



November 22, 2021

Amy Cole
Deputy General Counsel
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

Docket No. CEQ-2021-0002
Submitted via *Regulations.gov*

Dear Ms. Cole:

The American ranching industry plays a pivotal role in the management of hundreds of millions of acres of both private and public lands throughout the United States. As such, the relationship between our industry and the federal government, particularly as it relates to permitting and land management decision-making, is one of the most critical to ensuring the health and resiliency of the country's remaining open spaces and pastureland. The National Environmental Policy Act (NEPA) and its various applications throughout the federal government play a pivotal role in the success of that partnership. Unfortunately, it has also become one of the biggest opportunities for opponents of responsible land management to grind progress to a halt, derail otherwise common-sense decision-making, and delay federal action indefinitely across a range of issues.

The Public Lands Council (PLC), consisting of state and national cattle and sheep affiliates throughout the West representing approximately 22,000 federal grazing permit holders; the National Cattlemen's Beef Association (NCBA), the nation's oldest and largest trade association representing cattle producers; and the American Sheep Industry Association (ASI), which is the national organization representing the interests of more than 100,000 sheep producers located throughout the United States since 1865, wish to provide our collective response to the Notice of Proposed Rulemaking (NPR) as well as provide additional input regarding the key areas of NEPA in need of reform in order to restore this process to functioning condition and ensure its proper application in the future.

PLC, NCBA, ASI, and our undersigned affiliates (together, the "Livestock Associations") are concerned about recent efforts by the Council on Environmental Quality to rescind modernized NEPA guidelines, and generally support the previously finalized regulatory updates in the NPR. The Livestock Associations previously submitted comments on CEQ's Advanced Notice of Preliminary Rulemaking (ANPR) on March 10, 2019, via the online portal and incorporate those comments by reference here.

NEPA has, since its creation, evolved into both the most impactful federal environmental process to the ranching industry and the most effective weapon in the arsenal of those who wish to exploit the process for nefarious means. Through relentless, process-based litigation across the range, these groups have

driven the transformation of NEPA from its original purpose – analysis of potential impacts stemming from a major federal action – into a black hole of endless and often fear-driven processes initiated by federal agencies in the hope that such analysis might prevent legal challenge to otherwise proper and appropriate science-based decision-making. Congress intended NEPA to be the formulaic standard to ensure that analysis was consistent, comprehensive, and inclusive; Congress did not envision the process seeking to address every potential avenue of inquiry in a seemingly endless and subjective loop.

After years of litigation-driven adulteration, NEPA became a time-intensive, exorbitantly-expensive endeavor that resulted in projects postponed or extended years beyond their original schedule, or in some cases derailed altogether. This is true even for routine assessments of projects with clear positive outcomes, including grazing permit renewals, range improvements, wildlife habitat restoration, fuels reduction treatments, and cooperative projects to improve ecosystem services. Obviously, this pattern runs counter to the multiple-use mission of agencies such as the Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Additionally, it serves as a deterrent to responsible land management decision-making both in those multiple-use agencies as well the larger goals of the Department of the Interior, Department of Agriculture, and strictly regulatory agencies such as the Environmental Protection Agency (EPA), to name a few. Rescinding the previously finalized updates will certainly run counter to the Livestock Associations' and the agencies' pursuit of collaborative conservation. The previously finalized guidance directed agencies to begin revisions to their own NEPA regulations, which are now underway. Further, projects under assessment in the last year may face inconsistent legal standards and expectations should the agency proceed with rescinding the guidance after such a short time.

Regulated stakeholders and the agencies implementing the law need, above all else, regulatory certainty and consistency in application of the law. The whipsawing of NEPA policy does little to further the government's mission of conserving our natural resources. In summary, the Livestock Associations would emphasize the following as key areas for CEQ to continue to improve:

- Define and enhance the use of Categorical Exclusions, where appropriate.
- Enhance and define the role of affected parties, including those with long-term contractual agreements or preference grazing rights, and adjacent landowners.
- Enhance the role of state and local governments in the NEPA process, ensuring they are brought into the process early to assist with determining the issues to be addressed and are allowed adequate time to prepare substantive comments during the administrative review period.
- Improve formulation of alternatives and establishment of baseline for analysis, including clarification of terms “continuing use” and “no action alternative.”
- Ensure that socioeconomic analysis is given equal weight to environmental analysis.
- Recognize the limited expertise and resources of the agency to complete socio-economic analysis and encourage agencies to seek credible information available from state and local governments and local affected interests.

Thank you for the opportunity to provide input. The Livestock Associations look forward to the opportunity to provide additional input and look forward to working with CEQ to develop policies that support collaborative and active conservation of our natural resources.

Sincerely,

Public Lands Council
National Cattlemen's Beef Association
American Sheep Industry Association
American National CattleWomen
Arizona Cattle Growers Association
Beef Alliance
California Cattlemen's Association
Colorado Cattlemen's Association
Colorado Public Lands Council
Colorado Wool Growers Association
Indiana Sheep Producers Association
Kentucky Sheep and Wool Producers
Missouri Sheep Producers
Maryland Cattlemen's Association
Montana Public Lands Council
Montana Sheep Growers Association
Minnesota Lamb and Wool Producers
Nebraska Cattlemen's Association
Nevada Cattlemen's Association
Nevada Wool Growers Association
New Mexico Cattle Growers Association
New Mexico Wool Growers Association
North Dakota Grazing Association
North Dakota Lamb and Wool Producers Association
North Dakota Stockmen's Association
Ohio Cattlemen's Association
Oklahoma Cattlemen's Association
Oregon Cattlemen's Association
Oregon Public Lands Council
South Dakota Cattlemen's Association
South Dakota Public Lands Council
Texas Cattle Feeders Association
Texas & Southwestern Cattle Raisers Association
Texas Sheep and Goat Raisers' Association
Utah Public Lands Council
Utah Wool Growers
Virginia Cattlemen's Association
Washington Cattlemen's Association
Washington State Sheep Producers
Wyoming Stock Growers Association

Wyoming Wool Growers Association
Wyoming Public Lands Coalition
Wyoming State Grazing Board