

CQ569

California Cattlemen's Association



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FAX:

TO: CEQ NEPA Task Force

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DATE: 9-23-02 PAGES (including cover sheet): 5

SUBJECT: Comments

NOTES: The following Congressional testimony by Mr. Byrne can be considered an addendum to comments submitted previously by the California Cattlemen's Association and California Public Lands Council. Thank You.

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They were hoping we would just go away, but we couldn't. We had invested our entire future in the leases in Utah and our wells on state and private land were prolific, indicating vast untapped reserves under our Federal leases.

For example, in 1997, we paid the State of Utah \$2.3 million in royalty. Our EIS was completed over 9 months ago, yet we still have not received a single permit to drill on Federal land. That was as of yesterday. We could have received some today.

The small same group who caused the problems during the EIS are working on our permits. This being said, most BLM employees are good to work with. Most of the people are good, they're honest, they have integrity, they're professional, but a small group involved in the process can cause big problems.

NEPA also is fundamentally good. I think NEPA has done a lot to promote prudent decisionmaking in the process. I think the industry is better off for it. I think we would be concerned if were talking broad-ranging sweeping changes to the law, but in certain instances, it can get out of control.

We need strong oversight during the process. We need to demand that agencies get control of the process early on and we need to develop a process allowing project proponents to raise concerns during the process.

We need to set maximum time limits on the EIS process; not only on the entire EIS, but also on critical key points during the process. We need followup analysis. Many EIS's are made based on assumptions of previous EIS's on how different activities will impact the environment. No followup is done on these assumptions. So the same effects could be perpetuating themselves over time. Followup analysis needs to be done.

Also, the employees inside the BLM, for the most part, are overworked, they're understaffed, and they're struggling with a very complex set of rules and regulations.

I would request that in the budget-making process, that there be at least consideration given to dedicating money to resolving some of these issues in the field and dedicating employees for that purpose.

Thank you for the opportunity to be here today. I've wanted to tell our story for some time. I hope it helps.

[The prepared statement of Randy Allen may be found at end of hearing.]

Mr. POMBO. Thank you. Mr. Byrne.

**STATEMENT OF MICHAEL J. BYRNE, VICE CHAIRMAN OF THE
FEDERAL LANDS COMMITTEE, NATIONAL CATTLEMEN'S
BEEF ASSOCIATION, WASHINGTON, DC**

Mr. BYRNE. Thank you, Mr. Chairman. I am Michael Byrne, Vice Chairman of the National Cattlemen's Beef Association, Federal Lands Committee, and Director of the California Public Lands Council. My brother and I ranch in a family partnership in northern California and southern Oregon on a fourth-generation cattle ranch.

Thank you for the opportunity to testify today. I would like to submit written testimony at this time.

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I wish to begin by saying that I have no doubt that the intentions behind NEPA were good. The vision encompassed in NEPA is that all Federal agencies work together to achieve, in quotes, "productive harmony among our environment, economic and social objectives, and to give a voice to the various interests represented in the decisionmaking process."

It is my belief that NEPA has fallen far short of these goals in many respects. In my business, NEPA analysis is considered a broken process because of the endless delays caused by lawsuits and administrative appeals and the endless new interpretation of what is needed to fulfill NEPA's mandates.

Implementation of NEPA with respect to ranching operations has created a lengthy regulatory maze, imposing a heavy economic burden on the ranching industry.

In my opinion, the NEPA process has become a redundant exercise in document production, resulting in limited, on-the-ground implementation of resource management, which is robbing the public of its intended benefits.

More importantly, the way NEPA is currently being administered is subverting the whole purpose of the Act. In the original Congressional declaration of intent for NEPA, Congress stated that it is the policy of the Federal Government to create and maintain conditions under which man, and I underscore man, and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of America.

Instead, NEPA has evolved from a national policy designed to protect the integrity of the environment into an unbridled regulatory apparatus which subordinates the economic needs of the community to agency preferences for resource preservation. This situation causes uncertainty and apprehension in the ranching community.

The livestock industry's experience with the NEPA process suggests it is time for Congress to clarify its original intent to the agencies and to the courts so that NEPA can be applied as it was supposed to be, instead of today's morass of delay and bureaucratic red tape.

Currently, qualified range managers are tied up in the office with paperwork and endless coordination meetings with other agencies instead of being on the ground managing the resource.

I am not here to argue whether the NEPA analysis should or should not apply to specific grazing decisions or whether the process is biased toward uses other than grazing. The fact is, most ranchers are already good stewards of the land and are dedicated to working within the regulatory constraints of the Act to demonstrate their good management to the American public.

The Forest Service has estimated the cost of managing the forests and completing the NEPA work, as currently interpreted, to be more than double what the current range management's budget is. That means they want \$2 for every one to comply with what they interpret Congress requiring them to do.

Instead of doubling the agency's budget to fund a broken process, let's fix the process. The public's right to participate in decisions about the use of its public lands can be accomplished without spending an obscene amount of money.

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The 1995 Rescissions Act required the Forest Service to come up with a schedule for completing NEPA. The Forest Service estimates vary, but they are only at 40 to 70 percent complete of what they estimated, and, as has been testified to earlier today, the cost has been enormous, with the production being very slow.

The bottom line is NEPA is a procedural law designed to ensure that actions of the Federal agencies are balanced between the needs of man and the environment by allowing everyone to voice their concerns in the decisionmaking process. Currently, we are caught up in the process that we are forgetting about the bigger picture, which is the public lands are being held in trust by the government for the benefit of all Americans.

Right now, the American public and the resources are not being well served by the NEPA process.

This concludes my testimony and thank you very much. I will be happy to answer any questions.

[The prepared statement of Michael J. Byrne may be found at end of hearing.]

Mr. POMBO. Thank you. Mr. Chu.

STATEMENT OF DAN CHU, EXECUTIVE DIRECTOR, WYOMING WILDLIFE FEDERATION, CHEYENNE, WYOMING

Mr. CHU. Good afternoon, Mr. Chairman and members of the House Resource Committee. My name is Dan Chu and I am the Executive Director for the Wyoming Wildlife Federation.

We are a non-profit conservation organization, composed of over 3500 members, who are united by deep commitment to the protection to wildlife habitat, the perpetuation of quality hunting and fishing, and the protection of their right to use and enjoy public lands.

Today I would like to provide our perspective on the function and effectiveness of the National Environmental Policy Act.

NEPA was established in 1970 to establish the Council of Environmental Quality and to guide Federal agencies in their efforts to manage for sustainable development and to allow the public to be involved in the management of their lands and resources.

Our members directly benefit from NEPA because it provides a forum for local people and local interests to be considered in Federal actions on public land.

We educate and mobilize citizens to be involved in these decisions that affect the public land throughout Wyoming. We view NEPA as providing Federal agencies a formal process for responding to the public and determining if an action is truly in the public's interest.

We believe that the purpose of NEPA is to establish the policy that all Federal agencies must, No. 1, be responsible to future generations; No. 2, provide environmental equity for all Americans; No. 3, allow for the beneficial use of the environment without undue degradation; four, encourage historical, cultural and biological diversity, as well as individual liberty; five, promote widespread prosperity for all Americans; six, manage for the conservation and prudent use of our natural resources; and, seven, consider and incorporate public comments and interests.