

Idaho Legislature Federal Lands Interim Committee Hearing

October 28, 2013

Chairman Denney, Chairman Winder, Members of the Committee, thank you for providing the Idaho Cattle Association with the opportunity to speak to this committee regarding management of federal lands in Idaho. Idaho's cattle ranching families have much at stake in this discussion. Because of the majority land ownership by the federal government in Idaho, the viability of the state's entire cattle industry is structured around the use of those lands.

Importance of Grazing on Public Lands

Livestock grazing represents the earliest use of the land as our nation expanded westward. Today it continues to represent a multiple use that is essential to the livestock industry, wildlife habitat, open space and the rural economies of many western communities.

Many communities across Idaho, where public lands account for at least half of the landmass, depend on the tax base, commerce, and jobs created by the public land grazing industry. Without federal land grazing, grazing use of significant portions of state and privately-owned lands would also necessarily cease, and the cattle industry would be dramatically downsized, threatening infrastructure and the entire market structure.

But our industry is important not just to people, it is also crucial to the management of the land and resources. Ranchers are the ones on the ground day in and day out, watching over the land and resources that their livelihoods depend on. While grazing was historically viewed only as a "use" of the public lands, today it has also come to be recognized as an important "tool" for the management of these lands and the resources. To name just a few benefits to the land, well-managed grazing improves the health of the range and reduces fine fuels that lead to catastrophic wildfire. Our water improvements create wildlife habitat where none existed before. Continued grazing on public lands allows the associate private land to stay in ranching instead of being developed.

Current Problems With Federal Lands Grazing Management

However, it can't be said that all is well for Idaho's ranching families. In these times of constant and growing regulatory threats and resulting environmental litigation on public lands, it's no wonder that grazing on federal land has been reduced by a full 30% over the past few decades. In counties like Owyhee, where a majority of ranchers depend upon forage from BLM-managed land to supplement their private base property, these numbers are more than statistics: they are an indication livelihood, families, communities and generations-old traditions in peril.

Due to the nature of our business and its forced reliance on the federal government's jungle of laws, rules, and regulations, the security of the future of our industry in this state is at great risk. Thus it's crucial that we take a hard look at those laws and regulations, and how they're playing out on the ground to the detriment of our industry.

For example, today, permit renewals are subject to compatibility with a Resource Management Plan or Land Use Plan, prior environmental analysis under the National Environmental Protection Act (NEPA), a potential need for consultation under Section 7 of the Endangered Species Act and the likely appeal by an anti-grazing organization that has been granted "interested public" status by the agency and standing by the courts. The opportunities that our members once appreciated to spend time in the field with range personnel have become scarce as agency personnel are inundated by process, Freedom of Information Act requests and endless appeals. The lack of agency range personnel and resources has contributed to a massive backlog of permits waiting to undergo NEPA review. Because resources are spread so thin, much of the documentation that is done is incomplete or untimely. This leaves the agencies open to litigation by radical anti-grazing environmental groups, who are often funded in part by taxpayer dollars. In turn, more strain is put on agency resources and the litigation cycle worsens.

There are, unfortunately, individuals and extremist organizations in our state and across the West who have learned how to manipulate and distort the laws in order to achieve their activist, destructive agendas. Through federal laws and regulations, they have essentially gained control of the federal lands and have taken the decision-making ability away from the federal agencies and all but prevented them from having time to go out on the ground and work cooperatively with grazing permittees. In a system that is supposed to be fair and impartial, they have found judges who are almost certain to rule in their favor.

The extremists have successfully manipulated the system through the years, patiently putting into place overbearing regulations and learning how to effectively manipulate the intention of federal laws and exploit those laws' weaknesses. As they tie up the agencies in courts and in piles of administrative paperwork, the extremists start, and control, the cycle of the agencies' inability to meet the demands and the public's inability to productively utilize the resources. And with each successive win, they come closer to bringing about an end to sustainable use and the vibrancy of the communities and cultures that thrive on it.

As we consider such important issues such as species' habitat needs, wildfire prevention and restoration, and rangeland monitoring needs, it has become clear that the type of management that is best for the land is usually prevented by a pre-existing rule of law. The federal government, in its rigidity, created in large part by extremist organizations and their litigation, is unable to manage its lands with common sense, sound science, nor for what is best for that land.

The federal government is clearly paralyzed in its ability to effectively manage its lands. Change is a must. However, the aforementioned jungle of federal laws and court precedent makes this an extremely tough path to go down.

Benefits of the Interim Committee's Efforts

Given all the problems currently associated with management of grazing on Idaho's federally-owned lands, ICA welcomes the opportunity created by this interim committee to seek for creative approaches and we hope the dialogue will be productive in producing real solutions. What our industry needs most, and what we would hope would become the goal and end result of the state's potential effort to manage all of Idaho's public lands, is flexibility and stability.

Flexibility is typically not an option anymore. Unfortunately, there is often a big distance between what makes good sense and what reality allows. Just because you have years of experience and hard work that tell you that you can improve your grazing system, and consequently sage grouse habitat by changing up your seasons of use or rotation system, doesn't mean that the BLM or Forest Service will, or can, listen to you. Just because you know that the stream running through your allotment is dewatered for most of the year and couldn't possibly house a sustainable bull trout population, doesn't stop the government from telling you that you can't graze because their map says it is bull trout habitat.

Additionally, greater business stability leads to grazing practices that better benefit the resources, allowing federal lands ranchers to think long-term about the kind of land and resources they want to pass down to the next generation. But without the assurance that they will be able to hold onto their permits, many ranchers are hesitant to make the commitment of resources it takes to implement such plans.

Potential Concerns With State Management

In the face of the concerns of current land management and the potential benefits of changing that management structure, there remain some unanswered questions and concerns that we would like to ensure are adequately reviewed and addressed as the committee continues with this process.

Of great importance to the economic viability of many western ranches is the stability of the federal lands grazing permits associated with the private base property. These permits are a value property interest of the ranchers who hold them and are tied to that base property. They represent a rancher's "grazing preference," which is exclusive, taxed, included in a ranch's deed, transferrable, and the subject of equitable protection (all attributes of a property right). In considering state management of these permits, we are concerned that the state's current grazing

lease management process would then be applied to the hundreds of federally-administered grazing permits. Although ranchers currently live with the threat that their permits could be drastically cut through litigation or endangered species-mandated actions, it would also be a great threat to stability if those permits were changed so that they could be taken by another interested party through a conflict auction process every few years.

We also question whether those things that threaten our stability now would even be enabled to change under a state management scheme. The Endangered Species Act now drives many of the actions on federal land. We assume that most, if not all, aspects of the law and its associated demands, will still have to apply, regardless of which agency is managing the land.

An additional concern is the resulting loss of PILT funds to counties. Through this process, the discussion has been focused on the benefits of increased timber harvest to the affected communities. However, there are other counties in Idaho whose federal lands are predominantly rangelands, not timber-producing forests. Timber receipts would not be able to make up for the lost PILT revenue to counties that provide the needed infrastructure for those counties.

Conclusion

As a rancher, I support this committee in its efforts to review and revise management of Idaho's federal lands. I encourage you to move forward so that my family and countless ranching families across Idaho can continue our rich heritage for future generations.

Since the mid-19th century, ranchers have depended on the vitality of America's rangelands for their survival, and as a result, ranchers have developed an innate love for the land and personal stake in its preservation. Environmental services provided by ranching operations include open spaces, wildlife habitat, clean air, clean water, and fire and weed control. The American public and the ranching industry benefit tremendously from the continued economic vitality of the public land ranching industry.

We have a great love for the land, be it federal, state, or privately-owned. We are only looking for relief from the regulations and resulting litigation that are on their way to wiping out our way of life. We hope that this committee's process will kick start the needed discussions and create meaningful solutions to the problems that threaten our livelihood.