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VIA E-MAIL TO: BCAPEIS@geo-marine.com

Geo-Marine, Inc.
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Hampton, VA 23666.

Re: Draft Programmatic Environmental Impact Statement for the Biomass Crop Assistance Program, availability announced at 74 Fed Reg 39915 (August 10, 2009).

Dear Sir or Madam:

Please accept these comments of the Natural Resources Defense Council (NRDC) on the Draft Programmatic Environmental Impact Statement for the Biomass Crop Assistance Program (DPEIS) published by Farm Service Agency of the US Department of Agriculture (USDA). NRDC appreciates the substantial nature of an undertaking like this, the need to review numerous impacts over a wide geographic area in a manageable fashion, and the felt need for promptitude. We find, however, that the DPEIS contains neither adequate comparative information on potential impacts nor a sufficient range of alternatives to allow the public, sister agencies, government officials, or the ultimately the program decisionmaker to make a sufficiently reasoned choice. We therefore ask that the DPEIS be withdrawn and that a significantly revised version circulated for further comment.

Programmatic review under the National Environmental Policy Act (NEPA) may be more generalized than review of specific implementing actions, but still must serve NEPA's core function of informing the decision-making process about how large and what kind of program to pursue. In numerous regards, the DPEIS fails this basic standard. Most obviously, throughout the DPEIS the discussion of environmental impacts is extraordinarily general and vague. For example, the discussion of individual wildlife that might be affected by the program's application throughout the Pacific Northwest Coast region, an area where numerous threatened and endangered species occur on lands potentially within the program's reach, is:

Large mammals such as the black-tailed (*Odocoileus hemionus*) mule deer provide plentiful hunting opportunities in forested habitats. Gamebird hunting is another economic opportunity in the areas comprised of prairies and savannas where species such

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as the California quail (*Callipepla californica*) and ringneck pheasant (*Phasianus colchicus*) reside. DPEIS, p. 3-11.

The DPEIS must have, but lacks, summary information about the species involved and the kinds and magnitudes of affects that best available science indicates are possible, from implementation of the studied alternatives. Similarly, it must provide useful summary information about other resources, including water, soil, and air.

Instead, the DPEIS tends to ignore or downplay impacts, without investigating them or the asserted basis for non-concern. For instance, it asserts without elaboration that “[a]s stated in the discussion of the direct effects of Action Alternative 1 on the fish are not expected to reduce their population densities or richness at the regional scale from the conversion of croplands and areas of marginal habitat quality into BCAP.” *Id.*, p. 4-68. Scientific reviews are cited, if at all, haphazardly and without integration into a useable effects analysis, as with this isolated note: “[o]f interest is a study by Sample et al. (1998) in Wisconsin, in which they observed that for 25 grassland bird species of concern, both species richness and density were noticeably higher in harvested areas of switchgrass versus unharvested areas.” *Id.*, p. 4-53.

In several central regards, the DPEIS omits or dismisses classes of potentially negative impact based on obviously faulty or unsubstantiated assumptions. For example, repeatedly it presumes that land put into biomass rotation will have previously been cultivated cropland. *See, e.g., id.*, p. 4-51 (“[a] principal assumption of the analysis is that because the action areas are cropland prior to conversion to a biofuel crop ... the net result is positive ...”). In fact, the land utilized for new biomass production could be fallow or come from conservation status, including Conservation Reserve and/or Wetlands Reserve Programs. Nor is it justified to presume that biomass culture will all be switchgrass instead of some more harmful alternative. Similarly, the assumption is both unexamined and unjustified that compliance with a Conservation Plan designed by the Natural Resources Conservation Service will eliminate environmental concerns.

Wholly assumed away in this fashion are potential impacts to forestlands, where biomass utilization could lead to more intensive forest management, the effects of which are essentially completely ignored in the DPEIS. In addition to adverse consequences for the biota and soil and aquatic systems, thinning forests for biomass may result in net emissions of carbon dioxide for at least 100 years. *See Mitchell, R.M., M.E. Harmon, and K.E.B. O’Connell, 2009, Forest fuel reduction alters fire severity and long-term carbon storage in three Pacific Northwest ecosystems, Ecological Applications, 19(3): 643-655).*

Similarly assumed away are the highly relevant carbon emissions of energy production based on biofuels. Wood-to-electricity facilities, for instance, immediately turn sequestered carbon into atmospheric carbon, only some of which is recaptured – and only over time. The average loss of sequestered carbon will make at least some biomass utilization a net emitter of carbon dioxide over relevant time horizons and beyond. The DPEIS simply acts as though these impacts will not occur.

Nor does the DPEIS provide any serious analysis of displaced demand for crops. Throughout, it presumes that land will go out of crop production to allow for biomass culture, usually equated with growing switchgrass. By now, however, it is well-established that demand for crops is not

so elastic. Not only are the impacts of, for instance, row crops not eliminated when they are replaced by biomass production, their re-emergence elsewhere has additional adverse consequences associated with land conversion. *See, e.g., Searchinger, T. et al., 2008, Use of U.S. Croplands for Biofuels Increases Greenhouse Gases Through Emissions from Land-Use Change, Science, 319:1238-1240.*

Additionally, the DPEIS omits an obvious category from its cumulative impacts assessment. As it notes, the Project Area Program which it reviews, however cursorily, is only half of the full BCAP. The other half is the Collection, Harvest, Storage, and Transportation component, which also provides monetary assistance to promote biomass production and utilization. This is a reasonably foreseeable related action which NEPA requires be studied with or accounted for in any environmental impact statement.

The DPEIS is also marred, fatally, by the absence of reasonable alternatives. As it notes, BCAP is unlikely to be fully funded. Therefore, USDA will need to make discretionary choices about what and how much to fund. Exercise of that discretion could and should be guided by information about how different eligibility and mitigation requirements would affect the environmental consequences of program implementation. Alternatives meriting study include eliminating all support for biomass burning, restricting eligibility to sources meeting the Energy Independence and Security Act of 2007 sustainability standards (not just advanced biofuels), and prohibiting sourcing from sensitive lands like Wetland and Conservation Reserve Program enrollments.

Because the flaws in the DPEIS run too deep to allow for informed comment on the central issues facing USDA in this process, NEPA requires circulation of a new or revised DPEIS. We look forward to reviewing and commenting on one as soon as it becomes available. Thank you for considering our views.

/s/

Nathaniel Lawrence
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