



Charting a Path Forward: Federal Land Management in the New Administration

In the past eight years, ranchers and other multiple use interests in the west have witnessed an almost wholesale shift in federal land management policy. What was once - and statutorily continues to be - a clear directive to manage BLM lands for multiple use and sustained yield has instead shifted towards a wholesale focus on “conservation” without responsible management.

As the largest true conservation force on the western range, livestock grazing permittees know how to best manage our precious rangelands. The 22,000 permittees that operate on lands managed by the Department of Interior and U.S. Forest Service serve as the nation’s first line of defense, expending their own time and resources to protect water sources used by livestock and wildlife, maintain fence lines, beat back the spread of invasive weeds like cheatgrass and medusahead, and reduce the fuel loads that lead to catastrophic wildfire. Additionally, private land owned by permittees acts as a buffer, ensuring that open space is available for wildlife, wildlife habitat, and much more.

Unfortunately, many beneficiaries of this day-to-day management have inappropriately targeted grazing as a harmful impact that must be eliminated. Some wildlife advocates, environmental organizations, and recreational interests like hikers and sportsmen often fail to appreciate the hard work required to provide them with the quality outdoor experiences they all cherish. Instead of working with the public lands grazing community to achieve the common goal of healthy rangelands and healthy wildlife populations, many of these groups have adopted a “we know better” attitude that has translated into an inappropriate focus on reducing responsible grazing just when it’s needed most.

It is our hope that the incoming administration will reevaluate this shift in policy and take advantage of the tremendous benefits and opportunities available through restoration and enhancement of responsible grazing on federal lands. We in the livestock community stand ready to help in this process however possible and look forward to a mutually beneficial relationship for all of the multiple uses of our lands.





Additionally, we sincerely hope the incoming administration will take the steps necessary, in conjunction with Congress, to reauthorize and reform the Endangered Species Act. It is time to restore some balance to this failing law. Recovery plans must be structured for achievable on-the-ground results - not intangibles like climate change; prioritization must be on recovery, not simply the "listing rate," and resources must be directed toward delisting of those species that have been successfully recovered.

To that end, the Public Lands Council, National Cattlemen's Beef Association, American Sheep Industry Association, and the Association of National Grasslands, Inc. along with their respective state affiliates, wish to present the following outline of priorities for the incoming administration and 115th Congress. These common sense actions - both short-term and long-range - are designed to restore balance to federal land management and set an agenda that will ensure that ranchers can continue their tradition of stewardship well into the future.

Sincerely,

Public Lands Council
National Cattlemen's Beef Association
American Sheep Industry Association
Association of National Grasslands, Inc.

Arizona Cattle Growers Association
California Cattlemen's Association
California Wool Growers Association
Colorado Cattlemen's Association
Colorado Wool Growers Association
Idaho Cattle Association
Idaho Wool Growers Association
Montana Association of State Grazing Districts
Montana Public Lands Council
Montana Stockgrowers Association
Montana Wool Growers Association
Nevada Cattlemen's Association
Nevada Central Committee of Grazing Boards
New Mexico Cattle Growers' Association
New Mexico Wool Growers, Inc
Oregon Cattlemen's Association
Utah Wool Growers Association
Washington Cattlemen's Association
Wyoming Stock Growers Association
Wyoming Wool Growers Association

Department of Interior

Withdraw last year's Presidential Memorandum on Mitigation and subsequent planning processes to ensure technological feasibility couple with meaningful scientific basis

- ◆ While we applaud the Administration's efforts to provide some structure and consistency to mitigation efforts – particularly voluntary efforts – establishing mitigation that cannot be achieved, considering realistic conservation benchmarks, serves to further complicate on –the-ground efforts by ranchers and others.
- ◆ Mitigation planning should involve stakeholder input and coordination.

Withdraw Secretarial Order 3310 – Wild Lands Order

- ◆ Secretarial Order 3310 creates *de facto* wilderness and poses a threat to the continued multiple use of BLM lands.

Conduct a full review of Instructional Memoranda (IMs) and Secretarial Orders

Repeal designations made under the Antiquities Act of 1906 that have not been endorsed by local impacted communities

- ◆ Monument designations continue to have deleterious impacts on ranchers. When grazing is preserved in newly designated areas, but only if elevated preconditions are met, loss of grazing is inevitable. Over time, monument designations and implemented management plans reduce and remove livestock grazing from the landscape. Often, the grazing that is lost contributed significantly to the landscape condition that merits consideration for designation.

Formally recognize the positive impact of Rangeland Fire Protection Association's (RFPAs)

- ◆ RFPAs, primarily made up of ranchers, are a critical component of early fire detection and response.

Bureau of Land Management

Withdrawal of BLM Planning 2.0

- ◆ BLM Planning 2.0 is inherently flawed. BLM must withdraw this rule and start over, putting greater emphasis on state, local, and stakeholder input. BLM must focus on planning at the local level, and should abandon the shift to landscape scale planning. Appropriate socio-economic analysis is essential to accurately gauging the impacts of potential actions.

Cease all implementation of the Greater Sage Grouse and Gunnison Sage Grouse Records of Decision (RODs) and Resource Management Plan Amendments until a full evaluation of the impact of emerging science on grass height and nest survival is completed, with science verified by the individual state agencies. Deference should be given to state management plans that are in place and have proven to be effective.

- ◆ State management of the sage grouse in partnership with federal programs like the NRCS Sage Grouse Initiative have been highly effective. Population counts are up 63% in the past two years alone.
- ◆ Emerging research from multiple sources – including the Natural Resource Conservation Service (NRCS) – is demonstrating a high probability that the metrics informing last year's RODs, and particularly strict adherence to Habitat Objectives tables, was unfounded and is leading to an inappropriate focus on grazing, rather than key threats like wildfire, invasive weeds, and development. Until the sage grouse plans can truly address the primary threats to the species, implementation should be halted.

Withdraw Instructional Memoranda released in August pertaining to the Sage Grouse Resource Management Plan Amendments

- ◆ It is imperative that BLM halt implementation of the scientifically flawed resource management plans until focus can be placed on the primary threats to the species – wildfire and invasive species. Deference should be made to existing state management plans that have already led to a significant increase in sage grouse populations.

Immediately eliminate all Wilderness Study Area's (WSAs) that do not meet requirements

- ◆ WSAs that were found not qualified for Wilderness Designation in the 1992 BLM Report to Congress should immediately be released and returned to multiple use.

Immediate withdrawal of Department of Interior Bureau of Land Management Policy 1730 – *Management of Domestic Sheep and Goats to Sustain Wild Sheep*

- ◆ This guidance is based on flawed science and has led to a number of domestic sheep producers being removed from their allotments. Domestic sheep and bighorns have co-existed in many of the same areas for decades without significant impact to bighorn herds. There is no single, identifiable pathogen responsible for the most common respiratory diseases in bighorns that can clearly be tied to contact with domestic sheep on the open range. In fact, there are a number of documented bighorn die-offs in areas far removed from domestic sheep herds.

U.S. Fish and Wildlife Service

Reform and reauthorization of the Endangered Species Act (ESA)

- ◆ The Endangered Species Act is broken. The U.S. Fish and Wildlife Service's current singular focus on the "listing rate" – as it was described by one radical environmental group – is hampering efforts to conserve and protect species truly in need. Just 49% of listed species currently have a finalized recovery plan, and the successful delisting rate since the inception of the ESA hovers around 1.4% - a failure by any standard. Needed reforms include:
 - ◇ Clarification of agency authority and jurisdiction
 - ◇ Proper analysis including, socio-economic, cost-benefit, and impacts on related species
 - ◇ Mandatory recovery plan at time of listing
 - ◇ Automatic delisting once benchmarks are met
 - ◇ Recognize primacy of states in management of unlisted wildlife species across all land ownerships

De-list the grizzly bear and all species of wolves nationwide under the Endangered Species Act (ESA) and return management of these species to the state governments

- ◆ The populations of these species have returned to appropriate levels and continued federal protection under the ESA is no longer warranted. The current lack of state management of these species threatens the viability of the livestock and the greater wildlife ecosystem, including bighorn sheep, in these habitat areas, hampering our ability in the West to provide domestic food and recreation.

Withdraw the Revised Critical Habitat rule and examine elimination of critical habitat designations in all instances

Environmental Protection Agency and Army Corps of Engineers

Immediately withdraw the Waters of the United States (WOTUS) rule finalized last year

- ◆ WOTUS is regulatory overreach at its worst. The flawed rule expands federal jurisdiction to an unprecedented scale and usurps state authority. Grazing and feeding operations will be subject to additional federal scrutiny and permitting requirements. The WOTUS rule needs to be withdrawn by the agencies. Stakeholders must be at the table before starting any process to define Waters of the U.S.

Department of Agriculture

Management of National Grasslands

- ◆ Management of National Grasslands should be consistent with Bankhead-Jones Farm Tenant Act (7 USC 1010 et seq.).

Promulgate rules that provide the same due process rights to Grazing Associations that direct permittees on National Forests and BLM lands currently are entitled.

Encourage USDA to provide compensation for escaped, prescribed fires started by the agency.

Prairie Dog Management

- ◆ Direct the USDA to begin the process of determining the carrying capacity and optimal population densities for the various species of prairie dog populations, in order to maintain healthy populations and environmental, range conditions.

U.S. Forest Service

Cease all implementation of the 2015 Sage Grouse Records of Decision (RODs) and Land Use Plan Amendments – including the recommendation of permit modifications without corresponding penalties for non-compliance – until a full evaluation of the impact of emerging science on grass height and nest survival is completed.

- ◆ State management of the sage grouse in partnership with federal programs like the NRCS Sage Grouse Initiative have been highly effective. Population counts are up 63% in the past two years alone.
- ◆ Emerging research from multiple sources – including the Natural Resource Conservation Service (NRCS) – is demonstrating a high probability that the metrics informing last year's RODs, and particularly strict adherence to Habitat Objectives tables, was unfounded and is leading to an inappropriate focus on grazing, rather than key threats like wildfire, invasive weeds, and development. Until the sage grouse plans can truly address the primary threats to the species, implementation should be halted.

Initiate a full review and revision of the 2012 National Forest System Land Management Planning rule and any reference to “species viability”.

- ◆ The Forest Planning rule exceeds the intent of Congress to manage the nation's forests. Moreover, “single species viability” as called for in the rule cannot be allowed to supersede all legal obligations for multiple use of federal lands, including grazing. Species viability, as implemented by the current administration, ignores historical habitat and enforces non-natural restraints on rangelands.

- ◆ Prior to any decision involving the proposed removal of domestic sheep allotments in preference to bighorn sheep habitat, we ask that the administration require sound-science and consultation with ARS. And, should such a decision be found scientifically warranted, that alternative equal allotment(s) be offered and NEPA waived to minimize harm to livestock producers.
- ◆ The present implementation of the Forest Planning Rule fails to adequately incorporate local and state input by not placing cooperating agencies involvement with the interdisciplinary team for pre-decisional planning that establishes the alternatives use in planning and reduced the length of time allow for their comments back to USFS. USFS must be directed to acknowledge coordination with local and state governments, and SCD Boards.

NEPA Reform

Enhance the role of state and local governments in the NEPA process

- ◆ Longer comment periods for cooperating agencies.
- ◆ Agency must provide substantive answers to substantive comments made during the administrative review period.

Enhance and define the role of true stakeholders

- ◆ Those with long-term contractual agreements - such as grazing permits - should receive stakeholder status beyond that of simply “public”.
- ◆ Conversely, activist groups engaging in habitual litigation abuse and attempting to drive agency policy through legal harassment should not be guaranteed stakeholder status or otherwise rewarded for their behavior.

Streamline and improve the process

- ◆ Quicker approval overall
- ◆ Ensure that permittees and/or affected parties are properly notified
- ◆ Reinforce opportunities for local input
- ◆ Online sign-up to receive information
- ◆ Management Alternatives
 - ◇ Must be consistent with existing statute
 - ◇ Consistent implementation of alternative formulation
 - ◇ More diligence as agency reviews documents/science

Eliminate the NEPA requirement on grazing permits that are being renewed under the same terms and conditions.

- ◆ This would eliminate a great deal of backlog which takes resources that could be used elsewhere.

Require CEQ to release a memo clarifying the NEPA process and procedure

Address the weight federal planning agencies give to the socio-economic analysis as it relates to the impacts of an action.

- ◆ Socio-economic analysis must be equal to the environmental analysis and given equal weight in the decision making process.
 - ◇ Reverse the Babbitt directive on influence of socio-economic impact analysis.

Litigation Reform

EAJA and ESA Judgment Fund Abuse

- ◆ Immediately review and publicize payouts to activist groups under the Equal Access to Justice Act and the ESA Judgment Fund.
- ◆ Enforce rate caps for legal fee reimbursement.
- ◆ Congress should review and strengthen the eligibility of persons or entities to receive financial compensation. Eligibility for compensation should be consistent with the original intent of Congress, which is to assist individuals, not wealthy environmental organizations.

Review and Strengthen Standing Requirements

Interior Board of Land Appeals (IBLA)

- ◆ Clarification of authority
- ◆ Review Part IV of the Code of Federal Regulations
- ◆ Identify internal policies of IBLA that are in conflict with statute

Tax Reform

Repeal the Estate Tax

- ◆ The Livestock Associations support a comprehensive tax reform plan which replaces the current federal income tax with a fair and equitable system that encourages success, savings, investment and entrepreneurship. The new code should be simple, transparent, revenue-neutral and fair to farmers and ranchers.
- ◆ Our nation's estate tax policy is in direct conflict with the desire to preserve and protect our nation's family-owned farms and ranches. Tax reform should include a full and permanent repeal of the estate tax. Stepped-up basis should continue.
- ◆ We ardently oppose IRS proposed regulations issued in August of 2016 which seek to eliminate the use of legitimate valuation discounts for estate tax planning purposes under Section 2704, and urge the new Administration to formally withdraw the proposed rule.

Presidential Budget and Congressional Appropriations

Eliminate Congressional Riders Crippling BLM Management of Free-Roaming Horses and Burros

- ◆ The Wild and Free Roaming Horse and Burro Act of 1971 requires the BLM to manage populations in order to maintain a “thriving natural ecological balance” on the range. Due to congressional appropriations riders that prevent the BLM from accomplishing that goal, on-range populations of feral horses and burros are at approximately 81,000 and rising at 20% per year - far in excess of the 26,000 horses the range can support.
- ◆ Per the recent recommendations of the BLM's Wild Horse and Burro Advisory Board, Congress must empower the BLM to use all management tools available, including sale without restriction and surgical sterilization to control the population.
- ◆ The President's FY2018 Budget request should include adequate funding to accomplish these goals, including one-time funding to complete emergency gathers in critical areas through the occupied range.

Increased agency requests for funding for USDA/APHIS Wildlife Services predation management.

- ◆ Every dollar spent on predation management returns three dollars in livestock value saved. This has a tremendous impact on sheep and cattle producers and the rural economies they support. Predator management also supports abundant wildlife, hunting, and recreation activities on private and federal land. We ask the administration request Congress fully fund the livestock protection efforts of Wildlife Services.

Wildfire Funding

- ◆ Wildfires are one of the most destructive natural forces faced in the West, and should be treated like other natural disasters – included adequate funding for fire suppression and fuels removal.
- ◆ Congress and the Administration should work to permanently solve the “fire borrowing” problem in the upcoming legislative year.
- ◆ Better coordinate planning with local interests, the ranching/farming community, local governments, and the pertinent state agencies to determine those areas of highest risk that need preemptive treatments.

