

February 21, 2017

Open Letter as to status of Grazing Permits issued by BLM and USFS

We understand that there is a movement currently underway to encourage federal permittees/lessees to take matters into their own hands and ignore their grazing permits/leases and attempt to unilaterally modify grazing permits/leases on the grounds that a “grazing allotment” and “grazing rights” are absolute and cannot be modified without the permittee/lessee’s consent. This movement has been motivated by frustrations regarding management of federal grazing allotments and treatment of permit/lease holders. In many cases, these frustrations are well founded. Often management of federal lands has harmed families and agriculture businesses, as well as the working landscapes upon which grazing allotments exist. We share these frustrations and believe that reasonable reform of livestock grazing rules and regulations is long overdue, but we discourage permittees/lessees from ignoring their existing permits/leases and from attempting to take unilateral action to change the terms of their permits/leases.

We stand ready as a resource to help advise those who seek to obtain reform of existing laws, regulations, and guidance so that livestock grazing on USFS and BLM grazing allotments can thrive and benefit local economies, ranching businesses and families, and rangeland health. In many cases, federal agency personnel would also benefit from training as to what consult, cooperate and coordinate, as stated in existing law and regulations, means in terms of directly involving and listening to the permittees/lessees. Many conflicts can be addressed administratively. Unilateral action by permittees and lessees, however, poses a real risk that such action(s) will result in adverse action upon the grazing permits/leases and that it will be difficult or very expensive to remediate the consequences of those actions. Therefore, we discourage permittees/ lessees from ignoring terms of their permits or undertaking unilateral permit modifications.

We, the undersigned attorneys, encourage ranchers dependent upon federal lands to work with the federal land management agencies to maintain and enhance their ability to graze upon the federal land. This can be done by, among other things, monitoring of the resource, applying for permit/lease modifications, applying for range improvements (*i.e.* removal, modification, installation), actively participating in any NEPA analysis and decision-making processes, defending against permit/lease actions by the federal agencies, and defending permits/leases in cases filed by adverse interests seeking to undermine grazing on federal lands. In addition, we encourage ranchers to take the opportunity – via livestock associations or other similar organizations — in this new Congress and new administration to obtain statutory and regulatory reform that will maintain and enhance the existing grazing statutory and regulatory framework on federal lands.

Sincerely,

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