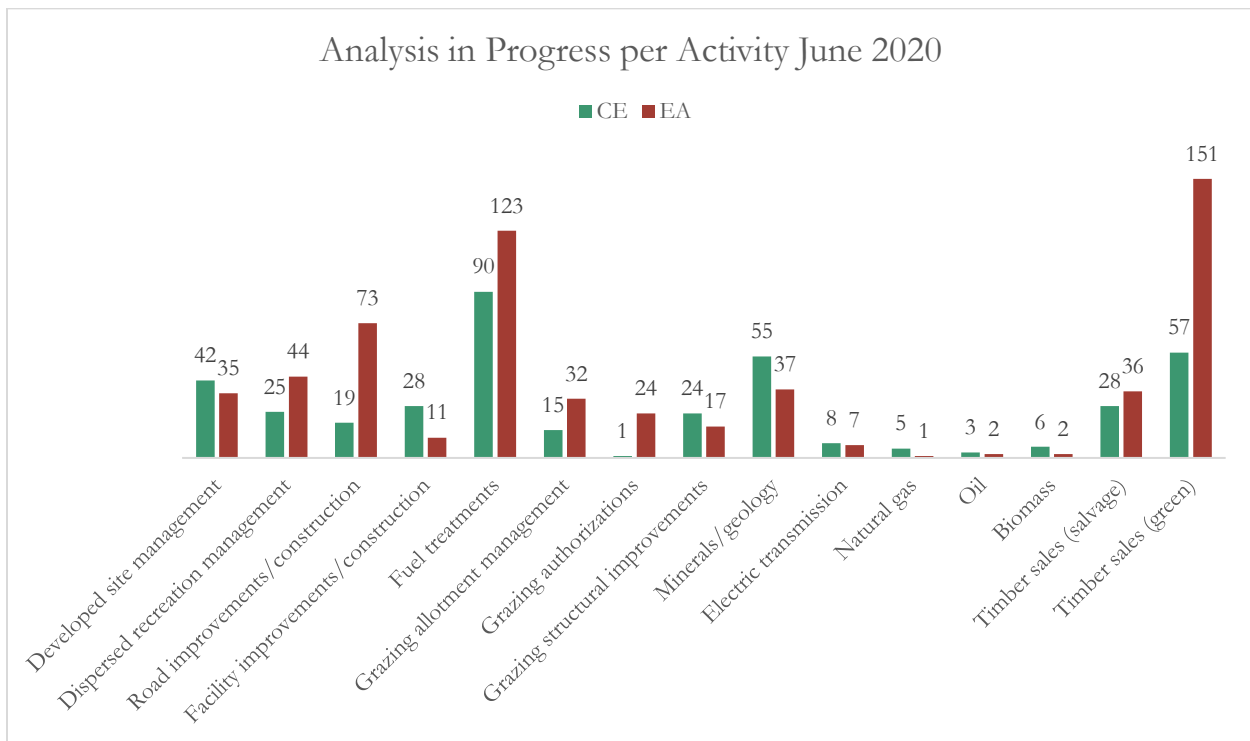
Section 6 of EO 13927 directs agencies to report on planned or potential projects to facilitate the Nation’s economic recovery that can be expedited under NEPA or exemptions from NEPA. The Forest Service has one exemption from the requirements of NEPA that is applicable here, which is its authority under Section 603 of the Healthy Forests Restoration Act of 2003 to conduct certain insect and disease or hazardous fuels treatments without review of extraordinary circumstances. The Forest Service has **32** such projects in progress.



The Forest Service has **32** such projects in progress.



The Forest Service is actively working to complete CE and EA for a number of additional projects displayed in the chart below.



Facility improvements and construction activities include, for example, communication sites, fiber optic lines, and dam safety improvements. Examples of grazing structural improvements include corrals, water pipelines and tanks, and fences. Road construction and improvement projects include roads accessing oil and gas and other minerals sites, bridge replacement, and water pipeline replacement. Such activities either employ Americans directly, or provide them with needed resources to do their work and contribute to the economy.

Sections 7 and 8 of the EO respectively discuss emergency consultation under the Endangered Species Act (ESA) and emergencies under several Army Corps of Engineers permitting authorities, such as the Clean Water Act (CWA). The majority of activities currently under analysis are CEs which typically do not require ESA consultation, or consultation is handled informally. For activities identified for analysis through an EA,

consultation is also often informal. Local units are instructed to monitor consultation processes on individual projects and work with local ESA regulatory agencies to seek expedited consultation if the need arises. The majority of projects identified for expedited analyses are not associated with waters regulated under the CWA and will not require CWA permits. The remainder are typically expected to qualify for nationwide permits which are not expected to result



THE FOREST SERVICE'S FOCUSED ANALYSIS LEARNING TEAM IS PROVIDING RESOURCES TO NEPA PRACTITIONERS AND OTHER STAFF TO ASSIST IN EXPEDITING ANALYSIS.



July 2, 2020

in any excessive delays in reaching project decisions. Local units are directed to monitor CWA permitting requirements and work with local Army Corps of Engineers offices to expedite permitting if necessary. The agency is working to identify which of the more than 500 projects currently under analysis have the opportunity and need for expedited procedures based on a variety of factors such as comment periods, proponent schedules, cooperating agency needs, and state requirements such as permitting.

OTHER AUTHORITIES PROVIDING FOR EMERGENCY OR EXPEDITED TREATMENT OF INFRASTRUCTURE IMPROVEMENTS AND OTHER ACTIVITIES (EO SECTION 9)

Consistent with Section 9 of the EO, the Forest Service has **16 regulations and 116 policy directives** in process for revision. These policy and regulatory actions are designed to streamline and improve delivery in a variety of resource and program areas, including for leasable and locatable mineral activities, NEPA procedures, special uses permitting, timber management, landscape scale restoration, recreation and recreation infrastructure management, and Forest Service operations.

FACILITATING THE NATION'S ECONOMIC RECOVERY

The Chief of the Forest Service has directed all units to expedite ongoing analyses and implementation of decisions in accordance with the EO. This document is the Forest Service's response to subsections of the EO directing agencies to report the compliance actions they have taken at this time. The agency will continue through subsequent reporting required by this EO, to update information on projects being expedited.