

CUSTER COUNTY COMMISSIONERS
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August 23, 2002

Rhey Solomon
 NEPA Task Force
 PO box 221150
 Salt Lake City, Utah 84122

Dear Rhey,

We would like to submit comments on the Proposed Actions being considered by the National Environmental Policy Act (NEPA) Task Force on behalf of the citizens of Custer County. Before we get to our comments, some history is in order. Custer County is the third largest county in Idaho with 3.15 M acres of land. Of this amount, approximately 152,000 acres is privately owned. The rest, some 96 %, is federal or state managed ground. From this you can see that we are very interested in what happens on federally managed lands as our livelihood, be it grazing, timber, or recreation, is very dependent upon these lands.

We will try to make our comments section by section as it appeared in the Federal Register.

Under A. *Technology, Information Management and Information Security:*

2. One of the largest barriers we see to the whole process is the inability to use "outside" science. The land management agencies hands are tied to using their own science. Science that was either developed by them or under contract to them. Whether or not the science is biased or not, it would be much better to use ALL the science that is available rather than limit the science to the above. If one of the purposes of the NEPA process is the analysis of the effects, then every piece of science should be put on the table to determine the effects. It is very frustrating to try and submit science that is different to what is published after it is in print. One case in point is the recent grizzly bear EIS. For every scientific argument put out for putting the bear in our back yard, we could put an equal scientific argument to the contrary. Why was not this considered before the document hit the street?

Under B. *Federal and Inter-governmental collaboration:*

The counties need to have a seat at the table as a cooperating agency. Currently, we are kept somewhat informed as to what is going on but we have no opportunity to have input at the analysis level. We have more at stake than being an "informed public" after the effects have been analyzed. Having an opportunity to participate in the analysis gathering process may not change to outcome for the people we represent, but at least we would have a better understanding of the whys.

1. Several examples of federal and inter-government collaboration exist in Custer. Two would be the Environmental Stewardship Program and the Model Watersheds Projects'. The

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common thread being a local committee of agencies, permittees, the environmental community and others working to reach a common goal.

2. Two barriers come to mind almost immediately. The first being the Federal Advisory Committee Act (FACA). Several of our constituents were very actively involved in the Frank Church Wilderness EIS. All for not when it was determined that a citizen committee could not participate in the process due to FACA. Yet another barrier to the whole process, at least when the Endangered Species Act comes in to play, is getting the regulatory agencies to the table. We need to have some one from these agencies at the table that has enough authority to make a hard commitment. Currently, they do not have to play at all. All the good work by every one else is to no avail if the regulatory agencies are not in the formula. One great change would be to require them to recognize the work of local committees. It is in our best interest to protect the environment, we have the local knowledge, "experts," be they agency or private, to help develop plans and the involvement of all parties concerned and yet they know better!

3. The three C's come to mind—cooperate, coordinate, and communicate. Any issue can be resolved if we do not forget these three words.

Under C. Programmatic Analysis and Tiering:

We recognize the need for every one to have the opportunity for input into the process as a part of the purpose of NEPA. It does grate pretty hard when some one who has never been anywhere close to the situation has as much voice as those who live and work here. It is our livelihood that is being decided upon, for them, it is a 37-cent stamp and a "feel good" feeling that they had a say—right or wrong. If the county could have cooperating agency status especially as it deals with Environmental Impact Statement and Environmental Assessment development this feeling of helplessness would be somewhat minimized. "Weighting" the comments during the public comment period in addition to cooperating agency status would be even better.

Under D. Adaptive Management/Monitoring and Evaluation Plans:

The programs mentioned in B(1) above are these type of programs. Others include the Morgan Creek and Copper Basin Allotments in Custer County and the Center for Holistic Management. All of these are examples of adaptive management. It works! What we need are more opportunities to put them in place. There are two big drawbacks to getting more examples up and running. One relates to the other and deals in part with the ease at which a suit can be filed. If there were a penalty for loosing such a suit, the number would decrease. The "frivolous" lawsuits being filed do at least two things. They tie up the land managers time in answering them at the expense of getting the on the ground work done and they make the land managers so cautious and fearful of being sued that they are unwilling to try anything new. If a bond had to be posted equal to the amount of the cost of answering the suit and/or all the expenses of loosing the suit (both parties costs) the number of such suits would be limited to only those that have real merit.

We would like to thank you for the opportunity to comment. You are engage in an activity that needs to be done. Hopefully, some of our comments and concerns will find there way to the top. If you would like more details on the examples we have presented, we would be happy to provide them to you.

Sincerely,



Lin Hintze, Chairman
Custer County Commissioners



**University of Idaho
Cooperative Extension System**

University of Idaho and
U.S. Department of Agriculture Cooperating *CQ104*

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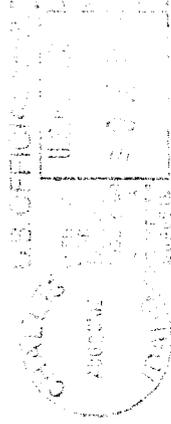
Enclosed is information that may be of interest or useful to you.

James N. Hawkins
Custer County Extension Agent

College of Agriculture

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