November 15, 2021

Ms. Brenda Mallory
Chair
Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

RE: Docket ID No. CEQ-2021-0002 – National Environmental Policy Act Implementing Regulations Revisions
Submitted via Federal eRulemaking Portal *https://www.regulations.gov/*

Dear Chair Mallory:

The California Farm Bureau appreciates the opportunity to provide comments on the Council on Environmental Quality (CEQ) proposal to modify certain aspects of its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). It is our understanding that CEQ is proposing these changes to restore regulatory provisions in effect prior to the 2020 modifications and to better align the provisions with CEQ's experience in implementing NEPA.

I. About California Farm Bureau

California Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 31,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers, ranchers and foresters engaged in production agriculture to provide a reliable, safe, and affordable supply of food and fiber through responsible stewardship of our natural resources.

II. Background

While California's farmers, ranchers and foresters interact with NEPA in numerous ways, our members most impacted by NEPA are those working and living among our nation's public lands. This includes our forestry and public lands ranching members who graze livestock, harvest timber, reduce hazardous fuels and salvage already burned timber from recent wildfires. Changes made to the way NEPA is implemented substantially impacts their ability

to conduct routine agricultural activities, steward our forestlands, and mitigate for wildfire risk.

California Farm Bureau policy states that Federal and state agencies fail to consider adequately the loss of industry, agricultural land and open space that occurs as regulations are adopted. Under the National Environmental Policy Act (NEPA) and relevant state statutes, agencies should give greater consideration to economic impacts as they relate to the areas directly affected by the regulations. In addition, government agencies should be required to consider the cumulative impacts of all regulations proposed for an area, especially regarding those impacts to base industries.

As NEPA is a procedural statue that requires Federal agencies to assess the environmental impacts of proposed major Federal actions, ensures that impacts to natural resources are evaluated and, where necessary, mitigated. We support NEPA's over-arching goal for better environmental decision-making in a cost and time-efficient manner and, are particularly supportive of finding ways to maximize the effectiveness and proficiency of NEPA compliance and implementation as it relates to the integration of environmental values with forest health, resilience, and productivity of our nation's public lands.

III. General Comments

The proposed rulemaking would amend three NEPA rule requirements, undoing the changes made in 2020, and returning to post-1978 regulations. California Farm Bureau offers the following specific comments for the Council's consideration:

A) Purpose and Need Statement

The purpose and need section of an Environmental Impact Statement (EIS) sets forth the rationale for an agency's proposed action and sets parameters for the range of reasonable alternatives that an agency must consider and analyze within any EIS. The changes made in the 2020 final rule directed agencies to focus on the purpose and need statement on the goals of the applicant and the agency's statutory authority. This proposed rulemaking would eliminate the updated focus on the project proponent's goals and the agency's statutory authority.

California Farm Bureau is concerned about the practical impacts relative to NEPA implementation that will result from expanding consideration of alternatives. Specifically, we are concerned about additional agency analysis of information not central or meaningful to

a decision-making process. This will also result in the diversion of already constrained agency personnel and resources from relevant and feasible alternatives for critical projects.

America's public lands can provide sustained economic environmental, and social benefits, but they are also in dire need of active management to reduce hazardous fuels and catastrophic wildfire risk. While NEPA administrative requirements serve an important function, we are very concerned about this expansion resulting in diminished resources for important, on-the-ground management activities. In the context of the western wildfire crisis, delays in permitting of fuels reduction projects on federally managed land due to expanded NEPA requirements is counterproductive.

B) Agency NEPA Procedures

The proposed rulemaking would authorize agencies to implement their own NEPA procedures, essentially creating a minimum standard rather than a maximum threshold. This would be a significant change from the 2020 final rule which made CEQ's NEPA requirements a ceiling, rather than a floor, requiring agencies to conform to CEQ's requirements. The intent behind the 2020 change was to avoid inconsistencies and reduce conflict between agencies.

California Farm Bureau is concerned about how agency specific NEPA requirements incorporated in the proposed rulemaking may not align with fellow agencies, creating conflict that results in additional cost and timing delays, especially when more than one agency is involved in a decision subject to NEPA. This change is also likely to increase the amount of analysis agencies will conduct and extend the NEPA approval process which is already considerably lengthy.

Per our oral testimony provided to CEQ during the October 19, 2021 public meeting, we unfortunately speak from experience as it relates to the timing related concerns outlined in the two sections above. Examples, as it relates to public lands, include our members encountering significant delays in obtaining and renewing federal grazing permits as well as securing timber sale contracts with some averaging over seven years to complete. In some cases, NEPA reviews have taken a decade or more to complete.

C) Definition of "Effects" or "Impacts"

The proposed rulemaking would incorporate the older definitions of "direct effects", "indirect effects", and "cumulative impacts" into CEQ's definition of "effects" and "impacts". These changes would require agencies to analyze indirect effects including those in the future that are reasonably foreseeable. More significantly, these changes would also require agencies to analyze cumulative impacts including effects on the environment that result from the

incremental impact of the action being considered when it is added to other past, present, and reasonably foreseeable future actions with the same agency as well as actions under the authority of other federal agencies.

California Farm Bureau is again concerned that the expansion of these NEPA analysis requirements will slow down progress on critical infrastructure projects, including those included in the Bipartisan Infrastructure Framework. Meaningfully modernizing infrastructure is of upmost importance to California's farmers and ranchers. Investments in our nation's roads, bridges, ports, broadband, and western water infrastructure, are not just necessary, they are long overdue. However, in addition to adequate funding, infrastructure must also be subject to a review process that supports timely, affordable construction.

IV. Conclusion

Until last year, NEPA had not been updated for 40 years. And while we acknowledge that there are varied opinions on the prior changes, we believe there was much consensus that NEPA can and should work better for both the environment and the American people. California and many other western states continue to experience massive catastrophic wildfire and there is a strong correlation between wildfire risk levels and timely forest management and hazardous fuel reduction projects that require NEPA. Thoughtful analysis of NEPA has never been more important and we urge CEQ to consider these significant on the ground impacts.

California Farm Bureau appreciates the opportunity to provide comments in response to the proposed rulemaking and California's farmers, ranchers and foresters look forward to the continued dialogue. Please contact Erin Huston at ehuston@cfbf.com (916-849-3746) with additional questions

Sincerely,



JAMIE JOHANSSON
President