



# WYOMING FARM BUREAU FEDERATION

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CQ644

September 17, 2002

NEPA Task Force  
PO BOX 221150  
Salt Lake City, UT 84122

To Whom it may Concern:

The Wyoming Farm Bureau Federation would like to provide the following comments relative to the Federal Register Notice of July 9 (Vol. 67, No. 131/Tuesday, July 9, 2002). The Wyoming Farm Bureau Federation is a general agricultural organization representing primary food producers through out the State. Many of our producers deal with federal agencies in the performance of their production practices. Some producers utilize federal lands for food production and as a consequence are required to fulfill agency mandates which seek to address and mitigate environmental concerns. Other producers utilize private lands with input from some federal agencies on production practices. And still others provide habitat for endangered species which are in the process of recovery.

The Notice requests comments in 5 specific areas and one general area. We would like to offer comments on some of the specific areas as well as some general comments.

Overall we feel that the NEPA process has been used to slow and stop many programs by establishing a blizzard of red tape and paper. We also feel that instead of analyzing environmental impacts on proposed agency activities, the NEPA process is heavily weighted towards a predetermined outcome with the EA, or EIS focused on justifying that outcome. This process has resulted in many of our producers avoiding the process or becoming very frustrated in the process.

Item B of the Notice requests comments on Federal and Inter-governmental Collaboration. As a general statement, we feel that the federal government has not been interested or responsive to collaboration with local (i.e. county) governments. Many producers have sought to engage the federal agencies in the process on a local level only to be frustrated by the federal agency's attitude of "we'll listen but we aren't going to address your concerns." Only recently have the federal agencies even acknowledged that local governmental entities should even be invited to the table. Even then, the process has been more towards a briefing process instead of a true collaborative process, where local concerns are legitimately addressed.

In some instances the federal agencies have had to be dragged kicking and screaming to the table buy outside political pressure or a threat of legal action. Federal agencies need to contact and establish working relations with local governments early and allow these entities an equal role in the process. Some counties may or may not know they even have a role in the NEPA process, and a proactive effort by the agencies to involve them early on would only help to improve the

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process. We feel the federal agencies should establish an outreach program with the goal of helping local governments understand how they can participate in the process. Once this relationship is established, then the agencies need to make a concerted effort to actually listen to the input provided and also attempt to work with the local entities on an equal footing basis.

Item C of the Notice asks for comments relative to programmatic analysis and tiering with the goal of providing for timely planning and decision-making. If anything characterizes the problems with the NEPA process it seems to be the old saw "paralysis by analysis" which has prevented timely decisions, which more importantly prevents timely actions by the agencies. Whether tiering would alleviate this concern is problematic since most agencies have had to utilize the NEPA process as a justification document with an extensive array of data to provide legal cover.

Tiering the decision process will ultimately have to receive the blessings of the judicial branch before a full assessment can be made as to its effectiveness. Unfortunately getting the blessing of the judicial branch will more than likely result in the tiering process being bogged down like the current process.

Item D of the Notice asks for input on adaptive management/monitoring and evaluation plans. We are unsure what the CEQ considers to be adaptive management, but food producers on federal lands have always had to adapt their management in order to accommodate changing economic and natural conditions. One of the frustrations with many of these producers has been the lengthy process that must occur before any (in many cases minor) change can be allowed. Many economically sound management decisions have been thwarted by federal employees either by seeking to have all the analysis done to the "nth" degree or with a personal agenda contrary to the producer. Both have significant impact on producers.

Another common complaint raised by producers, deals with inappropriate selections of monitoring techniques by the agencies. Inappropriate methods of monitoring will naturally lead to inappropriate decisions for management changes. For example, in range monitoring, federal agencies appear to seek a simple "one size fits all" method of monitoring which can be done in a limited amount of time. Many times the monitoring that is done for range conditions is not carried out in an appropriate way. Once this is done, the agency personnel then interpret the data from the monitoring in inappropriate ways. Also, at this time, it appears that personal agendas enter into the process as well.

Utilizing inappropriate monitoring techniques and then using wrong interpretation has led to serious problems between producers and agency personnel. Adaptive management like any type of management is only as good as the process and unfortunately the process appears to be seriously flawed, if not broken.

Item E of the Notice discusses the use of categorical exclusions. We have no suggestions on how

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the use of categorical exclusions can be improved, however, we would again reiterate that many times the NEPA process appears to be weighted towards volume of paper and this slows the decision making process down to almost a snails pace. We note that recently Congress bypassed the NEPA process entirely for forest management in South Dakota in order for agency personnel to attempt to manage the forests before they burn up. Many other areas of federally owned land would benefit from similar Congressional action. We suggest the fact that Congress has taken this step clearly points out that something is wrong with the system.

NEPA analysis, at times, has been used to prevent decisions and actions. Some producers have approached agencies with suggestions which would improve management only to be told that before any action could occur, some level of NEPA analysis must be completed and the time and cost is too great to do such an analysis. It is very likely that some of the fixes are beyond the rule making process, but clearly every effort needs to be made to expand categorical exclusions.

Item F asks for additional areas for consideration. As time has gone by, we have witnessed the NEPA process used not as a decision tool, but as a tool to slow or stop decisions. EISs prepared in compliance with NEPA have become so voluminous as to be virtually unreadable by the general public. The documents have become a maze of words which must be analyzed in order to see if there are inaccuracies or corrections which need to be made. Selective data is used by the agencies to buttress their management direction and other data which should be included is not provided. This merely serves to reinforce the impression that the agency personnel are seeking a pre-determined outcome to the decision making process. Fixing this process will be extremely difficult and will more than likely need Congressional action to change the underlying law.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Ken Hamilton

cc Board  
Congressional Delegation  
NER  
SGA



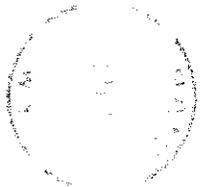
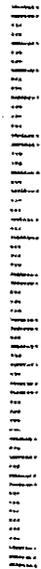
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