

Statement of Mike Byrne  
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Before the  
United States House of Representatives  
Committee on Resources  
Subcommittee on Forests and Forest Health  
Concerning  
Priorities for the public lands ranching community

NATIONAL CATTLEMEN'S BEEF ASSOCIATION  
&  
PUBLIC LANDS COUNCIL

On  
Livestock Grazing on Public Lands  
Submitted to the  
Subcommittee on Forests and Forest Health  
The Honorable Greg Walden, Chairman  
Of the  
House Committee on Resources  
The Honorable Richard Pombo, Chairman

April 13, 2005

Mr. Chairman, Representative Udall, and members of the Subcommittee, thank you for this opportunity to discuss the issues facing ranchers throughout the western United States. My name is Mike Byrne, and I along with my brother Dan are fourth generation cattle ranchers from the Klamath Basin, northern California and southern Oregon. Our family is currently grazing the same area as our ancestors did over one hundred and twenty five years ago. My grandfather was instrumental in persuading the land management agencies to come into this area. I am currently President of the Public Lands Council, a national organization representing the interests of public lands ranchers. The Public Lands Council is made up of representatives of the National Cattlemen's Beef Association (NCBA), the American Sheep Industry (ASI) and the Association of National Grasslands (ANG).

The Public Lands Council (PLC) represents sheep and cattle ranchers in 15 western states whose livelihood and families have depended on federal grazing permits dating back to the beginning of last century. NCBA is the trade association of America's cattle ranchers, ASI represents sheep producers and the ANG represents the grazers on the grasslands who are managed out of the Department of Agriculture. PLC strives to create a stable regulatory environment in which our members can thrive and continue to produce the safest and most nutritious meat in the world.

The federal government manages over 450 million acres of land, and nearly 300 million acres are classified as rangelands. 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. Nearly 40% of all cattle raised in the west spend some of their lives on public land allotments. The public lands are critical to the functioning of the livestock industry in the west. Environmental services provided by ranching operations include the preservation of open spaces, wildlife habitat, clean air, clean water, and fire and weed control. Today's ranchers represent some of America's last living embodiments of true environmentalism. The American public benefits tremendously from the continued economic vitality of the public land ranching industry. As we look to the future of public lands ranching throughout the west, the Public Lands Council is concerned about a number of important issues.

#### Endangered Species Act Reform

As you are aware, the ongoing debate about the effectiveness of the Endangered Species Act (ESA) has once again surfaced as a central question for political leaders, environmentalists and land owners, alike. Originally intended to conserve and recover America's endangered species, over the past three decades, the ESA has been manipulated and used to prevent

and eliminate specific land uses, including grazing. The litany of lawsuits surrounding ESA decisions has rendered property owners and government officials helpless in the battle to recover imperiled species. The species recovery record is abysmal and the cost to society is staggering.

Wild horses on my grazing allotment are currently violating the sucker biological opinion on the creeks. Which federal law has precedence?

The PLC agrees with the original intent of the law but is very frustrated with its current implementation.

In the recent decision of *Defenders of Wildlife v. Norton*, No. 03-1348 (D. Ore. January 31, 2005), the court invalidated a final rule from the Department of Interior down-listing the gray wolf under ESA because, among other reasons, the U.S. Fish and Wildlife Service did not consider threats to the wolf in the entire historical range it once occupied, despite flourishing core populations in Idaho, Montana, and Wyoming. These states have recovery plans and have surpassed the recovery numbers required by the plans for over 10 consecutive years. Why should the whole west be writing and implementing recovery plans for endangered species if these plans do no good under the current ESA law?

Although wolves now exist in numbers in excess of the original recovery goals, this decision suggests that even the most successful species recovery efforts may not be recognized under the law. The ranching community is concerned that the Oregon court decision will mean that species that once occupied large parts of the continental United States will never be de-listed unless they are recovered throughout their entire former range. The court's decision obviously affects wolves. It will also affect many other species. Failure to include clarified recovery criteria in an ESA reform package would doom large swaths of the United States to be perpetually laboring under regulatory scrutiny, even though impartial scientists might agree a species has recovered biologically. We need legislation to fix this unintended consequence.

More generally, PLC and NCBA support any ESA reform proposal that focuses more resources on species conservation and less on compliance with procedural requirements that undermine conservation work. Additionally, we are very concerned that agency decisions be based on sound science, and for this reason were, and continue to be, very supportive of Chairman Walden's introduction of H.R. 1622, the Endangered Species Data Quality Act of 2004. We would also like to see the role of states strengthened in ESA administration; greater incentives made available to landowners to conserve species and habitat; and, generally placement of greater emphasis on integrating local landowners and other stakeholders into the ESA decision making process. We stand ready to work with you on these important issues affecting ranchers and the entire nation.

## Range Reform

In recent years, proposals have surfaced in Congress to establish a national grazing permit buyout program that would offer ranchers the opportunity to sell their grazing permits, thereby retiring the use of specific historical grazing allotments. The number one priority of such proposals is to eliminate livestock grazing on public lands, one allotment at a time. NCBA and PLC are unalterably opposed to such schemes. We believe the American public would be opposed too once they know the whole story. We urge the Subcommittee and Congress to strengthen public land ranching and set aside the urges of those who are driven to destroy an important part of our nation's heritage and resources.

We believe that ranchers are America's best stewards of the vast open reaches in the West. Public land grazing allotments have an associated 107 million acres of base private property attached to them. It is currently estimated that over 50% of all private land in America has been sub-divided. Eliminate the allotments and you eliminate the ranches and some of the finest open space our country knows. If the regulations are too onerous on the ranchers, they have few choices other than to allow sub-division of their large land holdings. The wildlife migratory routes and wildlife habitat will be chopped up into golf courses and strip malls as is happening at an alarming rate in California. This country has invested hundreds of millions of dollars to conserve open space through Farm Bill programs, Department of Interior programs, and tax incentives. This considerable investment has resulted in the protection of more than 1 million acres.

Innumerable land uses work to undermine the viability of public land ranching operations and the integrity of open space throughout the country. Fragmentation of open spaces because of land conversion, urban and sub-urban uses causes a decrease in biodiversity. Increases in population and tastes in land use ensure that continued conversion will continue. Economic and regulatory pressures are also important factors causing fragmentation. It would seem there should be broad common cause among many interests in society to do all it can to preserve the open space protected by viable ranching operations.

Society needs to come together to think more broadly about preferred land uses for biodiversity in the context of all pressures affecting land use. Much of the environmental debate about grazing today is about the damage it causes. We think this is odd. There is broad and deep consensus in this country that land use by farmers and ranchers must be sustainable as

a matter of national policy. At the core of the Multiple-Use Sustained-Yield Act, the foundational legislation for use of public lands, is the idea that the use of those lands will be sustainable. Land that is not aggressively managed will grow decadent and non-productive. The rancher manages the land and stimulates the environment causing the values that America desires such as open space, clean air and clean water to be expressed. The PLC stands firmly behind this concept.

In our view, a more constructive discourse on keeping open space intact and leaving habitat for biodiversity would turn on a how ranching fits into the broader context of all factors leading to the disappearance of habitat for biodiversity. Once all in society agree that grazing on public lands must take place under a managed regime, it should also be relatively easy to recognize that ranching is preferential to cropping operations or urbanization with respect to protecting the open spaces needed for biodiversity. No one believes conservation will ultimately succeed simply by buying up the rest of open space and devoting the land to non-economic uses. As I explained in my ESA remarks, PLC believes that conservation can only succeed by winning the hearts and minds of the people who are on the land everyday and who depend on it to make a living.

As I have tried to explain, keeping ranches intact is good public policy for biodiversity and for ranchers. It is also humane policy. Agricultural lands, generally, and the west was settled in some part because of deliberate government policy to encourage the settlement and development of natural resources as well as a general desire by people to do better than they were doing in their existing homes. These people have given the west its character and culture. They have built its communities. They love their land and their lives. It is inhumane to force or expect individuals in the west and on working lands to give up their way of life. Some elements in society act with this expectation. We know this Congress and Administration can and will do better. They will work to strengthen public ranching and to promote responsible use of our natural resources. We look forward to working with this subcommittee to develop proposals for strengthening public land ranching.

#### Vacant allotments

Clarifying BLM and Forest Service vacant allotment policy can be the first small step towards strengthening public land ranching. Currently there are hundreds of vacant grazing allotments on lands administered by both agencies. For a variety of reasons, not all vacant allotments can be brought back into active use. On the other hand, a number of them can.

Making these allotments available to ranchers who want to use them would be an important step to helping ensure the operations can remain economically viable. Given the various regulatory pressures faced by public land ranchers, increasing the amount of land available for grazing may be the very thing operators need to keep their operations and land intact.

At this time, the agencies have a low priority for actively making the allotments available. We urge the Subcommittee and Committee to work to encourage the federal agencies to make vacant grazing allotments available to ranchers who want to make use of them. Vacant allotments can be used as a substitute for grazing areas when rest or environmental improvements are being made on the normally used allotment.

#### Archaeology

PLC desires to protect the nation's heritage while allowing sound management of the resources by common sense application of these laws.

#### Conclusion

Again, Mr. Chairman, I want to thank you and the members of this subcommittee for your continued interest in working together to succeed in restoring and maintaining the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. I am happy to answer any questions that you might have.