

1 P R O C E E D I N G S

2 (Hearing proceedings commenced

3 6:10 p.m., February 3, 2004.)

4 MR. BENNETT: Good evening. Welcome.

5 I'm Bob Bennett. I'm the state director for the Bureau of
6 Land Management here in Wyoming. And I'd like to welcome
7 you all to the hearing this evening and personally like to
8 thank you so very much for coming here and being willing
9 to participate in a public meeting. And as I think you
10 all know, it's being held in connection with a draft
11 environmental impact statement on some new and proposed
12 changes to the grazing regulations.

13 The purpose of this meeting is to hear and
14 receive your comments on the draft impact statement. We
15 greatly appreciate your input into this document. And as
16 I said, thank you for taking time to share your views on
17 this important issue with us.

18 I'd like to take a moment to introduce two
19 BLM-ers who are going to speak with you this evening and
20 is also going to be in essence taking your public comment.
21 The first one is Bud Cribley. He's our group manager in
22 the Washington office for range, and he's going to be here
23 to explain the process and the procedures and the like and
24 also give us some background on the regulations themselves
25 and will be serving as the moderator for this evening.

1 The other gentleman we have here is Ken Visser,
2 the rangeland management specialist now based in Reno, and
3 he'll give a brief presentation that summarizes the
4 proposed grazing rule. This will be followed by an
5 overview of the draft environmental impact statement.

6 After Ken finishes, we'll be opening the meeting
7 up for public comment and the comment process, which is
8 really your opportunity to give us your input and feedback
9 on the impact statement.

10 On behalf of the Department of Interior and the
11 Bureau of Land Management, again I'd like to thank you all
12 for taking the time and coming here this evening. And at
13 this point I'd like to turn the microphone over to Bud.

14 MR. CRIBLEY: Thank you.

15 I guess I would also like to reinforce what Bob
16 said and that is to thank everybody for taking the time
17 out of their schedules and everything to come out here
18 tonight to provide comments and to participate in this
19 meeting.

20 As Bob said, this is one part of our process of
21 gathering comments in regard to our draft rule -- or our
22 proposed rule-making and draft EIS. We are also taking
23 comments until March the 2nd on this.

24 One of the things we want to emphasize here is
25 that this is not your only opportunity to comment on these

1 proposed rule-making. These comments that you'll be
2 giving will become a part of the permanent record, but if
3 you have anything else that you would like to submit or
4 more detailed comments, you can submit them through the
5 normal process that we have for collecting comments on
6 these rules.

7 Just a few housekeeping items. We do have this
8 room reserved until ten o'clock tonight, in case we have
9 enough commenters to take up that much time. And, also,
10 this meeting is just to receive comments from the public.
11 This is not a question and answer session. The meeting is
12 being conducted in a formal manner. So this is not a
13 debate or a -- a public debate on grazing land issues.
14 And we will be conducting the meeting as such, as a
15 formal -- as such, as if it was a formal comment or
16 commenting period.

17 Another housekeeping item is, is the restrooms.
18 The restrooms, if you walk out the back door of the
19 meeting room and take a left and go past the bar, keep
20 going past the bar and then take a right, and just before
21 you go into the coat room there's men's and women's
22 restrooms on either side of that doorway. So that will
23 help out with that.

24 If the meeting goes on for a long enough period
25 of time, we will take a break. And we'll be taking a

1 short break between Ken Visser's presentation and taking
2 the public comments.

3 We want to emphasize how important the comments
4 that you're providing to -- are to the Bureau of Land
5 Management. This is a very serious undertaking that we
6 are participating in right now. And it's very important
7 to us to hear from the public out West, from the West,
8 what their viewpoints are on these rules.

9 The information that we're receiving is going to
10 become a part of that record and will be used in
11 consideration of the final rule-making and the final EIS.
12 So it's very serious to us, and this is why we're so
13 appreciative of you taking your time to come out tonight.

14 A couple of things that I would like to relay to
15 you, and that is basically the reasons behind -- just real
16 briefly some of the reasons and what we're trying to
17 accomplish through this rule-making. This comes -- this
18 message comes from our director Kathleen Clarke, and that
19 is that it's first and foremost to these rules are being
20 -- the current regulations are being proposed to be
21 adjusted to promote cooperation, and, secondly, and
22 closely related to cooperation is protecting the rangeland
23 health, and, third, improving administrative efficiency of
24 the administration of the livestock grazing program.

25 These regulations that we are making adjustments

1 in were last adjusted eight years ago, in 1995. And this
2 will be the first adjustment of those regulations since
3 that time. And BLM periodically does look at their
4 regulations and does make adjustments based on needs that
5 are identified through the administration of those
6 regulations. So what we're doing here we feel is a
7 routine updater and adjustment of those '95 regulations.

8 And with that, I guess I would like to go ahead
9 and transition over and have Ken Visser come up and give
10 you a short presentation on the basics of these
11 regulations and also of the draft EIS that we are
12 discussing here tonight.

13 MR. VISSER: It's nice to get to a
14 microphone where I don't have to stoop over.

15 Our purpose at this meeting is to listen to your
16 comments, but we recognize that everyone in the room may
17 not have the same level of familiarity with the proposed
18 changes in the regulations or with the environmental
19 impact statement that accompanies their release. So we
20 are providing a quick overview of the proposed grazing
21 regulation changes to give everyone a similar foundation
22 for the comments we will hear tonight.

23 Three primary concepts were used in proposing
24 revisions to the regulations. First, to improve and
25 promote cooperation, the second, to protect health of

1 rangeland, and the third, to increase management
2 efficiency and effectiveness. To improve and promote
3 cooperation there are five major areas of change proposed.
4 The first is to factor social, economic and cultural
5 considerations into grazing decisions. This occurs to
6 some degree in environmental assessments now but it has
7 not been consistently considered or applied.

8 The second is to phase in grazing changes
9 greater than ten percent whether there are increases or
10 decreases in the amount of use. This allows
11 implementation of changes in logical steps. For example,
12 certain changes would occur in year one, the
13 implementation would be worked into the grazing operation,
14 and another portion of the change would occur in year
15 three and so on, with full implementation of all necessary
16 changes by year five.

17 This regulation would not affect BLM's current
18 ability to immediately and fully implement temporary
19 changes in an emergency, such as suspending grazing use
20 after a fire. BLM also could fully implement the change
21 immediately if that is needed to comply with the
22 requirements of existing law, such as the Endangered
23 Species Act.

24 The third would be to allow for shared title to
25 cooperatively developed range improvements based upon the

1 level of investment made. Thus, if a rancher or other
2 cooperator spends money to help BLM create a range
3 improvement like a fence, they can share in the ownership
4 of the fence in proportion to their contribution.

5 The fourth is to establish an expectation to
6 cooperate with locally established grazing boards. And
7 the fifth would allow for a review opportunity for
8 biological evaluations and biological assessments that
9 address grazing use.

10 The goals of the regulation changes are also
11 reflected in what was not changed. The Resource Advisory
12 Councils established under the 1995 regulations have shown
13 themselves to be a valuable contributor to public land
14 management. The proposed regulation changes also seek to
15 make adjustments that improve long-term protection of the
16 health of rangeland.

17 In addition to the positive effects that
18 cooperative problem-solving can have on rangeland health,
19 there are three other changes that are proposed. First,
20 to expand BLM's discretion to approve nonuse by removing
21 the three-year limit on approvals found in the current
22 regulations. The second is to require monitoring to
23 support rangeland health assessments. And the third is to
24 allow a more realistic time frame, up to two years, to
25 develop and implement actions that ensure progress towards

1 meeting health standards. This time frame would allow for
2 careful deliberation during the development of cooperative
3 approaches, consultation with fish and wildlife service,
4 if it is appropriate, and preparation of environmental
5 analyses. This will improve the quality of decisions made
6 to address rangeland health.

7 Here again, the goals of the regulation changes
8 are reflected in what was not changed. The rangeland
9 health standards and guidelines established under a
10 process provided under the 1995 regulation support an
11 orderly and consistent approach for protecting rangeland
12 health.

13 The third goal was to increase management
14 efficiency and address some legal issues. The first
15 change, removal of conservation use, implements a court
16 decision. The second modifies the definition of
17 preference to include both priority of a permit or lease
18 as well as the amount of forage available. The term
19 "permitted use" would be dropped because it would no
20 longer be necessary.

21 Consultation requirements would be focused on
22 the major processes that describe, evaluate and allocate
23 grazing use. Where possible, unnecessary or duplicative
24 consultation requirements would be dropped. Livestock
25 water right issues would be resolved under state processes

1 and joint livestock water rights would be an option.

2 Three more proposed changes. Where an act is
3 prohibited, action against a permit or lease would be tied
4 to whether the prohibited act was related to activities
5 under the permit or lease with the exception of violations
6 of the Bald Eagle Protection Act or the Endangered Species
7 Act. Second, the status of a permit or lease when it is
8 under appeal is clarified. And, third, the proposed
9 changes clarify biological evaluations and biological
10 assessments are not grazing decisions but rather are
11 consultation documents between BLM and the Fish and
12 Wildlife Service required under the Endangered Species
13 Act.

14 So with the proposed change of this type, BLM
15 has completed a draft environmental impact statement or
16 DEIS and is seeking public comment. The draft EIS has
17 three alternatives. The no-action alternative identifies
18 the effects of continuing under the present regulations
19 without the proposed changes. Proposed action discloses
20 the effects of adopting the proposed changes, and the
21 modified action alternative illustrates the effects of
22 making some changes and not others or in some cases of
23 making different changes.

24 Generally the no-action alternative would result
25 in no change in working relationships. No regulation

1 change would result in some hastily designed and
2 implemented actions to meet required timelines which in
3 turn would reduce the effectiveness of some action, and
4 current problems in administrative efficiency would not be
5 addressed.

6 Again, very generally, the proposed alternative
7 is expected to result in improved working relations --
8 working relationships and increased cooperation,
9 particularly when problem solving and implementing change.
10 Long-term rangeland health is expected to improve, and we
11 do anticipate improvements in efficiency, allowing more
12 time to focus on important decisions and more time to get
13 work done on the ground.

14 Let's take a little closer look at some of the
15 more specific effects of the proposed action. There will
16 be time to design and adjust when implementing changes in
17 the amount of livestock grazing. By allowing phased-in
18 changes, change can be implemented in logical steps
19 starting in year one and completing a phase-in by year
20 five. Consideration of social, economic and cultural
21 factors would be applied more consistently across all
22 public land permits and leases. Cooperation and
23 communication with state and local grazing boards would be
24 improved and incentives for private investment and range
25 improvement projects would be improved.

1 Taking the time to seek cooperation and
2 carefully designed decisions that change livestock grazing
3 may mean some changes don't happen as fast. And in some
4 places this could have some short-term adverse impacts at
5 the local level. But over the long term, implementation
6 of well-designed actions to improve rangeland condition is
7 expected to improve vegetative conditions and overall
8 watershed conditions.

9 One thing to remember when talking about broad-
10 scale change in vegetative and watershed condition is that
11 these changes generally occur slowly. The proposed
12 changes that create the possibility for short-term adverse
13 effects basically relate to the time taken to design and
14 implement changes and the information base used to make
15 those decisions.

16 The proposed action would trade some localized
17 risk of adverse impact for improvements in the quality,
18 sustainability and long-term support of underlying
19 decisions to change livestock grazing. Removal of
20 restrictions on approval of temporary nonuse also creates
21 greater flexibility in working with permittees and
22 lessees.

23 What impacts are expected in terms of
24 administrative efficiency? First, more focused
25 communications with interested public, more timely

1 decisions, improved cost recovery for processing actions
2 and improved clarity of regulations.

3 One last alternative, the modified-action
4 alternative. Some of the major effects of this
5 alternative would be greater flexibility due to discretion
6 allowed for a five-year phase-in and use of monitoring
7 data but less flexibility due to a five-year limit and
8 consecutive years of nonuse.

9 Reduced spread of weeds is also expected based
10 on a requirement which would be added to the prohibited
11 act section to use certified weed-free hay during
12 rangeland operations.

13 A little information about the schedule we are
14 using. The comment period for both the DEIS and the
15 grazing regulations ends -- the proposed grazing
16 regulations ends on March 2nd, 2004. We expect to publish
17 the final environmental impact statement in September of
18 this year, with a final rule published by October. This
19 would make the grazing rule effective in December of this
20 year.

21 I hope this overview has been useful for most of
22 you. For those of you who are already very familiar with
23 the proposed regulations and the draft EIS, thank you for
24 your patience so the others could get the information.

25 Now we are on to our primary purpose for the

1 meeting, to listen to your thoughts and ideas.

2 MR. CRIBLEY: I guess what I'd like to go
3 over with you right now is just how we're going to conduct
4 the taking of public comments tonight. One thing to keep
5 in mind or the most important is that we're going to
6 conduct this as if it was a formal hearing. And with
7 that, we do have a recorder here tonight, Ms. Norma
8 DeLong, who will be recording all of your comments. If
9 anybody has any written comments they'd like to submit in
10 addition to their verbal comments, all you need to do is
11 bring them forward and leave them on the table here, and
12 they will also be included as a part of this record.

13 Anything -- the transcript from this meeting
14 will be posted on the Internet with all of the other
15 comments that we're receiving both through the mail and
16 over e-mail. And as this one will be posted, so will all
17 the comments from the other public meetings that we're
18 conducting westwide.

19 As I said, we are considering this a formal
20 meeting. We recognize that it's -- a lot of the folks who
21 will be giving comments tonight are not used to this,
22 getting up in front of a group and expressing their
23 personal feelings about something. It's a very difficult
24 thing to do. And we would like -- we would ask everybody
25 to respect those folks when they come up here. This is

1 not a forum to debate any of these issues tonight, this is
2 not a question and answer session. This is -- this
3 session is set up specifically to receive comments from
4 the public.

5 How we will be conducting the meeting is we will
6 allow each speaker five minutes to speak. We have a
7 timekeeper up here. Marty Griffith will be our
8 timekeeper. And when you come up to the microphone up
9 front, you will be speaking to me. I will be the
10 moderator for the session tonight. Marty will be timing
11 you, and he will be -- he will give you three signs during
12 your presentation. When you have two minutes left, he
13 will give you a sign that says you have two minutes left;
14 when you have 30 seconds left, he will show you a 30-
15 second sign; and then when your time has expired, he will
16 show you a sign that says "Time."

17 We ask everybody to end their speech -- or not
18 their speech but their comments when their time is up so
19 that we may allow other individuals to provide their
20 comments.

21 What I will do in conducting the public session
22 here is I have the sign-up cards from everybody, I will
23 call out your name, and when I call out your name, I will
24 spell it for the record and also indicate whether you're
25 representing a group or from where -- or wherever you're

1 coming from so that we have that as a part of the
2 permanent record. If I mispronounce your name, I'll go
3 ahead and start with the apologies now, and I'm sure there
4 will be some more as we go through this. And, also, if I
5 misspell it, if you could pay attention to that and
6 correct it when you come up here, that would also be very
7 helpful.

8 I think that's all that I've got as far as the
9 conducting of the meeting. One other thing is, as I said
10 previously, we have this room until ten o'clock tonight.
11 And we set it up with that much time not knowing how many
12 folks would be here to speak tonight. The way we've been
13 conducting these meetings is as soon as everybody has --
14 who is here at the meeting has given their comments, we
15 will go ahead and formally close the meeting. But if you
16 have any questions regarding the proposed rule-making or
17 the draft EIS, we will go ahead and stay here in the room
18 until as late as anybody would like to visit with us
19 regarding this issue, and we will answer questions for you
20 at that time.

21 But we want to, as far as the formal part of the
22 meeting, stay on task and focus on receiving your
23 comments, because that is the main point of this meeting.

24 What we would like to do right now is take about
25 a five-minute break to allow us to kind of get shifted

1 over and get ready for receiving your comments. So if you
2 folks want to take a quick restroom break or get a drink
3 of water or just stretch, you can go ahead and do that,
4 and then in five minutes we'll call you back and we'll
5 start taking your comments. And thank you very much. And
6 we'll talk to you in just a few minutes.

7 (The proceedings recessed
8 from 6:36 p.m. to 6:40 p.m.)

9 MR. CRIBLEY: Okay. Can you guys hear me
10 in the back? Hey, Bob, can you hear me?

11 MR. BENNETT: No, not real well.

12 MR. CRIBLEY: Not real well? Okay.
13 Great. Well, now what do I do?

14 Okay. The first speaker tonight is Dick Loper
15 from the Wyoming State Grazing Board.

16 You spell that D-I-C-K L-O-P-E-R.

17 MR. LOPER: Bud, I'd like to thank the BLM
18 for coming out here to Cheyenne, Wyoming, giving us this
19 opportunity to talk about the proposed grazing
20 regulations.

21 On behalf of the Wyoming State Grazing Board,
22 I'd like to comment that we very much appreciate any of
23 the proposed changes that you've put in these documents
24 for us to review and comment on. Number of changes need
25 to be made, and you certainly address some of them. The

1 ones that we particularly like would be the addition of
2 monitoring, particularly to the standards and guidelines
3 program, the addition of the requirement for documentation
4 of information that's used for Casegen, the opportunity to
5 provide and develop local grazing boards within the BLM,
6 we could start discussing. We feel like we lost quite a
7 little bit when we lost our grazing advisory boards.

8 While I realize these are not advisory boards
9 because of FACA concerns, we appreciate that opportunity
10 in the proposed regulations to set up local boards and
11 then make those local boards available to BLM. I think
12 that would be very helpful to both parties and to the
13 multiple use of these lands.

14 There are still a number of concerns, and we'll
15 provide detailed comments on a number of those issues in
16 the regulations that we still would see a need to move
17 forward on and make some additional changes on. Some of
18 those items you actually did not propose changes to but in
19 the preamble language you've given us, some comment as to
20 why you didn't deal with some of the issues, like trade
21 abuse, some of the proposed changes, the interested
22 public, you did make some changes. And we'll ask you to
23 make some additional changes to both of those sections.

24 The surcharge was not dealt with. We'd very
25 much appreciate your reattention to the surcharge issue.

1 We're absolutely convinced that we can provide data to
2 show that it does, in fact, keep younger ranchers, people
3 who want to get into the business -- it's an impediment in
4 many cases, they're joining the business of livestock
5 grazing in the West.

6 So we'll be adding some comments on those
7 particular issues. That's all for right now. Thank you
8 very much.

9 MR. CRIBLEY: Thank you.

10 Tom Lustig, with the National Wildlife
11 Federation. Spell that T-O-M L-U-S-T-I-G.

12 MR. LUSTIG: Thanks for having this
13 meeting, but I'm very concerned about the proposed
14 changes. There are many things that I think are bad for
15 the ranching industry and bad for the environment and bad
16 for the public. And I wanted to focus on perhaps the
17 worst and the one that I believe is the hardest for BLM to
18 explain, and that is the proposal to lock out the public
19 by eliminating the existing requirements to consult with
20 the interested public before making decisions.

21 During this time the lands managed by the Bureau
22 of Land Management are increasingly used by the public for
23 a variety of uses, for grazing, for hunting, fishing,
24 recreation, yet while public use and demand for these
25 lands increases, the Bureau of Land Management proposes to

1 eliminate the public's ability to participate in these
2 grazing decisions. For example, while the current
3 regulations require that in issuing or renewing or
4 modifying a grazing permit the Bureau of Land Management
5 is to consult with interested members of the public -- and
6 as you know, that's a mailing list prepared by the Bureau
7 of Land Management -- those requirements are eliminated.

8 So under the new regulations, the BLM will be
9 allowed to issue, to renew and to modify grazing permits
10 without any consultation with the interested public. This
11 will remove these public decisions about how we use our
12 public lands into the back rooms. They'll be private
13 conversations between the Bureau of Land Management and
14 between the rancher. The public will not hear about it
15 until it's too late.

16 Now, the excuse for this provided in the
17 preamble to the proposed regulations is that, "Well, gee,
18 yeah, we're cutting out the public from this consultation
19 process but the public will hear about it. If we do an
20 environmental assessment, the public can comment on it.
21 And when we finally issue a decision, we'll send it out
22 and the public can litigate it; they can bring an appeal
23 or they can file an action in court."

24 Well, I think people in BLM know that that's
25 simply not the case. As far as an environmental

1 assessment goes, you folks know full well that the BLM is
2 hopelessly backlogged in preparing environmental
3 assessments. Indeed, Congress has given you until 2008 to
4 try and catch up with the lack of environmental
5 assessments. And so in most of these situations BLM won't
6 even do an environmental assessment, so the public will
7 never receive that notification.

8 Second, as far as the public's ability to
9 litigate a decision once it's been made, you've retained
10 that obligation to send members of the interested public
11 the proposed decision, but at that time the decision has
12 already been made, and so the public has completely lost
13 its chance to participate.

14 Another excuse given is that, "Well, you know,
15 consulting with the interested public, those people who
16 aren't ranchers but who really care about the lands, the
17 hunters and the fishermen who actually use those lands --
18 leaving them out of the process, well, it's worth it
19 because it will increase our efficiency, the way we move
20 through these decisions and that's very important."

21 Well, you know, in a democracy a little bit of
22 inefficiency is the price we pay for bringing us all
23 together to make these decisions. And I've worked on many
24 allotments where bringing the public together has resulted
25 in a better decision. And I simply can't understand why

1 the Bureau of Land Management in this day and age of
2 increasing use of these lands by many people and in this
3 day and age where this kind of consultation has often
4 resulted in a much better product would decide to lock out
5 the public, unless the motivation were to make deals with
6 the ranchers and not be harassed by other users of the
7 public. And because they are public lands, you can't do
8 that and you ought not do that.

9 So thank you for your attention. I hope you
10 will seriously reconsider cutting out the public and
11 disenfranchising the owners of these public lands from
12 their right to participate in how the lands are managed.
13 Thanks very much.

14 MR. CRIBLEY: Thank you.

15 Ken Hamilton from the Wyoming Farm Bureau.

16 K-E-N H-A-M-I-L-T-O-N.

17 MR. HAMILTON: Thank you. My name's Ken
18 Hamilton. I work for the Wyoming Farm Bureau Federation.

19 Farm Bureau policy asks the agencies to work
20 more cooperatively with the various permittees and the
21 lessees. I think the proposed changes to the rules
22 attempt to do that, and we support those changes. We also
23 support the proposed -- or the preferred alternative in
24 the EIS over the modified action and the no-change
25 alternative. While we support the preferred alternative

1 in the proposed regulations, I think there's some things
2 that can be done to improve them. And we're going to be
3 providing comments later on that will provide those
4 suggestions that we think need to be done in order for the
5 agency to work more cooperatively with the permits and the
6 lessees.

7 We do support the efforts to phase in the
8 changes. I think that's an important proposed change. We
9 support the improved cooperation, because that in itself
10 is one of the things that I think we lost in the previous
11 rule change. We support the change to the public input
12 process because, again, I think the process is becoming
13 bogged down in the process and not resulting in anything
14 improved out there on the range. The proposed change to
15 the shared range improvements we support, and the
16 monitoring changes are important.

17 We also feel that the changes to the prohibited
18 acts are good, but I think they need to go further, and
19 we're going to be providing comments relative to that.

20 One of the things that I noticed when you were
21 giving your slide presentation was the discussion of
22 short-term impacts. And I don't necessarily agree with
23 that. I think that the changes under these proposed rules
24 will also be shown to be improved range conditions.
25 Short-term range -- or short-term impacts I think are

1 going to be very, very minuscule, and I don't think
2 they're hardly even worth mentioning, so I would add that
3 as a closing comment. Thank you.

4 MR. CRIBLEY: Thank you.

5 Jim Magagna with the Wyoming Stockgrowers
6 Association. It's J-I-M M-A-G-A-G-N-A.

7 MR. MAGAGNA: Thank you. Appreciate this
8 opportunity to testify on this important rule change to
9 the cattle industry that we represent in the state of
10 Wyoming. We'll be submitting detailed comments at a later
11 date, so I'd like to just briefly focus on three or four
12 items that we consider very important. And they're
13 important because I think what this entire rule change is
14 primarily about is providing flexibility and stability to
15 our ranching community, and both of those will lead to
16 better stewardship of the resource working in
17 collaboration with the Bureau's resource managers.

18 Some of the areas that contribute to that,
19 certainly the provisions with regard to ownership
20 improvements and the ability to co-file on water rights
21 under state law. What we've seen in recent years as a
22 result of the change in 1995 regarding ownership of
23 improvements is that improvements aren't being made on the
24 federal lands. And it's just a reality that ranchers are
25 not willing to invest on those lands, their financiers are

1 not willing to provide them the resources to invest on
2 those lands if that investment is immediately and totally
3 lost as an economic investment. So that one is extremely
4 important.

5 Monitoring is really the key to knowing what
6 we're doing out there on the resource and to building a
7 cooperative relationship between the resource managers and
8 the ranchers. And that one is equally important to us.

9 We certainly welcome the restoration of the
10 preference as it's been known throughout the history of
11 grazing under the Taylor Grazing Act until recent years.
12 That, again, provides some stability. It lets a rancher
13 know that while they may have to make adjustments on an
14 annual or a permit basis to respond to changes in resource
15 conditions that they retain that preference to that level
16 of livestock grazing when the resource is in a condition
17 that allows that level of grazing to be restored once
18 again.

19 An item that isn't in there that we consider
20 vital to this whole concept of flexibility and that's the
21 need to address the surcharge. If we look -- particularly
22 we've suffered significant drought in Wyoming in the past
23 three to four years. In order as resource managers, both
24 ranchers and BLM personnel, to respond to that, we need
25 every tool of flexibility possible to make rapid changes

1 when the resource in one area is declining and a resource
2 is available in another area. The existence of the
3 surcharge has been a significant obstacle to that, and we
4 urge you to give very careful consideration to removing or
5 at least providing some flexibility in that when it's
6 related to the use of the resource.

7 And, finally, I'd just comment briefly on the
8 public input process. Really what that process is all
9 about -- yes, the public should have input. We encourage
10 that input. But there are many steps in this whole
11 process that lead to livestock grazing on the public
12 lands. There are many appropriate steps for public input
13 throughout that process. There are also times when the
14 professionals, the rancher who's the professional in
15 livestock management and the BLM range personnel who are
16 professionals in resource management, need the ability to
17 sit down and work in a close relationship to identify the
18 details of the terms and conditions of an allotment
19 management plan that will meet the requirements of the
20 resource plan, the needs of the resource.

21 And we've lost that ability to have that direct
22 communication by broadening out the involvement at that
23 particular level too much in recent years. And we welcome
24 this opportunity to bring that step back in line while
25 maintaining the public's ability to continue to be

1 involved in many phases throughout this program.

2 We, too, strongly endorse the preferred
3 alternative in the EIS. And we'll be commenting on the
4 EIS as well. We thank you for the challenge that you've
5 faced in addressing these regulations on a wide basis,
6 providing some very good ideas out there, and we look
7 forward to providing you with our detailed comments and to
8 working with you, not only to ensure the adoption of the
9 regulations but to ensure their successful implementation.
10 Thank you.

11 MR. CRIBLEY: Thank you.

12 Elbert Spencer, Public Lands Foundation,
13 E-L-B-E-R-T S-P-E-N-C-E-R.

14 MR. SPENCER: That's correct. Thank you
15 for allowing me to speak tonight. I am a member of the
16 Public Lands Foundation. As such I'll be presenting their
17 response to your January 2nd, 2004 proposed change in
18 BLM's grazing regulations and draft environment impact
19 statement.

20 First let me introduce the Public Lands
21 Foundation. We're a nonprofit organization whose members
22 are primarily retired BLM employees but with currently
23 working BLM employees and members of the general public
24 also as members. We have been in operation for 16 years
25 and have more than a thousand members. PLF's mission is

1 to foster the proper use, protection, restoration,
2 conservation and management of the BLM-administered lands
3 by working to keep the BLM lands in national public
4 ownership and open public use, encouraging the
5 professional and scientific management of these lands,
6 participating in efforts that will sustain the health,
7 diversity and productivity of these lands and encourage
8 contacts, communication and coordination with public land
9 users and interest groups and between BLM retirees.

10 We note that the '95 changes in grazing
11 regulations have hardly been in operation long enough to
12 be evaluated. These changes were a huge and a costly
13 effort. We have followed the adoption of the '95 rules
14 closely and are aware of problems brought on by the new
15 rules. Our proposal -- our analysis of the proposal
16 indicates it to be an effort by the administration to undo
17 rather than making progressive improvements. The draft
18 EIS states that many of the proposed changes are largely
19 administrative and will have little direct effect on
20 environment. We believe this is not a correct assessment
21 of the potential impacts that can be anticipated from
22 these new policies.

23 There are many changes being proposed. The
24 following are comments concerning the more important
25 proposed changes. Water rights. The proposal to remove

1 the requirements that water rights to water-related range
2 improvements be held by the United States and establishing
3 a policy that such rights be held by the livestock
4 permittee is bad public policy. There are sections of
5 existing regulations that provide the policy and
6 procedures to compensate livestock permittees for their
7 investment in range improvements should they lose the use
8 of such. There is no justification to also provide them
9 the actual title to the water rights to protect their
10 investment other than an attempt to provide the permittee
11 with more control over the management of the public land.
12 These are improvements needed for multiple-use management
13 of the land, not exclusively for livestock.

14 We note that the various western state land
15 departments do not permit their lessees to acquire right
16 on state lands. In the arid western states, if you
17 control the water, you control the land. It's just that
18 simple. The availability of water in the multiuse
19 management of BLM land is of prime importance. It follows
20 that BLM should apply for and hold under state law all
21 water rights needed for appropriate use in management of
22 the lands.

23 Ownership of range improvements, 4120.3. The
24 ownership of all permanent physical improvements placed on
25 the public lands must be held by the land management

1 agency. This is particularly important when such
2 improvements are important to multiple uses of the public
3 lands.

4 Access across private land, Section
5 4130.3-(2)(h). The proposed regulations would remove from
6 the terms and conditions in existing regulations a
7 provision that the permittee must allow reasonable
8 administrative access across private or leased land for
9 the management and protection of the public lands. To do
10 that would seriously hamper BLM's efforts in management.

11 Time frame for taking actions. The majority of
12 the ranchers are concerned about the health of the lands
13 and routinely make adjustments in their operations, forage
14 conditions, available water and other resources. These
15 changes are most frequently made cooperatively at the
16 beginning of the grazing season with BLM.

17 Existing regulations. As soon as practical, not
18 later than the start of the next grazing year, when it is
19 determined that changes are needed to achieve the range
20 standards. To extend those -- proposal to 24 months and
21 again to change -- and again the changed proposal would
22 have the effect of protecting poor storage beyond
23 cooperative ranchers who improperly manage their livestock
24 and refuse to make necessary changes.

25 Rangeland monitoring. Again, we feel that BLM

1 has full capability to monitor and use that monitoring in
2 management of the public lands.

3 We thank you for listening to us and we thank
4 you for seriously considering our comments in the future.

5 MR. CRIBLEY: Thank you.

6 Karen Henry, the Wyoming Farm Bureau president.
7 It's K-A-R-E-N H-E-N-R-Y.

8 MS. HENRY: Good evening. Thank you for
9 holding this hearing. It's very important to the State of
10 Wyoming and to the West to have these.

11 I would say that Mr. Loper, Mr. Hamilton and
12 Mr. Magagna have done a very good job of explaining the
13 same things that I feel about these regulations, so I
14 won't be redundant. And we will have more Farm Bureau
15 comments that will be sent in as well as my own personal
16 comments.

17 The only thing that I would question here
18 tonight publicly would be the validity of the references
19 in the draft EIS. For instance, the book by R.M. Crowley,
20 or however you say it -- no, it's Cawley, excuse me,
21 Sagebrush Rebellion and Environmental Politics, I
22 just -- I don't see the science involved in that. And
23 then where you go on down -- and some of these are
24 excellent authors. I'm not criticizing them as authors.
25 I just question the validity of using this in a scientific

1 project -- the book by W.E. Hudson, Landscape Linkage in
2 Biodiversity, Conservation of Biodiversity on Western
3 Rangelands, that's a classroom book. How is the Senate
4 Vote Important to the Science on Rangeland Health or it's
5 referred to by Fennemore, F.A. Fennemore and J.P. Nelson
6 in Western Rangelands Reform, I just really don't see
7 that. And then there's a lot of opinion books about --
8 well, for ranching, the Subsidized Destruction of the
9 American West. These things kind of wave red flags to a
10 lot of people, so I would just question that.

11 Other than for that, I again thank you for the
12 opportunity to have this hearing. And we will have
13 further comments. Thank you.

14 MR. CRIBLEY: Thank you.

15 Ray Schooley. It's R-A-Y S-C-H-O-O-L-E-Y.

16 Mr. Schooley, would you tell us where you're
17 from?

18 MR. SCHOOLEY: I'm from Lander, Wyoming.

19 MR. CRIBLEY: Okay. Thank you.

20 MR. SCHOOLEY: I'm here just as a citizen.
21 Thank you for allowing us this opportunity to comment on
22 these proposed regulation changes. I would like to
23 compliment the proposed changes on their return to the
24 focus, return to the focus back to the Taylor Grazing Act
25 and looking at the whole purpose of having the BLM and

1 where the livestock fits within that purpose.

2 Couple of comments that I have. The three-year
3 temporary nonuse period, the -- extending that three-year
4 nonuse period, I guess looking at it, my suggestion would
5 be you need to take a look at allowing one additional
6 three-year nonuse period and still having a timeline that
7 people can plan against and manage against. Give you a
8 total of six years as a timeline.

9 The interested public definition, I understand
10 the need to make the public input process more efficient,
11 and I think that BLM in this revision has attempted to put
12 the emphasis in the right place, at the planning level
13 instead of the day-to-day activities level. I do have a
14 concern that the state and local governments -- where they
15 fall within that definition in their cooperation and
16 coordination as required by the specific laws.

17 And then one additional comment that I've got is
18 I've looked at two different discussions of this, and each
19 one has a different request for information from the
20 public in reference to locking the gates and allowing
21 those property owners to protect their property. I would
22 offer this comment, that I think that that is important
23 that those property owners can protect that property by
24 locking those gates. Thank you.

25 MR. CRIBLEY: Thank you.

1 Jim Allen. That's J-I-M A-L-L-E-N.

2 Mr. Allen, where are you from?

3 MR. ALLEN: I'm from Lander. And I'm a
4 hunter.

5 MR. CRIBLEY: Okay. Thank you.

6 MR. ALLEN: I appreciate this opportunity
7 to come. I really didn't have any -- well, I made some
8 comments as I sat and listened to the various dialogue.
9 You need more light in here and a podium.

10 The NEPA Act and the FLPMA Act both require at
11 least at the planning stage that the federal agencies, in
12 this case the BLM, coordinate their efforts with the state
13 and the county governments, which is appropriate. It
14 should be that way. And that they should take into
15 account the custom, culture and social and economic
16 activities of the various local entities. And that is
17 appropriate. That's good. And I'm glad that you're going
18 back to that or at least emphasizing that. I think it's
19 very important.

20 I personally think that -- I like the proposed
21 changes, you know, your -- what alternative was that? Not
22 the no-action and not the modified but the other one.
23 Local boards, local input makes good sense to me. I heard
24 Dick Loper say the local grazing advisory boards were
25 coming back. If that's the case, that's good. I like

1 that.

2 In my area and in what I read about this, the
3 1995 rangeland reforms actually was a blow to the
4 relationship that BLM had with the citizens, in my
5 opinion. It began a descent or a distrust. I don't think
6 it was a good thing. I think you're going back the right
7 direction with these proposed changes.

8 In listening to the lobbyist from the -- the
9 Wyoming -- or the National Wildlife Federation, it just
10 made me think that that kind of comment just bogs the
11 process down. You know, they're more interested in the
12 process than the management. And I think that every
13 chance that the BLM has to work with the ranchers -- not
14 to exclude any comment, but I think every chance they have
15 to actually work together to manage their resource, that's
16 what you should emphasize, that's the direction we should
17 go, not to continually bicker about the process. That's
18 just counterproductive. We should streamline the
19 paperwork.

20 And I agree with -- I have friends that are
21 ranchers, I have friends that aren't ranchers, but I think
22 the surcharge thing is a bad thing. I think that anything
23 that anybody can do to streamline management, encourage
24 flexible and responsive management is good and it should
25 be encouraged. These guys, these ranchers have an

1 incredible amount of investment, they also have an
2 incredible amount of expertise, and they should be working
3 together with their land management -- the BLM agents
4 and -- for the good of everybody.

5 Thank you. I appreciate the opportunity.

6 MR. CRIBLEY: Thank you.

7 Jim Schwartz, from the Wyoming Department of
8 Agriculture. It's J-I-M S-C-H-W-A-R-T-Z.

9 MR. SCHWARTZ: Thank you. I'm here in
10 Cheyenne. I really do want to compliment this effort. I
11 think that the changes that are being addressed are very
12 positive and things will work better for the future of
13 Wyoming.

14 I guess I would say that we will be preparing
15 future comments for -- written comments, but I guess some
16 of the things that really intrigue me is the increased
17 coordination and cooperation with state and local
18 agencies. That needs to happen. That would be very
19 positive. I believe the establishment of local advisory
20 boards or grazing boards would be very positive for all of
21 us.

22 One of the key things, I think, is flexibility.
23 We've heard that a lot. And flexibility is key to any
24 operation. And another real key term I hear is
25 incentives. I think people that perform good stewardship

1 need to have some incentives to continue, and we have not
2 had that in the past.

3 I guess I would like to see us come back with
4 monitoring. That will actually justify good decisions on
5 the resource, and that will be of benefit to us all. You
6 know, in Wyoming we have lost 60 percent of our AUMs on
7 BLM land in the last 45 years. It is a concern. Some of
8 it was probably justified but some of it was probably
9 decisions without good science. We need to have decisions
10 with good science. And I think with cooperative
11 monitoring and working forward we can do that. Thank you.

12 MR. CRIBLEY: Thank you.

13 Suzy Noelcker.

14 MS. NOECKER: It's Suzy Noecker. And I'm
15 with Wyoming Farm Bureau Federation. And Karen Henry and
16 Ken Hamilton have pretty much said it all. We'll be
17 writing you later. Thank you.

18 MR. CRIBLEY: Thank you.

19 THE REPORTER: Can you spell the name,
20 please?

21 MR. CRIBLEY: It's S-U-Z-Y
22 N-O-E-L-C-K-E-R, with the Wyoming Farm Bureau.

23 MS. NOECKER: It's N-O-E-C-K-E-R.

24 MR. VISSER: Now, see, we did ask for
25 block lettering.

1 MS. NOECKER: Okay. Sorry.

2 MR. CRIBLEY: Some people you can't
3 educate.

4 Dennis VBrinkia.

5 MR. VBRINKER: Vbrinker.

6 MR. CRIBLEY: Vbrinker.

7 MR. VBRINKER: V-B-R-I-N-K-E-R.

8 MR. CRIBLEY: It's D-E-N-N-I-S

9 V-B-R-I-N-K-E-R --

10 MR. VBRINKER: Correct.

11 MR. CRIBLEY: -- with Jackson County,
12 Colorado.

13 MR. VBRINKER: Jackson County, Colorado
14 Board of Commissioners, also a Colorado State Land Board
15 resident.

16 It's kind of ironic. I was writing down some of
17 these comments, and I have to agree with Jim Magagna, if
18 that's correct, Jim Allen, and Jim Schwartz; I think they
19 couldn't have said it better for the Board of
20 Commissioners in Jackson County. Thank you.

21 MR. CRIBLEY: Thank you.

22 Niels Hansen, N-I-E-L-S H-A-N-S-E-N, Wyoming
23 State Grazing Board.

24 MR. HANSEN: Thank you. As vice chairman
25 of the Wyoming State Grazing Board and third-generation

1 rancher out of Rawlins I'd like to thank Secretary Norton,
2 Director Clark and their staff, the Department of Interior
3 and the BLM for recognizing the needs of the West and
4 attempting to right the wrong that was done to every
5 citizen of the West by the Clinton and Babbitt
6 administration.

7 A revision of the existing grazing regulations
8 is necessary as the existing regulations have been and
9 will continue to be detrimental to the communities of the
10 West, the agricultural industry and the natural resources
11 in your trust.

12 I'd like to address a few of the issues of
13 importance to our area. Monitoring. We support the
14 inclusion of monitoring and documented field observations
15 and the decision-making process for the BLM. This will
16 certainly help identify any areas of concern, clarify what
17 has caused the potential problems and what can be done to
18 rectify them.

19 The surcharge. The Wyoming State Grazing Board
20 feels the elimination of the surcharge is one step that
21 can be taken that would help strengthen the industry that
22 is best suited to maintain and improve the land and
23 habitat as our nation's needs and wishes change. The
24 surcharge is detrimental to any new or young people
25 wishing to become a part of the food production industry

1 of this nation. It limits the ability of individuals to
2 adjust stocking rates quickly when weather conditions
3 change, thus limiting the business opportunities of
4 federal land ranchers which are available to our private
5 land counterparts. It also eliminates the ability to have
6 access to the end -- to utilize increased livestock
7 numbers for different classes of livestock when these are
8 desired for habitat manipulation.

9 Preference. Returning the term preference to
10 the original definition and the concept will again attach
11 animal unit months to private base property. This also
12 provides an opportunity for ranchers to utilize increased
13 forage if weather and circumstances allow, but in times
14 when some reductions are necessary for rangeland health,
15 the ranchers would not permanently lose AUMs. The number
16 of preferred AUMs represent the value of grazing permits,
17 subsequently directly affects the base value of the
18 ranching operation.

19 Ownership of range improvements. This issue
20 also directly affects the base value of any ranching
21 operation. Returning the ownership of range improvements
22 will enhance any rancher's ability to continue to improve
23 the total production of the land by improving the
24 distribution of all the animals living on the land.
25 Ranchers pay for and work to build and maintain these

1 improvements on their allotments. Allowing the
2 expenditure of the rancher's time and money to add
3 collateral value to the ranching operation through
4 cooperative agreements will help to increase the stability
5 in the ranching base and that of the local community.

6 Interested public. It is well known that those
7 who work hard on the land or being able to directly react
8 to the situations save time and money and resources. By
9 removing from the regulations the need to involve
10 interested public in many of the day-to-day planning and
11 management actions and any consultations between BLM and
12 ranchers will accomplish this goal.

13 Although BLM still consults voluntarily on
14 numerous matters, this proposal will facilitate a more
15 rapid and efficient way to perform the management
16 obligations of the land managers and the ranchers. The
17 regulations still clearly protect the public's ability to
18 speak out and comment on NEPA reviews and resource
19 management planning activities.

20 Grazing boards. The proposed regulation change
21 will provide BLM -- to provide that BLM cooperate with
22 state, county and local established grazing boards to
23 review range improvements and allotment management plans
24 on public lands provides a way to give notice to, include
25 and involve local government and land users. The creation

1 and use of these boards would give land managers and the
2 resource advisory councils direct resource-related
3 information from subject matter experts in the local
4 areas, increasing this ability to advise and recommend
5 accurate strategies for managing public lands under the
6 multiple-use mandate. This is a very innovative and
7 useful approach to implement Secretary Norton's four-C
8 concept to resource management.

9 Overall, ranchers want to see the same things
10 from the public lands that every other citizen wants. In
11 addition, we have a financial need and responsibility to
12 maintain and improve the range while being a necessary
13 part of supplying Americans with clean, safe, natural
14 protein sources. Thank you.

15 MR. CRIBLEY: Thank you.

16 David Allison. That's D-A-V-I-D A-L-L-I-S-O-N.

17 MR. ALLISON: That's correct.

18 MR. CRIBLEY: David, where are you from?

19 MR. ALLISON: I'm from Roosevelt, Utah.

20 MR. CRIBLEY: Okay. Thank you.

21 MR. ALLISON: I'm a consultant, natural
22 resources public land policy, Indian Affairs. We were
23 unable to make the one in Salt Lake the other day so we
24 made a trip up here.

25 I'm going to be real brief. We're going to send

1 in some formal comments, some of them will be in support
2 of some things that's already been said. I'd like to
3 speak in support of something that was already presented.
4 We, the county, and particularly Uintah County, which is
5 made up, a large part, of public lands, Uintah County in
6 Utah, they have a new public lands policy. Part of their
7 public lands policy contains a conservation initiative
8 where the county commissioners are establishing a vehicle
9 by which we can hopefully go out and raise funds to do a
10 lot of habitat work in our area. We are in six years of
11 drought down there right now. We have areas down there
12 where we've lost 95 of our sagebrush steppe. Critical
13 habitat for deer. Very much concerns us. The sage grouse
14 issue that's before a lot of us right now.

15 I just want to speak in support of the provision
16 that would allow ranchers to retain some ownership in
17 these improvements. There's been a lot of opportunity
18 lost, I believe, in the last few years, a lot of
19 opportunity for development. The rancher's ability to
20 participate in our conservation initiative as a portion of
21 the funds that will go in some of these projects is very
22 critical. And I believe they will step up -- be a lot
23 more willing to step up as some of them have this last
24 year just hauling water for wildlife and for their cattle
25 which provided for a big portion of our area, wildlife

1 water, too, also. There's been so much emphasis placed on
2 protection, not enough on habitat. So we feel like
3 there's a need to go someplace else with regard to that.
4 And we feel like that if the ranchers have the opportunity
5 to step up and retain some ownership and can raise funds
6 for this, it will be very critical to our initiative.
7 Thank you.

8 MR. CRIBLEY: Thank you.

9 Deb Donahue. It's D-E-B D-O-N-A-H-U-E.

10 And where are you from?

11 MS. DONAHUE: From Jelm, Wyoming. That's
12 J-E-L-M.

13 MR. CRIBLEY: Thank you.

14 MS. DONAHUE: I agree with Jim Allen; you
15 need better light up here. I'm afraid that's where Jim
16 Allen and I will part company, though, tonight. I'm a
17 former wildlife biologist and a lawyer, so I apologize if
18 I put people to sleep, but I do want to make some legal
19 arguments.

20 One of the things that I'd like to start out by
21 saying is that DE -- EIS's are supposed to inform the
22 public and inform the agency and also allow the public to
23 critically review what the agency proposes to do. And
24 this DEIS has failed in both respects. It seems much more
25 likely to me that the DEIS was intended to justify

1 decisions that BLM has already made. And in part I say
2 that not just because of having read it but also because
3 it was not issued with the rules like it is supposed to
4 be. But also I need to say it doesn't do that job,

5 meaning justifying the decisions already made, very
6 effectively. What it does is it glosses over the agency's
7 real objective, which is to elevate grazing and the
8 so-called ranching way of life above and at the expense of
9 all other public lands uses and values.

10 Tom Lustig has pointed out a couple of ways in
11 which that is happening. I've got a few more examples for
12 you. BLM is proposing to require another layer of
13 cooperation with state and local grazing boards and --
14 which don't even exist. BLM says in the EIS it hopes they
15 will form as a result of this extra layer. But at the
16 same time that it's proposing to reduce public
17 opportunities for participation in grazing decisions and
18 yet the asserted justification for the latter decision is
19 to improve agency efficiency, there's no discussion of the
20 fact that agency efficiency will not be improved by this
21 extra layer of bureaucracy with grazing, with grazing
22 permit interests.

23 The DEIS suggests that monitoring data
24 interpretation will be entrusted largely to BLM and to
25 permittees to the exclusion of other land users. The DEIS

1 contains numerous emissions, explicit or implicit, that
2 grazing causes severe ecological consequences and that
3 removal of grazing or cessation of -- excuse me, removal
4 of livestock or cessation of grazing can result in
5 beneficial ecological effects, but I haven't found one
6 instance in the DEIS where BLM proposes to act on that
7 conclusion.

8 BLM -- one of the biggest ways in which this EIS
9 and the proposed grazing rules indicate that it's
10 elevating livestock interests above others is in the sense
11 that it -- and it's mentioned this in its press release
12 when it issued the EIS, it mentioned it tonight -- it's
13 suggesting that it needs to -- it must ensure -- and
14 that's BLM's word -- ensure consideration of purported
15 social, cultural and economic effects of its grazing-
16 related decisions. Nowhere in the EIS does -- or in the
17 rules does BLM say what authority that's based on. There
18 is no authority in BLM's governing mandates, as far as I
19 can tell.

20 BLM does suggest in the rules and in the EIS,
21 however, that NEPA somehow requires that. But that
22 interpretation of NEPA is flawed. There is no NEPA
23 requirement to consider social, economic and cultural
24 effects of all agency actions. The CEQ rule, which is
25 binding on BLM, says that economic or social effects are

1 M-C-C-U-L-L-O-C-H.

2 MR. McCULLOCH: Correct.

3 MR. CRIBLEY: And where, sir, are you --

4 MR. McCULLOCH: I'm a rancher. I'm from
5 up near Wheatland, Wyoming.

6 MR. CRIBLEY: Okay. Thank you.

7 MR. McCULLOCH: I didn't know what to
8 expect when I come down here, but I was interested enough
9 to come and see what it was all about. I read on the
10 Internet some of the -- on your Web site some of the
11 things, but there's a lot of it that I don't understand,
12 and hopefully I can get that cleared up in the question
13 and answer period after this is over.

14 But in sitting there listening to the different
15 speakers, when I first -- when you first introduced how
16 you was going to do, in a formal hearing and all, I was
17 about ready to get up and walk out, but after hearing the
18 speakers, I think it's pretty neat. It's a good way to do
19 it.

20 Anyway, I don't have a lot of comments prepared,
21 and I think I will be sending some into your Web site and
22 so on. But if you want to cooperate with the ranchers, I
23 think that's a very good thing. And I know I'm
24 prejudiced, but if you take a person that's making his
25 living off the land, you can't have a better steward than

1 that person.

2 Some of the habitat, the environmental issues
3 and things like that, they're trying to do good and all,
4 but they don't know how. If we abuse that land, if we
5 cause erosion and detrimental effect to that land, it
6 affects our living. So I don't think there's anybody
7 better prepared to take care of the land than the people
8 trying to make their living off of it.

9 I had one other comment right then, but I'm kind
10 of nervous standing up here in front of this thing. I
11 don't know whether it's going to go off or what. But
12 anyway, I appreciate the opportunity to put in my two
13 cents' worth. Thank you very much.

14 MR. CRIBLEY: Thank you.

15 John Amoroso, J-O-H-N A-M-O-R-O-S-O.

16 And, John, where are you from?

17 MR. AMOROSO: I'm from Longmont, Colorado.

18 MR. CRIBLEY: Okay. Thank you.

19 MR. AMOROSO: Thank you for the
20 opportunity to speak tonight. I'm representing myself as
21 a hunter and angler and a recreational user of BLM public
22 lands. I have used those lands across the West, in
23 Oregon, Washington, Montana, Utah, Wyoming, Colorado, New
24 Mexico and Arizona for those purposes. I have also been
25 both a public user and a permitted user of BLM public

1 lands, and I feel as such and as a member of the public
2 that my concerns are just as valid as somebody who is
3 using the lands for commercial gain.

4 I'm concerned about provisions in the proposal,
5 proposed grazing regulation provisions, that take away
6 public input out of the permitting process in certain
7 places. I believe the public ought to have an equal say
8 in a decision made on multiple-use lands. Without that
9 chance it places uses, such as grazing, above others and
10 implies that they should be the dominant use on public
11 lands.

12 As a hunter and a fisherman and a recreator on
13 public lands I'm also part of a valuable economic --
14 excuse me, a valuable economic benefit to local
15 communities throughout the West and nationally. And I'm
16 particularly concerned about changes to the regulations
17 that can lead to lengthy periods of time, possibly as much
18 as ten years, before changes can be made in grazing
19 permits. Ten years can be a very long time when taking
20 into consideration health of riparian areas, wildlife
21 populations and recreational opportunities.

22 Again, the proposed rule changes seem to make
23 grazing concerns predominant use on public lands, and as a
24 taxpayer and a member of the public I'm opposed to putting
25 grazing over those other uses, and I think they should be

1 considered equally.

2 Thank you for your time.

3 MR. CRIBLEY: Thank you.

4 Larry Rosentreter.

5 MR. ROSENTERETER: I'd like to withdraw. I
6 don't have any comments tonight. Maybe after I become
7 more familiar with the regulations, I will then --

8 MR. CRIBLEY: Okay.

9 MR. ROSENTERETER: -- send in some comments.

10 MR. CRIBLEY: Thank you.

11 And that's L-A-R-R-Y R-O-S-E-N-T-R-E-T-E-R.

12 Jeremy Nichols, J-E-R-E-M-Y N-I-C-H-O-L-S, from
13 the Biodiversity Conservation Alliance.

14 MR. NICHOLS: Yes, that's correct.

15 MR. CRIBLEY: Thank you.

16 MR. NICHOLS: Thanks for having us all
17 here tonight. Like these public meetings. Like to be
18 able to voice our concerns in public. It's a great
19 privilege that we all have in this country, and especially
20 with regards to public land management.

21 Biodiversity Conservation Alliance is very, very
22 concerned about these proposed rules, as some people have
23 expressed tonight, very concerned that these rules seek to
24 elevate grazing as the dominant and primary use of public
25 lands. Definitely feel it's a big step in the wrong

1 direction and won't do much to address some of the most
2 important problems facing our public rangelands today.
3 That's the decline of native species, decline of riparian
4 habitat, decline of water quality -- I could go on and on.

5 Very concerned about the impacts grazing has to
6 wildlife, to fisheries, native species, watersheds, et
7 cetera. We will definitely be submitting detailed
8 comments expressing these concerns.

9 In terms of the proposed rules, very concerned
10 about the public involvement, very concerned that these
11 rules inappropriately restrict public involvement. As a
12 representative of our group and as an individual, someone
13 who has grown up in the western United States, I just find
14 it inconceivable that the BLM would even consider
15 restricting public involvement in management decisions
16 affecting these lands. These are public lands. This is
17 not the Wyoming state rangeland, this is not whatever
18 grazing association -- state grazing association
19 rangeland, et cetera, et cetera, these are public lands
20 that everyone in this country has a stake in, values and
21 shares in common ownership.

22 So to that end, I definitely feel that allowing
23 range improvements that fall under private ownership is
24 nothing more than an attempt by the Bush administration to
25 give away public land, again, land that all of us have a

1 stake in and that all of us share and value in common.
2 Definitely don't feel that the current regs are perfect,
3 but why the BLM is proposing to weaken these regs is
4 beyond us, after study after study has found that
5 livestock grazing is destroying watersheds, wildlife and
6 our natural heritage. If any changes need to be made,
7 it's that more -- it's that grazing should be more
8 restricted, especially in sensitive habitats, watersheds
9 and where rangeland health is obviously poor. And I think
10 the sage grouse is case in point there, and that will be
11 coming to the forefront here very soon.

12 And on the sage grouse, you know, I think these
13 new regs are a recipe for more conflict, conflict between
14 users and conflict between resources. The BLM is only
15 assuring more public ire, more endangered species listing
16 petitions, more litigation and more distrust among people
17 and communities throughout the West that value healthy
18 wildlife populations, a healthy environment and thriving
19 wildlife.

20 And that's it. Thanks. Appreciate it.

21 MR. CRIBLEY: Thank you.

22 That's all of the folks who have signed up to
23 give statements tonight. I guess I would like to ask, is
24 there anybody else out in the audience who did not sign up
25 but who would like to make a public comment or provide

1 comment to the BLM tonight?

2 If there is nobody else who would like to
3 provide comments, we will go ahead and close this session.
4 I want to thank everybody again very much for coming out
5 tonight and providing your comments. And as I said
6 previously, we will stay here as long as there's anybody
7 here who would like to talk to us or ask questions about
8 these proposed regs and draft EIS. Thank you very much.

9 (The hearing proceedings concluded
10 at 7:40 p.m., February 3, 2004.)

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I, NORMA JEAN DeLONG, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein constituting a full, true and correct transcript.

Dated this ___ day of _____, 200_.

NORMA JEAN DeLONG
Registered Professional Reporter

