



1301 Pennsylvania Ave. NW, Suite 300 • Washington, D.C. 20004

**Public Lands Council**



# Capital Issues

## The Public Lands Council

~June 2010~

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### LEGISLATION UPDATE

#### **National Monuments: Monumentally Damaging**

In February, information was leaked that the Administration may be planning to use the Antiquities Act to designate some 13 million acres of land as monuments across 11 western states. National Monument designations severely limit and often eliminate livestock grazing and other multiple-use activities on public lands. On several fronts, PLC is advocating prudent limitation of National Monument designations ([see our interim policy](#), passed at the Spring Legislative Conference).

PLC is supporting a Resolution of Inquiry ([H. Res. 1406](#)), introduced by Reps. Hastings and Bishop of the House Committee on Natural Resources, directing the Department of Interior to turn over to Congress the missing pages and related documents of an "[internal memo](#)" detailing the monuments plans. This is the second Resolution of Inquiry offered by Reps. Hastings and Bishop, the first having been voted down. But on June 16, [H. Res. 1406](#) was approved to be reported favorably to the floor by the Committee and is set to go to the House floor for a vote. A Resolution of Inquiry carries the weight of a subpoena if passed by the full House and would require the Administration to turn over all the requested documents.

On another front, PLC is working with Congress to amend the Antiquities Act so that transparency, economic analysis, stakeholder input, and congressional oversight are included in the monument designation process. On June 23<sup>rd</sup>, Representative Nunes (R-Calif.), along with 9 other Congressmen, introduced H.R. 5580, “The National Monument Designation Transparency and Accountability Act of 2010.” [See our letter of support](#) as well as the joint PLC/NCBA [press release](#).

Karen Budd-Falen highlighted the Monuments problems in an article titled “[Double National Monuments?](#)”, which ran in the Livestock Market Digest. In it, she claims “there are ways for local governments to protect their tax base and economic stability – namely through active participation in the federal decision making processes...The question is whether the local government is willing to enforce its rights under federal law and regulation.” Some local communities, such as [Siskiyou County, CA](#) and [Otero County, NM](#) have passed Resolutions and Ordinances opposing any National Monument expansions in their respective areas. Currently, for lack of a better input mechanism for local stakeholders, this approach appears to be the best way to voice opposition.

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### **Climate Legislation: Cap & Trade by another Name**

Although Senators John Kerry (D-MA) and Joseph Lieberman (I-CT) have tried to disguise it as a jobs bill, their S. 1733 (“[Clean Energy, Jobs & American Power Act](#)“) is none other than another energy cap and tax bill. A very similar bill, H.R. 2454 (“[American Clean Energy and Security Act of 2009](#)“), has already been approved by the House of Representatives. The legislation would restrict greenhouse gas emissions from industry, mainly carbon dioxide from the combustion of coal, oil, and natural gas. In the energy-intensive business of agriculture, such restrictions could be devastating. At this time, S. 1733 appears to lack enough support for passage.

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### **Death Tax on the Brink**

PLC is calling on Congress to protect family farms and ranches from being taxed out of business by supporting H.R. 5475, the Family Farm Estate Tax Relief Act of 2010, introduced by Rep. Mike Thompson (D-CA). H.R. 5475 would exempt family farms and ranches from the estate tax as long as the estate continues in farming or ranching. In addition to the ag exemption, there are provisions dealing with conservation, which has produced a wide range of support among various groups. PLC, along with a group of national agriculture and conservation groups, sent a letter supporting the Thompson legislation, in hopes of seeing it passed in this year. PLC is working to see that similar legislation is introduced in the Senate. If Congress does not act before the end of the year, January 1<sup>st</sup> 2011 will mark the reversion of the estate tax back to a staggering 55%, with a mere \$1 million exemption—detrimental to many ranchers and their families, whose estates may look wealthy on paper, but include few saleable assets and little liquidity to pay the death tax.

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### **Wilderness Legislation: Hot Item of 111<sup>th</sup> Congress**

PLC will attend its third wilderness proposal hearing in 10 days this week. Like national monuments, wilderness legislation usually sounds pretty, but ends up ugly for producers, with grazing either precluded or dramatically reduced on designated areas. When passage of a wilderness bill seems eminent, we seek to include language to protect grazing at historical levels.

We advise you keep track of wilderness legislation that could exist in your respective states. A South Dakota rancher we met with last week, Scott Edoff, was invited to give testimony at a Senate hearing on a wilderness proposal that would cover parts of his grazing allotments. Even if the bill can't be stopped, his involvement could help ensure continued grazing, pest management, and other activities that may otherwise have been done away with. [See our list of wilderness bills.](#)

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## **ADMINISTRATION UPDATE**

### **EPA's Greenhouse Gas Endangerment Finding: Breeching Checks & Balances**

On June 10<sup>th</sup>, despite efforts by PLC, NCBA and others, the Senate failed to pass a resolution to prevent the Environmental Protection Agency (EPA) from moving forward on its over-reaching greenhouse gas (GHG) regulatory regime. By voting down Senator Murkowski's (R-AL) "resolution of disapproval," (S.J. Res. 26), the Senate has voted to allow the EPA to unilaterally regulate GHGs under the Clean Air Act (CAA), and not allow for the complex issue of climate change to be handled through the proper channels of thoughtful Congressional debate. As EPA moves forward with its efforts to regulate GHGs under the CAA, we'll see significant negative economic impacts not only on agriculture, but on the entire U.S. economy.

S.J. Res. 26 received the support of every Republican Senator as well as six Democrats—Blanche Lincoln (Ark.), Mary Landrieu (La.), Ben Nelson (Neb.), Jay Rockefeller (W. Va.), Mark Pryor (Ark.), and Evan Bayh (Ind.).

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### **Horse & Burro: BLM Presents Draft Management Proposal**

Earlier this month, BLM Director Bob Abbey announced plans for a "new direction" in the Federal Wild Horse and Burro Program. As part of the development process, BLM is seeking public comment on a [Strategy Development Document](#) implementing Secretary of the Interior Ken Salazar's Wild Horse and Burro Initiative (announced in October 2009). BLM plans to announce its strategy in a report to Congress later this year.

According to Abbey, certain topics and options will be "off the table," including the euthanasia of healthy excess animals or their sale without limitation to protect the animals from slaughter.

Over-population of horse and burro herds is continuing to cause serious problems on federal lands, including over-grazing, environmental damage, and starvation. Since the enactment of the Horse and Burro Act in 1971, livestock grazing on federal lands has been reduced by as much as 50%, while the horse population has been on the rise. In fact, if the herd continues to

increase at its current rate of 20% per year, in four years, the population will be twice its current size of 37,000—which, according to BLM, is already 25% above sustainable levels.

On June 14<sup>th</sup>, PLC attended the National Wild Horse and Burro Advisory Board meeting to provide a statement on BLM’s document. Part of the statement reads, “PLC and NCBA fully support the increased use of fertility controls to help manage the reproduction rate of the horse population. This should include increased research into promising new products and practices... PLC and NCBA are opposed to...expansion of Horse Management Areas...” ([See full statement here](#)). PLC and NCBA plan to submit additional detailed comments on the plan in the coming weeks.

See the [E&E article](#) summing up both sides of the debate, and quoting PLC’s Executive Director.

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## **USFS 2010 Forest Planning Rulemaking**

In April and May 2010, the USDA Forest Service hosted a series of public meetings to provide opportunities for public input and dialogue on the development of a new forest planning rule. PLC provided comments when the service announced the Notice of Intent (NOI) to develop a new planning rule and Draft Environmental Impact Statement (DEIS). The final rule is expected in December 2010.

The National Forest Management Act (NFMA) of 1976 requires that Land Management Plans (also known as a forest plans) be amended as necessary and revised no later than every 15 years. The process for the development and revision of the plans, along with the required content of plans, is outlined in the planning regulations, or planning rule. Individual forests and grasslands then follow the direction of the planning rule to develop a land management plan specific to their unit. Regional foresters approve decisions on multiple-use goals and objectives, management and future management requirements for resources and activities such as grazing, monitoring requirements, and more. ([See the planning website](#)).

PLC’s comments ([see the letter](#)) advised against taking a “one-size-fits-all” approach to planning, instead encouraging USFS to develop plans on a local basis with input from stakeholders in the area. For example, we are concerned about USFS relying on the idea of climate change when promulgating rules that may affect management for years to come. “Naturally changing conditions can and should be dealt with at the local level with the best available science and current conditions on the ground to provide optimal decisions for area-specific wildlife issues.” Also, our [comments](#) encouraged USFS to utilize the parameters of the National Environmental Policy Act (NEPA) process already in place that allow for categorical exclusions and streamlined local environmental assessments in case of changing conditions.

PLC will continue to monitor the development of the new forest planning rule.

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## **PLC Gives Testimony for Wolf/Livestock Research Grant**

On June 2<sup>nd</sup>, PLC gave testimony in conjunction with and on behalf of John Williams, an Oregon State University extension agent and liaison to the industry advisory committee for ongoing research. We requested USDA grant funding for research on wolves' impacts on livestock in the Pacific Northwest and Northern Rocky Mountain regions. At the meeting, the USDA National Institute of Food and Agriculture (NIFA) took stakeholder input regarding the new Agriculture and Food Research Initiative (AFRI) grants, which will provide for new research, education, and extension programs. The testimony was well-received, and we await the decisions on this year's grant recipients. ([See the testimony.](#))

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## **MORE NEWS**

### **Western Watersheds Project Grazing Permit Cancellation**

In April the Bureau of Land Management (BLM) made final a decision to cancel a permit (consisting of three allotments in Idaho) held by Western Watersheds Project (WWP) and Valley Sun LLC. BLM stated three reasons for the action: WWP's failure to maintain range improvements, loss of control of base property, and issuing of false statements regarding grazing applications (WWP has not grazed the allotments for any of the 10 years it has held them).

WWP appealed the decision and asked for a stay, making various outrageous claims about grazing and BLM. At the conclusion of a 45 day period in mid-June, an administrative judge in the hearings division of the Interior Board of Land Appeals (IBLA) granted WWP a stay of the final decision to cancel the permit, pending outcome of the appeal.

PLC fully supports enforcement of using grazing permits for livestock grazing and supports the final decision by the BLM to cancel WWP's permit. We will continue to follow developments of the appeal.

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### **PLC on the Road**

On June 14 – 16, PLC attended the Colorado Cattlemen's Annual Conference in Pueblo, CO. Dustin Van Liew spoke to the Federal Lands Committee, providing the affiliate members with an update from Washington, DC.

On June 17<sup>th</sup>, PLC attended the Idaho Governor's Range Ride, put on in conjunction with the Idaho Cattle Association. Governor Butch Otter and Lieutenant Governor Brad Little joined the two day ride near Sweet, ID.

Following the range ride, PLC attended the Idaho Cattle Association Mid-Year Meeting, held in Jackpot, NV on June 22 -24. Dustin Van Liew presented a legislative update from Washington, DC to the members of the association.

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### **PLC's New Website**

Visit us at [PublicLandsCouncil.org](http://PublicLandsCouncil.org)!

### **Contact PLC**

If you have information you would like highlighted in Capital Issues, please contact me, Theo Dowling, through email: [tdowling@beef.org](mailto:tdowling@beef.org) or phone: 202-347-0228, ext. 135.

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*The Public Lands Council (PLC) has represented livestock ranchers who use public lands since 1968, preserving the natural resources and unique heritage of the West. Public land ranchers own nearly 120 million acres of the most productive private land and manage vast areas of public land, accounting for critical wildlife habitat and the nation's natural resources. PLC works to maintain a stable business environment in which livestock producers can conserve the West and feed the nation and world.*