

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Statement

Testimony of: Billie Jean Redemeyer-Roney
Roney Land and Cattle Company

Before the:

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Private conservation Efforts: A lesson for the National Forests - September 14th, 2000

Our ranch has been in existence for nearly one hundred and fifty years. It has survived droughts, market swings, catastrophic fires, the depression, and a devastating family break up, halving the ranch in two.

It is not an accident that this land, most of which came directly from Spanish Land Grants and homesteads, has survived under the same family's management. Moreover, it is no accident that this ranch is home to a large variety of flora and fauna as a result of its management.

Despite the fact that private landowners have been the best caretakers of the land since man first inhabited this continent some 13,000 years ago, there continues a pervasive and unfair movement through the Forest Service, various Federal Agencies and NGO's to legislate, regulate and or buy us out of business.

We have summered cattle on Forest Service Lands since the mid eighteen hundreds; notably prior to the Forest Service's existence. If anyone has first hand knowledge of how NOT to manage land, we do, by way of watching their "one size fits all" approach to managing livestock and timber operations right into bankruptcy. Each day, our ability to stay in business becomes more of a challenge. In each ten-year period, typically only two show any profit. Those profitable years must carry us through the lean years as well.

Quantifying the plethora of outside pressures and how daunting these forces are to our operation is neither an easy task, nor can it be completed here. It would take too many hours to explain every effort that is being made by federal agencies, non-governmental organizations (such as The Nature's Conservancy, The Great Valley Center), legislators, the administration, state and even local governments that threaten the viability of our business. These threats take many shapes.

The Quincy Library Group bill was designed to give local control for better forest health management on national forest land however, deleterious Forest Service *guidelines* for managing riparian areas were codified in the bill leaving ranchers seriously exposed to anti-grazing whims of both agency and QLG environmentalists.

Just north of our winter range lays the Nature Conservancy's Vina Plains preserve. Though touted by the organization as a "vernal splendor", this land is equal to our private land and sadly lacking in the flora and fauna we enjoy as the result of our management. (see Private Conservation Study, Center for Private Conservation, The Roney Land and Cattle Company, by R.J. Smith- February 1998) It is clear that the difference between the two areas, which is remarkable, is due to the difference between our need to maintain a healthy ongoing forage supply and their need to play God. Abundant wildlife habitat is the result of our cattle operation. The "preserve" land's lack of diversity and wildlife is the result of too little care and understanding of the resource.

It is horrifying to realize, as we do, that federal and state agencies can conduct environmental assessments on *private land* with out notifying landowners or their adjacent neighbors who could be affected. We, as landowners seem to be the last to know, as in the case of the California Department of Transportation's recent study on our private land without our consent. It is not rocket science how agencies work together. It is simply an open door to invite something worse, such as the U.S. Fish and Wildlife, an agency that is notorious for not respecting landowners, or recognizing good land stewardship.

The Forest Service espouses that management plans, environmental assessments, archeology studies, annual operation plans and instructions, add nauseum, are necessary to manage the public lands for the benefit all of the people, not just natural resource users. Each one of these documents, some of which take the Forest Service years to create, take vast amounts of time away from managing our lands, while we try to make sense of it all and prepare written responses. Often, we have only thirty days to respond to reams of paper work, knowing that the Forest Service is holding our operation's future hostage if we don't. Legislators with no real stake in the matter have been all too helpful in passing draconian environmental laws, which make them look like heroes at home, but do little for the land. The Forest Service, for the most part, speeds ahead largely unabated while forcing us to mismanage public and even private lands. It is no stretch to say that they are *causing* the environmental decline of many areas on the forests.

Example: our 1,100-acre private meadowland and forestland in our summer range evolves constantly to include more abundant, high quality plant diversity each year. This is due to our carefully planned management, which differs greatly from the Forest Service style of keeping cattle away from the areas that they have actually helped improve. Careful timber harvesting coupled with irrigation, selection of cattle genetics which suit the climate conditions and intimate knowledge of season of use, and duration and number of head have yielded land which not only serves the business side of our operation, but benefits wildlife habitat quite well.

Conversely, another mountain meadow (located on our Forest Service Allotment) that had been doing well under our management, has been earmarked by Forest service Biologists for *preservation* of its valuable habitat for the Sand Hill Crane. As the biologists have their way, plant diversity is declining through dwindling grazing, and Sand Hill Cranes are losing the very habitat they need to endure. To put it plainly, once we manage to have the diversity by way of our grazing operation, the Forest Service quickly attempts to "freeze it" by way of removing the very use that helped create favorable conditions. Predictably, the Cranes have moved to our private meadow in search of habitat more suited to them-one that is grazed. This over grown meadow now poses a serious fire threat.

The Forest Service is clearly manipulating us into mismanaging the land. If we refuse to follow their mandates, we are history. There is little room for discussion, and it doesn't matter that we can prove that they are wrong. These people are more worried about counting how many hoof prints have walked by any

given area than looking at the resource in its entirety. Essentially, we can graze certain areas as long as the cattle's feet don't touch the ground!

Example: The Forest Service is seriously threatening plant diversity around riparian systems by selecting away from native plants and limiting diversity. There is a riparian clover plant in these high mountain areas that does not grow very tall. The Forest Service Land Management Plan calls for a stubble height (how tall the remaining plants must be left after grazing) that exceeds the height of the clover plant. After time, the taller plants crowd out this crucial clover and it disappears. Sadly this little plant is one of the few native nitrogen producing plants. It is essential to break down cellulose, or, in other words, to make soil. To worsen matters, there is a scientifically unsubstantiated monitoring tool called "trampling standards" used by the forest service, wherein they take a stretch of creek (their choosing) and count the number of tracks. No small matter when they choose an area where a herd of cattle decided to cross a creek. The standards for trampling are such that the cattle cannot graze around the little clover plant.

We do manage for this plant on our private ground. Its significance is underscored in the historic name of our meadow land- "Clover Valley". While it is popular to espouse the need for the land to return to pre-European man conditions, we think it is more credible to enhance evolution in the production of soil.

The answer is so simple, and yet many have made it so complex. Rather than stand fast on sound regimes based on good science (not best available data), verifiable results (not the opinion of an agenda ridden individual), the Forest Service is managing public lands and consequently private lands as though there is no future. The latest of egregious tactics by the Forest Service is information contained in their sierra Nevada Framework Draft Environmental Impact Statement.

Wolfgang Pittroff, Assistant Professor of Range Animal Science, Department of Animal Science, University of California, Davis and Fred Dahm, Professor of Statistics, Biostatistics and Biomodeling Laboratory, Department of Statistics, Texas A&M University, College Station wrote a report assessing the "Scientific Basis of Management Recommendations regarding Willow Flycatcher" by the Forest Service. Following are notable quotations from their report:

"The literature on WF is divided in two distinct segments. One comprises the relatively high number of reports on surveys, management activities, observations, and management recommendations, which are NOT peer-reviewed. This work is not the result of planned scientific research, and generally not published in widely accessible sources. Such material lacks all aspects of properly verifiable information and is not acceptable as a basis for management decisions."

*"None of the papers listed in Table 1 was free of serious problems in research design, statistical analysis and appropriateness of conclusions. A clear pattern of improper citations emerged, which eventually led to the impression created by later publications that certain livestock effects on WF had been actually scientifically proven, while in fact they were never described as anything but speculation in the original publication." **"In summary, no reliable data are reported in this study which directly, or indirectly, indicate that cattle grazing has affected breeding success of Wfs."***

The findings of our review strongly suggest that the consideration of *any proposed management alternative in the DEIS would lend undue credibility to the available scientific basis*. Currently available work cannot serve as a guidance for management. If anything, it points out needs for specific research. We could not find any scientific support for any of the statements implicating cattle grazing as the key threat to WF in the Sierra Nevada contained in the DEIS.

We recommend to all parties involved in the Sierra Nevada Framework to secure funding for appropriate research on the factors driving the abundance of Willow Flycatcher (*Empidonax Traillii adastus* and *E. t. brewsteri*) before far reaching and most likely irreversible management options are implemented.

Proselytizing abounds on the subject of "saving the land" for future generations, but few will dare say that PRESERVATION is not the answer. The government can and does defy the law of economics in order to continue this preservation, but at what cost? Public lands are not separate from private lands! The mismanagement occurring on public lands translates into severe losses for private landowners. These losses are part of what must be absorbed into individual businesses, however in agriculture, it can not be passed on to consumers. These consumers often vote for cheaper, foreign products. When looking into the far-reaching affects of mismanagement of government lands, we must also look at a global market in which we, as a business, compete.

The costs of over -regulation; diseased forests, losses of millions of board-feet of merchantable timber and forage for livestock due to catastrophic wild fire, in addition to the loss of forage from dwindling plant species diversity (due to fallowing grazing lands) are staggering. Even as I write this, many ranchers whose operations depend on the use of federal grazing grounds are going out of business, resulting from the disregard, disrespect, and sheer arrogance of agency personal who will continue getting a check no matter what decision they make that affects someone else's livelihood and that aforementioned law of economics!

We have some ungrazed rangeland containing vernal pools (now considered wetlands by the government). It is severed from our main ranch by a highway that is too dangerous to cross with cattle. We have observed that non-use of this land has rendered the vernal pools virtually indistinguishable from the rest of the land, contrasting with the resplendent mounds vernal pool plants that abound each year in and around the vernal pools which are grazed each year. University of California Cooperative Extension advisors built exclusion cages around some of the vernal pools to ascertain whether the grazing pressure is detrimental or not, and it is plain to see each year-they are not adversely affected by grazing. Even so, there is no certainty that the USF&W will not try to declare this land critical habitat for the flora and fauna associated with these vernal pools.

In a thinly veiled attempt to appear reasonable and open to suggestions, a cornucopia of public forums are held to consider management regimes for both public and private lands. In essence, the organizers of these forums would rather hear what possibly well meaning folks,(who do not understand the complexities of natural resource use) have to say, rather than sit down with natural resource users who are credibly in the business of land management and have very real data, experience and know how. Certainly, it can be said that ranchers and timber industry operators don't show up in droves, as does the general public, but we need to discern why that is. The businessmen and women who rely on public and private lands as part of their operations have many responsibilities in managing those lands. Day long meetings week after week in stuffy rooms do not solve on the ground issues; neither do they pay the bills.

Focusing only on stewardship helps play us right into the hands of TNC, and agency buyouts. The typical urban dweller, whose voting power far outweighs those of us in rural America, gives no genuine thought as to where their food and fiber comes from or to agriculture itself in the scheme of things. Regardless of their unwitting ignorance of natural resource issues and what it takes to sustain a healthy environment, they will vote with their dollars and their emotions in ways that help destroy agriculture, and therefore our resplendent private lands.

We will not save America's farm and rangelands by concentrating efforts to "preserve" the land itself. Therefore, if we want to save the land, i.e. "habitat", drastic measures must be taken to reverse the downward spiral of the failing agriculture economy in rural America.

The general public wants cheap food, and they don't give much thought as to whether their lettuce and tofu comes from Guatemala or Timbuktu. As the current administration unfairly represents their own strategies for land "preservation", these same folks nod in apathetic agreement, never realizing the real cost of wholesome food produced in this country.

Please understand this, if you glean nothing else from this paper. We cannot have it both ways. The most productive and habitat- rich land in this country is held in PRIVATE ownership. Taking our ability to conduct business profitably starts the ball rolling downhill. First to Land trusts (to "save" us), then to government ownership. We all lose in this scenario. We lose the historic stewardship, jobs, and rural tax base.

Draconian legislation enacting punitive regulations is fast closing the gap between private and government land ownership. This would be by way of either limiting uses, forcing sales because of diminishing profitability (dwindling markets, trips to Washington, litigation, local political interference with land use, etc) and even folks who are simply tired of fighting. If landowners do not sell out right, they can sell a part of their rights to NGO's such as the Nature's Conservancy who in turn sell the land back to the government.

Good land stewardship is not achieved as the result of deep pockets nor by creating willing sellers; it is the result of tender loving care, pride of ownership, and from where we stand, a healthy market place that enables us to continue on in a very long -standing family tradition of maintaining healthy wildlife habitat created from the business of raising cattle.

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