

COMMITTEE ON NATURAL RESOURCES
Disclosure Form
As required by and provided for in House Rule XI, clause 2(g) and
the Rules of the Committee on Natural Resources

Oversight hearing on *“The Endangered Species Act: How Litigation is Costing Jobs and Impeding True Recovery Efforts.”*

For Individuals:

1. Name: **Karen Budd-Falen**
2. Address: **[Information redacted for privacy]**
3. Email Address: **[Information redacted for privacy]**
4. Phone Number: **[Information redacted for privacy]**

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For Witnesses Representing Organizations: **N/A**

1. Name:
2. Name of Organization(s) You are Representing at the Hearing:
3. Business Address:
4. Business Email Address:
5. Business Phone Number:

Name/Organization _____

Title/Date of Hearing _____

a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

University of Wyoming College of Law – BS in Journalism/Juris Doctor of Law

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

Admitted to practice law before the U.S. Supreme Court; U.S. Court of Federal Claims; U.S. District Courts of Wyoming, Colorado, Nebraska, and the District of Columbia; U.S. Court of Appeals for the 7th, 8th, 9th, 10th, District of Columbia and Federal Circuits; and State Court of Wyoming.

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

Senior Partner – Budd-Falen Law Offices, LLC – (1992 to Present)

Served for three years in the Reagan Administration, as Special Assistant to the Assistant Secretary of Land and Minerals Management - U.S. Department of Interior, Washington DC

d. Any federal grants or contracts (including subgrants or subcontracts) from the *Department of the Interior (and/or other agencies invited)* that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

None.

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

Please see Attached.

f. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

Please see Attached.

Name/Organization _____
Title/Date of Hearing _____

In addition, for witnesses representing organizations: N/A

g. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

h. Any federal grants or contracts (including subgrants or subcontracts) from the Department of the Interior (and /or other agencies invited) that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

i. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

j. A list of any countries from which the organization(s) you represent at the hearing have received foreign donations and the total amount of donations received from each country, for the current year and the previous four years, by each organization.

k. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).

- e. **A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.**

<u>Case Name and Description</u>	<u>Approximate Date Filed</u>
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<u>ONDA v. U.S. Department of the Interior,</u> Case No. CV 07-0381-MO	04/07
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Represented permittees in intervention in case relating to the Wild and Scenic Rivers Act and National Environmental Policy Act.

<u>Alves v. Bureau of Land Management,</u> IBLA No. 2007-179 (Appeal of OR-030-07-02)	05/07
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Represented Appellant grazing permittee against Bureau of Land Management relating to Taylor Grazing Act, Federal Land Policy and Management Act and the National Environmental Policy Act.

<u>Alves Land and Livestock v. Bureau of Land Management,</u> IBLA No. 2009-42, DNA-OR-030-07-017	10/08
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Represented Appellant grazing permittee against Bureau of Land Management relating to Taylor Grazing Act, Federal Land Policy and Management Act and the National Environmental Policy Act.

<u>Alves Land and Livestock v. Bureau of Land Management,</u> IBLA No. 2009-120, OR-030-09-11	03/09
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Represented Appellant grazing permittee against Bureau of Land Management relating to Taylor Grazing Act, Federal Land Policy and Management Act and the National Environmental Policy Act.

<u>Western Watersheds Project v. Bureau of Land Management,</u> WY-050-11-01	06/11
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Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Western Watersheds Project et al. v. Cagney,
10-cv-284-NDF 12/10

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Outlaw Cattle Corporations and Siebert Cattle Company v. U.S. Forest Service 11/07
Appeal No. 08-03-06-0001

Represented grazing permittee in term permit renewal case under Federal Land Policy and Management Act and National Environmental Policy Act.

Blancett v. Bureau of Land Management,
OHA No. NM-210-07-1 08/07

Represented landowner in challenge of a Bureau of Land Management dependent resurvey under the Administrative Procedure Act.

Blancett et al. v. U.S. Department of Interior,
No. 10-cv-00254 03/10

Represented landowner in challenge of a Bureau of Land Management dependent resurvey under the Administrative Procedure Act.

Bradley v. United States,
Civil Action No. 08-85-BU-RFC 11/08

Represented right-of-way owner to quiet title to his 1866/1891 Act ditch right-of-way.

Bradley v. Edward Schafer, et al.,
U.S. Court of Appeals for the Ninth Circuit, 10-36141 12/10

Represented right-of-way owner to quiet title to his 1866/1891 Act ditch right-of-way.

Western Watersheds Project v. Bureau of Land Management,
WY-090-2007-15, (Appeal of EA No. WY-090-EA07-40) 06/07

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Burke Ranches v. Bureau of Land Management,
IBLA Case No. 2007-261, ID 310-2007-001 06/07

Represented grazing permittee in case related to permit cancellation under Federal Land Policy and Management Act.

Cardoza v. U.S. Forest Service,
Appeal 10-005-09-0001-A251-1 1/10

Represented grazing permittee in case regarding permit reduction/cancellation under Federal Land Policy and Management Act.

Western Watersheds Project v. Bureau of Land Management,
N2-2009-01 11/08

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Western Watersheds Project v. Bureau of Land Management,
Case Appeal No. DOI-BLM-MT-B010-2010-001 07/10

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Cross Mountain Ranch v. Vilsack et al.,
U.S. District Court CO
No. 09-cv-1902 AP 08/09

Represented grazing permittee in case regarding grazing permit reduction under Federal Land Policy and Management Act and National Environmental Policy Act.

Western Watersheds Project v. BLM, 4:08 cv-435

08/09

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Western Watersheds Project v. Bureau of Land Management,
No. 2:10-02896-KJM-KJN

10/10

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Louise Hall and Glenn Gould v. USA,
07-773L

11/07

Represented unpatented mining claim owner in takings case under 1872 Mining Law.

Western Watershed Project v. Bureau of Land Management,
WY-050-08-01

06/08

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Western Watersheds Project v. Bureau of Land Management,
WY-050-08-02

08/08

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Western Watersheds Project v. U.S. Bureau of Land Management,
U.S. District Court for Wyoming, 10cv266-D

12/10

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Haworth/Stewart/Ryhti v. USA,
U.S. District Court Wyoming
No. 08-cv-206 09/08

Represented landowners in Federal Quiet Title Act case.

Lollich v. Bureau of Land Management,
IBLA 2008-192 06/08

Represented landowner in access case under R.S. 2477.

Center for Biological Diversity v. Bureau of Land Management,
U.S. District Court Northern District of CA
C 00-00927 WHA 08/07

Represented landowner intervenor in protecting right to access property under Alaska Lands National Conservation Act, Federal Lands Policy and Management Act and R.S. 2477.

Friends of the Panamint Valley, et al. v. Kempthorne,
U.S. District Court Eastern District of CA
1:07-CA-00487-LJO 04/07

Represented landowner in protecting right to access private property under the Federal Quiet Title Act.

Love v. Bureau of Land Management,
CO-110-08-01 03/08

Represented grazing permittee in term permit renewal case under Federal Land Policy and Management Act and National Environmental Policy Act.

Love v. Kempthorne,
U.S. District Court CO
08-cv-001040-WYD-BNB 05/08

Represented grazing permittee in term permit renewal case under Federal Land Policy and Management Act and National Environmental Policy Act.

McKeen v. U.S. Forest Service et al.
U.S. District Court NM
CV-07-0503 MCA/KBM

10/07

Represented grazing permittee in term permit renewal case under Federal Land Policy and Management Act and National Environmental Policy Act.

Hugh B. Mckeen v. United States Forest Service et al.,
U. S. Court of Appeals for the Tenth Circuit
Case No. 08-2290

09/09

Represented grazing permittee in term permit renewal case under Federal Land Policy and Management Act and National Environmental Policy Act.

Defenders of Wildlife et al. v. Tuggle,
U. S. District Court AZ
Case No.08-cv-00280-DCB

04/09

Represented New Mexico Cattle Growers' Association as intervenors in supporting Section 10(j) rule under the Endangered Species Act.

Forest Guardians, et al. v. U.S. Forest Service
U. S. District Court NM
Case No. 07-1043-LCS-ACT

10/07

Represented New Mexico Cattle Growers' Association as intervenors supporting the categorical exclusion for certain term grazing permits under the National Environmental Policy Act.

Forest Guardians, et al. v. U.S. Forest Service,
Case No. 07-1043-LCS-ACT
U. S. Court of Appeals Tenth Circuit
09-2295

11/09

Represented New Mexico Cattle Growers' Association as intervenors supporting the categorical exclusion for certain term grazing permits under the National Environmental Policy Act.

Western Watersheds Project v. Bureau of Land Management,
ID-320-09005 03/09

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Payne v. Bureau of Land Management,
ID-130-2008-029 05/08

Represented Appellant grazing permittee against Bureau of Land Management relating to Taylor Grazing Act, Federal Land Policy and Management Act and the National Environmental Policy Act.

Jim and Marie Petroff v. Schafer et al.,
U.S. District Court Arizona
Civ 08-1971-PHX-NVW 10/08

Represented private landowners in obtaining access to their private property under the Alaska Lands Interest Conservation Act and Federal Land Policy and Management Act.

Pierson v. USA,
US Court of Federal Claims
Docket No. 09-cv-5 01/09

Represented private landowner in takings case related to Endangered Species Act.

Ayers. et al. v. USA,
U.S. Court of Federal Claims
No. 09-cv-133 03/09

Represented unpatented mining claim owner in takings case under 1872 Mining Law.

Smithsfork Grazing Association v. Dirk Kempthorne et al.,
Case No. 07-cv-062J 03/07

Represented Appellant grazing permittee against Bureau of Land Management relating to Taylor Grazing Act, Federal Land Policy and Management Act and the National Environmental Policy Act.

Appeal of STARESENCE, INC. et al.

N 77716

Contract Renewal

08/09

Represented contractor in renewal of Bureau of Land Management mineral contract.

Mary H. Sullivan v. Bureau of Land Management,

NM-210-10-01

05/10

Represented grazing permittee in case related to permit cancellation under Federal Land Policy and Management Act.

Smithsfork Grazing Association v. U.S. Department of Interior

U.S. Court of Appeals for the 10th Circuit

No. 08-8005

01/08

Represented Appellant grazing permittee against Bureau of Land Management relating to Taylor Grazing Act, Federal Land Policy and Management Act and the National Environmental Policy Act.

Western Watersheds Project v. Bureau of Land Management,

WY-090-2007-16

08/07

Represented grazing permittee in intervention in case relating to term permit renewal under Taylor Grazing Act, Federal Land Policy and Management Act and National Environmental Policy Act.

Whitetail Water Users v. Vilsack, et al.,

U.S. District Court MT

No. 11-cv-3 DWM

1/11

Represented right-of-way owner to quiet title to his 1866/1891 Act ditch right-of-way.

Western Watersheds Project, et al. v. U.S. Forest Service,
U.S. District Court Idaho
Case No. 10-cv-00612

12/10

Represented Wyoming Stock Growers' Association as intervenors supporting the categorical exclusion for certain term grazing permits under the National Environmental Policy Act.

Yavapai Ranch Limited Partnership v. Vilsack et al.,
U.S. District Court AZ
10-cv-08119

07/10

Represented landowner in challenge to appraisal in Forest Service/private land exchange.

BIOGRAPHY OF KAREN BUDD-FALEN

[Information redacted for privacy]

Karen Budd-Falen is an attorney, and with her husband Frank Falen, is the owner of the Budd-Falen Law Offices, L.L.C. located in Cheyenne, Wyoming. Before moving back to Wyoming, Karen served for three years in the Reagan Administration, U.S. Department of the Interior, Washington, D.C., as a Special Assistant to the Assistant Secretary for Land and Minerals Management. She later served as a law clerk to the Assistant Solicitor for Water and Power. Karen has also worked as an attorney at Mountain States Legal Foundation, a conservative public interest legal foundation located in Denver, Colorado.

Karen represents private property owners, ranching and farming organizations, and local governments. Karen has assisted local governments in asserting their rights of cooperation and coordination in federal agency decisions, private property owners in protecting their Constitutionally guaranteed property rights, ranches and other multiple users in supporting grazing rights and multiple use on federal/public lands and exposing radical environmental groups' abuse of the legal system and attorney fee shifting statutes.

Karen's most recent publications include, *How To Survive the Bureaucratic Maze - A Guide to the Forest Service and Bureau of Land Management Appeals Process*, 1989; *Ecosystem Management: Will National Forests be "Managed" Into National Parks?*, 1991; *The Right to Graze Livestock on the Federal Lands: The Historical Development of Western Grazing Rights*, Idaho Law Review, Spring, 1994; *Protecting Community Stability and Local Economies: Opportunities for County Government Influence in Federal Decision and Policy Making Processes*, Whitman College, 1996; and *Counterpoint: Opportunities Lost and Opportunities Gained: Separating Truth from Myth in the Western Ranching Debate*, Karen Budd-Falen editor, Lewis and Clark Law School Environmental Law, 2006.

Karen has been featured in Newsweek Magazine's "Who's Who: 20 for the Future" for her work on property rights issues (September 30, 1991). Karen was awarded Wyoming's Outstanding Ag Citizen from the State of Wyoming's agriculture citizens in 2001, the "Always There Helping" award from the New Mexico Stock Growers Association in 2003 and the "Bud's Contract" award from the New Mexico Public Lands Council in 2006. Karen has presented testimony before the U.S. House of Representatives, Subcommittee on Forest Health, Washington, D.C., April 8, 1997, the U.S. House of Representatives Committee on Resources, October 26, 1998, and the U.S. House of Representatives Committee on Resources Task Force on Improving the National Environmental Policy Act, August 1, 2005. Karen has also testified before interim committees of the Wyoming Legislature.

Karen is an active volunteer and mentor for Future Farmers of America ("FFA") and We the People competitions. Karen grew up as a fifth generation rancher on a family-owned ranch in Big Piney, Wyoming. She received her undergraduate degrees and her law degree in 1987 from the University of Wyoming. Karen and Frank have two children, Isaac and Sarah.