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NEPA Task Force FAX: (801) 517-1021

P.O. Box 221150

Salt Lake City, UT 84122

Dear Sirs:

On behalf of the New Mexico Cattle Growers Association (NMCGA) I am writing to comment on the July 9, 2002 **Federal Register** notice soliciting comments regarding the National Environmental Policy Act (NEPA) process.

We are very pleased to have this opportunity to comment on the NEPA process, as there are many issues surrounding the Act and its implementation that need improvement. Often, actual use and implementation of NEPA fails to meet either the letter or the intent of the law, and instead is used to justify an agenda or pre-determined decision of an agency or an individual.

The NMCGA feels that a minimum 90-day comment period should be required for all actions. This would give people enough time to learn about a proposed action, read and research the action, develop comments and submit them. Shorter comment periods simply do not provide enough time, especially in rural areas where access to the internet may be limited. Agencies' documents, style and comment periods vary greatly, making it even more difficult.

Additionally, at the time of the publication of the draft document, the person responsible for the action should have to certify that all the information included in the document is accurate and true. Currently, information included in the document is often incorrect, and there is no way for a reader to verify information or get it corrected. There needs to be more accountability, and a way for documents to be certified as accurate. An email address must be provided, both in the Federal Register notice and the EA or EIS, for a contact person who can answer questions, provide additional information and receive comments.

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NEPA needs to require that the publication of any action, whether EA or EIS, in the **Federal Register** include a full description of the proposed action. The title within the **Federal Register** should also clearly identify the action. Also, all documents need to be available on the internet in html or text.

Meetings that are scheduled, whether they are public meetings designed to take comments, or open house/informational meetings where public comment is not accepted, do not address the needs of the public. Agency personnel at these meetings need to interact with meeting participants, answer questions, or provide information, rather than the current format where they will not respond to questions and just listen to what is said. It is a waste of time for people to travel to these meetings if the agency representatives are not prepared or authorized to answer questions, because the information needed by the public is not always what is in the document prepared by the agency.

Proper use of the "no action alternative" is another issue that needs to be addressed in all NEPA documents, including EAs and EISs. No action means no change, or current management, as making a change to the permitted action would be taking an action. Often, in grazing renewal EAs for example, agencies use the no action alternative to mean no grazing, or not renewing the permit. This is not only misleading to the public trying to analyze the document, but it does not meet either the intent or the letter of the law.

Below are our responses to specific questions asked in the **Federal Register** notice:

Section A. Technology, Information Management, and Information Security

1. The NMCGA represents livestock producers across New Mexico and other western states, and works to provide input to various agencies on issues that impact producers. For the most part, the NMCGA relies on the mail for notification on pending actions, as well as notice from other people active in the agricultural and natural resource issues. The agencies notification processes are neither adequate nor uniform, and it is virtually impossible to find out about all of the pending actions that could have an impact.

2. The problem with using information technologies in the NEPA process is that a large number of people, especially in rural parts of the country, do not have

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access to or understand these technologies. These people need to receive information in the mail, and if they are not notified in this way, they will never learn about the proposals.

The NMCGA believes that the NEPA process should require notification of the people in the immediate area of any proposal in a variety of ways to make sure that the public is fully aware of proposals and has the opportunity to comment. Agencies should be required to send notification letters to organizations and elected officials in the area and publish notice in all area newspapers. For those residents who are able to access and use the internet, one suggestion would be a website for each states to post all NEPA actions and proposals, both EA and EIS.

3. No, the NMCGA does not maintain a database on NEPA actions.

4. In reviewing analyses, the NMCGA mainly focuses on review of the actual paper document. We do utilize email, and the internet for research to some extent.

5-6. The NMCGA supports the continued use of the postal service as the preferred method of receiving documents, and finds that the postal service, as well as email and a website, are the most effective ways of communicating with the agencies and affected publics.

7. The public needs to have as much information as possible, to ensure that they fully understand the size, scope and intended results of a proposal. However, information that could potentially endanger a project or personnel should not be released.

B. Federal and Inter-Governmental Collaboration

1. The most important characteristic of this type of cooperation is open communication. Many times, agencies are unwilling to cooperate with certain groups, will not share information, do not publicize information, meetings or actions. All of this leads to the process eventually being tied up with protests and lawsuits, and does not benefit anyone. Agencies must be required to cooperate with all groups, especially those representing area residents and those who will be impacted by the proposal.

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2. The same issue as above – an unwillingness to work with certain groups.

3. same as above

C. Programmatic Analysis and Tiering

1-2. The NMCGA believes that managing an area for a variety of uses and issues, rather than the single-issue, or in the case of the Endangered Species Act, single-species management that is typically utilized by agencies is the most effective and productive method of management, and so would support the use of programmatic analysis whenever possible.

D. Adaptive Management/Monitoring and Evaluation Plans

In some instances, the use of adaptive management would be very useful to the public and agencies alike, and would greatly benefit the natural resources involved. Whenever possible, it should be utilized, but the process must be kept open and the public notified of changes that take place. Additionally, NEPA requires that impacts to affected publics, especially socioeconomic impacts, be considered. Before any changes to management plans take place, the potential impacts to businesses, economies and individuals need to be considered.

E. Categorical Exclusions

The concept of categorical exclusions is a good one, allowing the agencies to decide which issues pertain to a particular issue or proposal, and not requiring them to consider issues that are not relevant. However, in the NMCGA's

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experience with federal land management agencies, often an the agency will decide an issue does not merit consideration and not include it in and EA, when in fact it is a very important issue. Often, in New Mexico, socioeconomic impacts to low-income and/or minority populations are not considered by the agencies. New Mexico's population is largely Hispanic and Native American, and a large number of New Mexicans live below the poverty line, so the agencies' claim that these populations are not affected is ludicrous. Agencies must be required to consider issues that will be impacted to adequately fulfill NEPA requirements.

Thank you in advance for your consideration and I look forward to working with you on this issue.

Sincerely,

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Message :

Attached is my comment on the July 9, 2002 Federal register notice soliciting comments regarding the National Environmental Policy Act (NEPA) process.

From:	**To:** NEPA Task Force
Judith Schmidt	**NEPA Tax Force**
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