

Wyoming Outdoor Council

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Wyoming Governor Mark Gordon
State Capitol
200 West 24th Street
Cheyenne, WY 82002

January 28, 2020

Dear Governor Gordon,

I am writing on behalf of the Wyoming Outdoor Council and our membership to express our concerns regarding the federal government's recent proposed revisions to the National Environmental Policy Act. We encourage you and your staff to give these rules careful consideration, and weigh not just their impact to industry, but also to the general public of Wyoming and the thousands of Wyoming residents who hunt, fish, camp and recreate on Wyoming's public lands.

We are concerned that local voices and local input will be given a back seat in this process, and that in the rush to streamline, other important economic sectors such as outdoor recreation, tourism and maintaining the public lands amenities that attract new residents and businesses will be short-changed. We believe that the best public policy allows for robust public input that can bring other data, information and perspectives to the table with adequate time for agency consideration. Given your support for more public transparency and accountability in government, we ask you to reconsider your initial support for these rule revisions and submit comments to the federal government that affirmatively protect Wyoming people's right to full and equal participation in the NEPA processes that impact Wyoming.

According to a recent legislative report on federal lands management prepared for the Wyoming Office of State Lands and Investments, NEPA's public process provisions are not placing an unnecessary burden on projects. The vast majority of NEPA actions are categorically excluded and do not require any public notice or comment. In Wyoming, of the approximately 1,592 projects subject to NEPA annually, about 1,113 are categorically excluded, and only about 21 require an Environmental Impact Statement.¹ Moreover, when projects requiring an EIS are delayed, it is typically the government, not the American public, that holds up the process.

We ask that you support increased public input on projects that impact Wyomingites, not less. There are NEPA reviews in process today that could benefit from more public input. For example,

¹ Y2 Consultants, LLC, "Study on Management of Public Lands in Wyoming," (August 31, 2016), 51, available online at <https://bloximages.newyork1.vip.townnews.com/jhnewsandguide.com/content/tncms/assets/v3/editorial/2/39/239573d4-c648-5a48-a9e9-8f7529903a06/5807a9bad1fc8.pdf.pdf>.

public scoping for the Rock Springs Resource Management Plan revision occurred in 2011. Since then, the Wyoming public has not had an opportunity to weigh in on the plan, despite changing state demographics, economies, and significant new science on big game migration corridors and sage-grouse populations within the planning area. In fact, it is state and local governments who have had an inside seat at the NEPA table in this process with the federal government for the last 9 years, in closed-door meetings through the “cooperator” process. The public has been entirely left out.

We have yet to see a draft RMP for Rock Springs, in part because of changing politics in Washington and due to this insider government process. But it appears that the proposed revisions could limit public input on future RMPs, punishing the public - Wyoming people - for delays that they did not create.

Public input is critical to the planning process. Citizens with local knowledge can offer expertise and point out errors and omissions in environmental reviews before they become problems. Thoughtful and informed decision making means that controversies can be addressed upfront and transparently, reducing the likelihood that a final decision will be litigated. The NEPA process also helps to inform project proponents, reducing regulatory uncertainty and providing an opportunity to do development right the first time.

For example, in 2004 private landowners near the Clarks Fork of the Yellowstone River - the state’s first designated Wild and Scenic River - noted that the environmental review of a proposed seismic survey failed to consider the impacts of the explosive charges used to create a 3D image of resources on water resources, elk and other game species, hunting opportunities, Native American historical sites, and private property values. This public input led BLM to re-examine the draft plan and consider the use of new survey technology that would mitigate the damaging impacts from explosive charges.

Similarly, open communication with the Wyoming public during the NEPA process helped establish the Bridger Teton National Forest Off-Highway Vehicle trail system in 2009. The final plan addressed concerns from local business owners, citizens, and environmental organizations in a way that reduced conflicts between multiple users, reduced impacts to resources, improved route maintenance, and allowed for effective enforcement.

NEPA also helps mitigate risks to private landowners. The Babione Vegetation Management Project in Bighorn National Forest was intended to reduce hazardous fuels through cutting and prescribed burns. Through the NEPA process, adjacent landowners raised concerns about increased access to their lands and potential trespassers. The Forest Service incorporated design elements into the project to address the issue, such as erecting gates at key access points.

In addition to our public process concerns, we are disappointed that the proposed revision would prohibit public disclosure of the indirect and cumulative impacts of greenhouse gas emissions, at a time when climate change is already harming Wyoming citizens through increased drought, longer fire seasons, proliferation of invasive species, and other adverse effects. We agree with your recent remarks at the Wyoming Press Association convention: we are in a climate crisis that we must address, and Wyoming has the opportunity to be a leader in developing solutions. To understand the nature and scope of climate impacts in Wyoming and work towards solving them, we need robust data about the greenhouse gas emissions from projects on our public lands.

Our public lands are the reason that many of us live and work in Wyoming. Wyoming people hunt, fish, and otherwise recreate on public lands at rates far above the national average. We have a strong stake in public lands management and should have a seat at the table. NEPA provides that seat and allows the public to understand and weigh the potential impacts to our public resources.

Greater efficiencies can be found without undercutting the very heart of a law that has served as an example to countless other countries in their efforts to make decisions that affect the environment. We ask that you not accept promises of greater efficiency to justify decreased opportunities for public input, less informed decision making, and fewer disclosures of environmental impacts. We ask that your formal comments on the proposed revisions support local input and informed decision making.

Sincerely,

A handwritten signature in black ink that reads "John Rader". The signature is written in a cursive, slightly slanted style.

John Rader
Conservation Advocate
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