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SUNSHINE REPORTING SERVICES
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Reno, Nevada 89509
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BUREAU OF LAND MANAGEMENT

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GRAZING ADMINISTRATIVE REGULATION REVISION

9

PUBLIC SCOPING MEETING

10

March 20, 2003

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Reno Sparks Convention Center
4590 South Virginia Street
Reno, Nevada 89502

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REPORTED BY: BARBRA WISHNOFF-TUTTLE, CCR #744, RDR

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BLM PARTICIPANTS

U.S. Department of the Interior
Bureau of Land Management
Washington Office
1849 C Street, NW
Washington, DC 20240

- JIM HUGHES BLM Deputy Director
- TIM REUWSAAT . . Rangeland, Soil, Water & Air Group Manager
- MIKE HOLBERT Senior Rangeland Management Specialist
- KEN VISSER Rangeland Management Specialist

Deputy Regional Solicitors: CLEMENTINE BERGER
KEVIN MACK
Department of the Interior
Office of the Solicitor
Sacramento, CA

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1 RENO, NEVADA, THURSDAY, MARCH 20, 2003, 6:00 P.M.

2 -oOo-

3 MR. REUWSAAT: We're getting ready to start
4 the process and that to get your comments. As you get ready
5 to come up and provide comments, I just wanted to tell you
6 what we're after in receiving those comments. As Mike said,
7 we're here in scoping. And scoping is, we're looking at
8 the extent of the regulatory changes and/or issues that
9 are concerning grazing regulations. And that will set the
10 scope of the environmental impact statement as well as
11 helping establish alternatives that we are in the
12 environmental impact statement process.

13 I also wanted to say what tonight's meeting
14 is not. It is not a question and answer period. We're

15 here to listen to you. It is not a debate. You're supposed
16 to be giving us comments on the regulations, not debating
17 with each other in the audience. Okay. So, it is not very
18 productive having a debate. It's very productive hearing
19 from you as far as what things we need to consider in the
20 regulations and in the environmental impact statement. So
21 with that said, I'm going to ask Timmie Berger to explain
22 how she and Kevin Mack will conduct the comment period, I
23 guess.

24 MS. BERGER: Thank you, Tim. Again, my
25 name is Timmie Berger and with me is Kevin Mack. We're

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1 attorneys for the Department of the Interior and we have
2 our office in Sacramento. We want to welcome you here and
3 thank you very much for taking the opportunity to
4 participate tonight in BLM's revision of the grazing
5 regulations.

6 We want to talk a little bit again, just
7 reiterate what the ground rules are for the process that
8 we're engaging in tonight. And as Tim indicated, it's an
9 opportunity for us to hear from you, to hear what you like
10 and what you don't like and what you would like to see
11 included in possible revisions of the regulations. We've

12 determined based on the number of people who have indicated
13 so far that they would like to speak, that approximately
14 six minutes per person is about what we can handle tonight.

15 So, what we will do is, we'll -- we have
16 index cards with the names of the individuals who have
17 indicated that they would like to speak. And what we'll
18 do is, we'll call each person, give them an opportunity to
19 approach the microphone and then they can begin speaking.
20 Kevin Mack will be the timekeeper this evening. And he's
21 got a couple of nifty little cards that are going to help
22 with this process. Six minutes doesn't sound like a lot of
23 time, but it is. However, if the individual reaches the
24 five-minute point, Kevin will go ahead and flash his
25 one-minute card and just to indicate to the person that

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1 they should consider wrapping up their comments. And then
2 he's got his pink stop card, too, which will let the person
3 know that their six minutes have elapsed.

4 If you don't have an opportunity to provide
5 all of the comments that you want to make tonight, we will
6 accept written comments, as has already been indicated,
7 and you'll also have the opportunity to submit written

8 comments, and you have the opportunity to submit comments
9 electronically through the website that's listed in the
10 Federal Register. I think that's probably about it for the
11 ground rules.

12 That's a good point. When you approach the
13 microphone, I will read the name off, but when you approach
14 the microphone, could you please introduce yourself, state
15 your name. And if you are affiliated with a certain group
16 or whatever your affiliation is, please speak that, too.
17 We have a court reporter here tonight who is going to take
18 down the statements and comments that everyone provides so
19 that we'll have an accurate record of what everyone said
20 because, as we said, these comments will be used to help us
21 in the rule-making process.

22 Okay, on that note, I will call the first
23 speaker, and that individual is Linda Eissmann.

24 MS. EISSMANN: Well, good evening. My name is
25 Linda Eissmann and I'm a senior research analyst for the

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1 Nevada Legislative Counsel Bureau. The Legislative Counsel
2 Bureau is the central nonpartisan staff to the Nevada
3 Legislature. We serve both houses and both political

4 parties. Tonight, I'm representing the Nevada State
5 Senator Dean Rhoads at his request. By the way, Senator
6 Rhoads had asked me to extend to you his welcome to Nevada
7 and his thanks for choosing this State as one of your stops
8 in the scoping meeting tour.

9 Senator Rhoads represents the Northern
10 Nevada Senatorial District which comprise Elko, Eureka,
11 Humboldt, Lander, Lincoln, Pershing, and White Plain
12 Counties as well as a large portion of Nye County. Because
13 our legislature is currently in session, Senator Rhoads was
14 unable to attend this meeting. He asked me to present you
15 with a letter regarding the grazing regulations being
16 discussed tonight. And with your permission, I would like
17 to just briefly read that into the record. And I did
18 provide an original copy and some additional copies to Pam
19 Robinson.

20 The letter is addressed to Kathleen Clarke
21 as the Director of the BLM. Dear Ms. Clarke, thank you for
22 the opportunity to provide comment on the proposed changes
23 to the federal grazing regulations being considered by the
24 BLM. As Chairman of the Nevada Senate's Standing Committee
25 on Natural Resources and the Nevada Legislature's Statutory

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1 Committee on Public Lands, I'm very familiar with grazing
2 issues in Nevada, particularly as they pertain to public
3 rangelands. My comments will specifically address
4 stockwater permits on public land and shared title of
5 certain range improvements.

6 Regarding stock water permits, as you know,
7 87 percent of the land in Nevada, 61 million acres is
8 federally managed, with 68 percent administered by the BLM.
9 Nearly 700 grazing permits are issued to Nevada ranchers
10 making stockwater permits a significant issue for our
11 agricultural industry. In fact, it has been estimated that
12 at least 77 percent of Nevada's water is used by
13 agricultural producers, many of which are permittees on
14 the public land.

15 Stockwater permits are also critical in the
16 proper management and allocation of Nevada's limited water
17 resources, since we are one of the most arid states in the
18 nation. The development of stockwater projects by our
19 agricultural industry benefits livestock, wildlife, wild
20 horses and the agricultural industry by dispersing grazing
21 across the range, rather than concentrating it only in
22 specific and sometimes environmentally sensitive areas.

23 Before the current grazing regulations were
24 adopted, Nevada allocated stockwater in one of three ways,
25 depending upon who developed the water right and put the

1 water to beneficial use. The three-way system allocated the
2 water to the range user, to the Federal Government, or
3 jointly to both. This provided Nevada with the greatest
4 flexibility in managing our water resources on the public
5 land.

6 However, the current federal regulations
7 regarding stockwater permits is found in 43 CFR 4120.3-9
8 and reads in part: "To the extent allowed by the law of
9 the State within which the land is located, any such water
10 right shall be acquired, perfected, maintained, and
11 administered in the name of the United States."

12 Based on the plain language of this
13 regulation and because Nevada's water law provides for the
14 three-way system which allows the BLM to obtain stockwater
15 permits in the name of the Federal Government, it appears
16 that joint permits or permits in the name of the range
17 user only are no longer possible in Nevada. The federal
18 regulation apparently requires the BLM to acquire stockwater
19 rights exclusively in the name of the United States. This
20 precludes the range user from holding the water rights in
21 his own name, even if he was fully responsible for its
22 development and putting the water to beneficial use.

23 This situation seriously restricts the
24 management of Nevada's water resources by eliminating our

25 ability to issue permits based on how the water is

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1 developed and put to beneficial use. It also eliminates
2 any incentive for private water development on public land.

3 Therefore, I strongly urge you to remove the
4 language requiring acquisition of water rights in the name
5 of the Federal Government and allow states like Nevada to
6 return to the traditional three-way system that served us
7 well. This provides an incentive for range users to develop
8 stockwater rights that benefit livestock, wildlife, wild
9 horses, and our agricultural industry.

10 To this end, the Nevada Legislature is
11 currently considering Senate Joint Resolution Number One,
12 which urges the Secretary of the Interior to amend this
13 specific regulation. And a copy of the resolution is
14 attached to that letter for your reference.

15 And finally, regarding shared title of range
16 improvements, it is my understanding that under the current
17 regulation, range improvements are considered the property
18 of the Federal Government. I strongly disagree with this
19 approach, given that many of the improvements are made by
20 the permittees at their expense. Considering these
21 improvements to be the property of the Federal Government

22 eliminates any incentive for necessary land improvements
23 that might result in improved range conditions. If I, for
24 example, spend \$10,000 for water development including
25 pipes, valves, storage tanks, and troughs, I should be able

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1 to move my improvements to another ranch or allotment if I
2 relocate a few years later. I should not be forced to
3 leave those improvements behind, thereby allowing the
4 Federal Government to claim full ownership of them.

5 As you consider changes to the existing
6 grazing regulations, I urge you to consider how best to
7 encourage private investment on public land, and how best
8 to provide incentives for beneficial range improvements.
9 This is the most effective way to foster proper stewardship
10 of the land, promote community-based conservation, and allow
11 greater flexibility in the management of the public
12 rangelands and associated water resources.

13 Thank you for the opportunity to submit
14 these comments. And please feel free to contact me if I
15 can provide any additional information. Respectfully, Dean
16 Rhoads, State Senator. Thank you.

17 MS. BERGER: Thank you very much. The next

18 speaker will be John O'Keefe. As John is approaching the
19 microphone, I would like to say that if you haven't signed
20 up, that if you decide during the course of the evening
21 that you do have some comments that you would like to make,
22 there will be the opportunity for you to sign up to speak.
23 So just keep that in mind. Thank you, John.

24 MR. O'KEEFE: Thank you, I'm John O'Keefe.
25 I'm a permittee from the Lakeview District in Oregon.

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1 I'm also the Chairman of the Public Land Committee for the
2 Oregon Cattlemen's Association. I'm Oregon's representative
3 on the Board of Directors of the Public Land Council.
4 And I'm currently serving as the vice chairman of the
5 Federal Land Committee for the National Cattlemen's Beef
6 Association. I say these things not to stress my
7 importance, but to give you an idea of where my duties
8 take me and the amount of conversations I've had with
9 members of the livestock industry to discuss these things.
10 We've had many conversations in the last few years about the
11 BLM regulations and what we would like to change and what we
12 think is feasible to change. And I would like to comment on
13 a few of those now.

14 I would like to thank you for instituting

15 the rule-making process and allowing us this opportunity
16 for comment. I would like to address a few of the issues
17 in the vast notes of rule making. The first issue I would
18 like to address is the issue about the locking of gates on
19 public land. As I said over the last few years, I've had
20 many discussions about what things we'd change in the BLM
21 regulations and in our endeavors and the inability to
22 control access is not one of our issues. And we feel that
23 this sends the wrong message to the public. It creates ill
24 will and it's what we recognize from time to time, the
25 problems in letting those things happen. We don't feel on

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1 public land it's appropriate for us to try to lock out a
2 segment of the public. So the Public Land Council and the
3 National Cattlemen's Federal Land Committee are requesting
4 that this item be dropped from the rule making. There's
5 other ways to handle those conflicts out there.

6 The next item I would like to comment on is
7 the reserve common allotments. This is an issue that could
8 do a lot of good for our industry. It would be a great
9 mechanism to relieve hardship on the small family businesses
10 that make up our industry.

11 MS. BERGER: Mr. O'Keefe, could I ask you
12 please to face toward the court reporter, just to make sure
13 that she gets the comments because it's sometimes a little
14 bit hard to hear what's being said.

15 MR. O'KEEFE: Certainly.

16 MS. BERGER: Just to make sure that she gets
17 everything. Thanks.

18 MR. O'KEEFE: But one of our main concerns
19 about these reserve common allotments is where they'll come
20 from. It's real important that these lots be taken from
21 active permits. We don't want this to be at the expense of
22 the people that are out there now trying to make their
23 living. If there is a way through painless attrition
24 process as people retire or leave the industry, that might
25 be appropriate. There might be other ways. But we don't

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1 want this to come from permits that are currently active.

2 Another possibility, as we all know, there
3 is what's known as a buy-out proposal out there now. In
4 its current form, this buy-out proposal is totally
5 unsupportable and inappropriate. However, if at some time
6 down the road there is a pilot project that's being done or
7 a buy-out proposal in some other form, we would strongly

8 recommend that permits bought out rather than being retired
9 in perpetuity be placed in a forage reserve to allow for
10 easing of some of the conflicts that are occurring out
11 there.

12 The last issue that I would like to address
13 this evening is the monitoring issue. We recognize that
14 it is extremely important to the long-term monitoring that
15 supports our grazing program and it establishes its
16 sustainability. The Public Land Council and the NCBA have
17 at this time and for the past six months had a monitoring
18 task force in place working on this issue. The final report
19 will be out in early April. And this, this rule-making
20 process will be an ideal opportunity to take advantage of
21 the recommendations of this task force. And I would urge
22 you to do so. And I, once again, I would like to thank you
23 for this opportunity.

24 MS. BERGER: Thank you, Mr. O'Keefe. The next
25 speaker will be Mr. Pete Talbott.

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1 MR. TALBOTT: Good evening, my name is Pete
2 Talbott. I'm from Lakeview, Oregon, and I represent the
3 Oregon Cattlemen's Association. I'm on the reevaluation of

4 the grazing regulations task force. This evening, I would
5 like to comment on two areas. The first being BLM acquiring
6 water rights, and the second being nonpermit related
7 violations that the permittee might be involved in.

8 First, our position on the BLM acquiring
9 water rights should follow state water law and state water
10 regulations. Water is a multifaceted resource. And
11 states have adapted their laws to cover fisheries, energy
12 generation, domestic uses, irrigation, stockwater,
13 transportation, and other uses. State water laws started
14 in the 1800's, and in order to maintain any continuity, we
15 feel it is critical that the federal government follow state
16 water law, and no other method.

17 Secondly, concerning non-related permit
18 violations that a permittee may become involved in, we feel
19 that a permittee's permit should only be placed in jeopardy
20 due to permit-related violations. BLM managers should not
21 be authorized to take actions against a permittee for
22 actions that do not violate the terms and conditions of
23 the permit itself. And with that, I'd like to thank you
24 for this opportunity.

25 MS. BERGER: Thank you, Mr. Talbott. The next

1 speaker will be Mr. Gary McCuin. I hope I'm pronouncing
2 that correctly.

3 MR. MCCUIN: Thank you. My name is Gary
4 McCuin, I'm with the Nevada Department of Agriculture,
5 advocating for agriculture and grazing permittees in the
6 State of Nevada. First, I wish to thank you, Director
7 Clarke and Secretary Norton, for allowing us the
8 opportunity to speak to you and for your service in
9 promoting more effective relationships with grazing
10 permittees. Towards that, I have two points that I would
11 like to speak to tonight.

12 First is the definition of forage and
13 monitoring method used to determine if there's additional
14 forage. And in 4110.3-2 B, it talks about increasing
15 permitted use. The next section is decreasing permitted
16 use. And then you have another section implementing
17 reductions in permitted use. You do not have a section
18 that talks about implementing increases in permitted use,
19 nor do you define clearly how the monitoring is to be done,
20 what the trend studies are, et cetera, in order for AUMs to
21 be increased on a particular allotment.

22 The next point that I would like to speak
23 towards is on active use, authorized use, and grazing
24 preference and preference. These definitions need to be
25 clearly defined and utilized as was originally intended in

1 the Taylor Grazing Act with the intent of stabilizing the
2 range livestock industry. And with that, I thank you.

3 MS. BERGER: Thank you, Mr. McCuin. Our next
4 speaker is Mr. Ed DePaoli.

5 MR. DEPAOLI: My name is Ed DePaoli, and I
6 used to work for the BLM many years ago. I'm a rancher now
7 and Chairman of the Central Committee of the Nevada State
8 Grazing Board. I sure thank you for coming out and hearing
9 what we have to say. I won't take a lot of time. There's
10 a couple of things that I would like to say. One of the
11 new things in all of this is the reserve common allotment.
12 This is a term that we hadn't heard before. And I think
13 if we look at some of the history, stabilization of the
14 livestock industry occurred since the Taylor Grazing Act.
15 And I think it's still an important facet today.

16 One of the things on this new concept of
17 reserve allotments, I would urge you to look at what is
18 already in reserve. See if there may be a benefit to using
19 some of the things that are already reserved. And by that,
20 some examples close to home are the Sheldon and the Hart
21 Refuge. These are areas where the slate has been wiped
22 clean and there is no grazing at all. You could restore it
23 in any fashion that you want. And who better to look at
24 that than somebody with 60, 70 years of grazing regulation

25 experience and management. I think the time is right to

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1 take a look what we already have. I think there is some
2 benefits that can be accrued in those refuges if the program
3 were reinstituted there.

4 The only other thing that I would like to
5 mention is the going back to the sharing of range
6 improvements, the money range improvements. This is getting
7 back to some incentive which has been, if we look back at
8 the last 15, 20 years, especially the last eight years, the
9 incentive to do things by private enterprise has evaporated
10 and we need to get some of that back. I think if we do,
11 you'd be complying with the four C's. Thank you.

12 MS. BERGER: That you, Mr. DePaoli. The next
13 speaker will be Jim Linebaugh.

14 MR. LINEBAUGH: Hi, folks, my name is Jim
15 Linebaugh. I'm a certified range management consultant
16 and I'm from Carson City, Nevada. I, too, wish to commend
17 you folks for being here and taking a look at these grazing
18 regulations. It seems like some of the recent rules have
19 put BLM in a rather difficult position as far as managing
20 rangeland. So I think it's a real good idea.

21 This idea of reserve common allotments or

22 grass banks is a good one, but it cannot be used to take
23 grazing away from legitimate users of allotments. Forage
24 must be truly available and not otherwise committed. And
25 the BLM might also consider working with other agencies

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1 such as the Sheldon refuge where forage could be made
2 available when needed and the refuge itself would benefit
3 by the managed use by livestock. And I echo other comments
4 that state water law and private rights must be fully
5 recognized on federal land.

6 Permittee ownership is really a must. If
7 private owners finance some of this development work,
8 there's a great incentive out there to do a better job on
9 the ranch land. And then if they are not allowed the use
10 of these improvements, they probably should be compensated
11 somehow or allowed to actually remove whatever they can.

12 And one big thing that I have been interested
13 in for many, many years, I urge BLM to build in provisions
14 and requirements for collaborative decision making in
15 rangeland management planning. It is a process called
16 coordinated resources. It's had a 25-year successful trial
17 run in the Washoe experimental stewardship area and I think

18 it's time that it should be widely applied. And the
19 process has also been used successfully in many other
20 rangeland areas. It's even called for in some of BLM's
21 land use plans. And with that, I will probably add to this
22 and send them in to you folks on the e-mail.

23 MS. BERGER: Thank you, Mr. Linebaugh. Mr. Red
24 Roberts will speak next.

25 MR. ROBERTS: Good evening, my name is Red

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1 Roberts. I have ranches called the Dodge ranches east of
2 Ravendale, California. However, they cross over into
3 Nevada. I welcome the chance to work closer with BLM.
4 This is a 180-degree turnaround, in my opinion, for the BLM
5 to listen to some of the ranchers. It seems that our past,
6 Mr. Bruce Babbitt did a great job of dictatorship, and I'm
7 happy that that era is over. I certainly welcome working
8 close to the BLM.

9 An issue that I'm concerned with is the
10 ruling by the Court in regards to Hage. I was in
11 Susanville's BLM office a couple of weeks ago discussing
12 this, and they didn't know a thing about it. I said, "Well,
13 I just happened to have a copy of the Western Livestock
14 Journal, which you have my permission to make as many

15 copies as you want." I said, "I'm surprised that you
16 haven't heard anything from the higher office of the BLM
17 piped down to the local offices, or if you have, you're
18 hiding it."

19 He said they didn't have any transmissions
20 from the BLM office in Washington D.C. but he would look
21 into a matter that concerns the ranch that I have in
22 California and also in Nevada where I control all the water.
23 And according to that BLM -- I mean, the Western Livestock
24 Journal Publication, last November, that the owner who
25 controls the water -- and mine, incidentally, is on deeded

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1 ground -- would have the use of the range in that area.

2 Unfortunately, the range, some of the range
3 that is concerned with the Dodge Ranch was taken away from
4 a former owner, John Casey, because he had some problems
5 with the BLM. This is still being held against me. And I
6 told the BLM office in Susanville, "Please do not hold me
7 responsible for some other party, which, in this case,
8 happens to be a dead man. Let's go forward and let's
9 settle these problems so I can get the cattle back out on
10 the range."

11 At a later date from my first visit with
12 them, they called me back and said, "This cannot be. We've
13 looked over the copy that we made from Western Livestock
14 Journal and I have made a ruling that you cannot run your
15 cattle out there."

16 I said, "Is there a legal ruling or your own
17 opinion?"

18 He said, "This is my opinion."

19 I said, "It doesn't mean bull." It has come
20 down from the BLM high office, filtered down to you and you
21 as a range rider, as an area supervisor for the BLM which is
22 public land is not in the position to make a ruling good,
23 bad, or indifferent. I thank you very much for the time
24 to comment, and I hope in the future that all of us ranchers
25 will have a closer association with the BLM.

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1 One last thing, the environmental groups
2 have been harassing the cattlemen for years. And when
3 there's no other way out for them, they run a flag up and
4 say "endangered species." The BLM has been buying this and
5 cutting allotments because of an endangered species without
6 proper investigation to see if that is true or false. The
7 greatest conservationists that the West has ever seen is

8 what you are looking at tonight here, ranchers, that their
9 livelihood depends on managing the range. Thank you very
10 much.

11 MS. BERGER: Thank you very much, Mr. Roberts.
12 The next speaker will be Mr. Ned Coe.

13 MR. COE: Hello, my name is Ned Coe. I'm a
14 field representative for California Farm Bureau. And I
15 would like to thank you for being here and giving us this
16 opportunity today or this evening to address the proposed
17 grazing rules. I think this is an excellent opportunity
18 for a chance to improve the environment and health of
19 rangeland, and also it's an opportunity to improve the
20 working relationship between permittees and BLM.

21 A couple things that I would like to address
22 this evening are the reserve comment allotment, or as a
23 couple previous speakers mentioned, grass bank. It gives
24 an opportunity whose time has come, gives a permittee an
25 opportunity to take on a long-term range improvement project

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1 where they would need to have their livestock removed from
2 their permit for a couple of years and be able to accomplish
3 these long-range improvement goals, also, provide feed

4 source during an emergency situation.

5 But the key to this, as my neighbor to the
6 north, John O'Keefe said, this cannot come from active
7 allotments. It has to come from vacant allotments for the
8 system to work. It also needs to develop a fair and
9 equitable method for making this grass bank available to
10 permittees.

11 To reiterate comments on shared title of
12 improvements, this puts back in the incentive for a
13 permittee to put sweat equity and their own dollars into
14 improvements in their range because they will actually be
15 able to have a title to that, that they can show on a
16 balance sheet to a banker when they have to justify those
17 expenditures.

18 One last thing that isn't in the proposals,
19 but I'd like to take the opportunity to expand on monitoring
20 ideas. We repeatedly monitor existing active permits. I
21 would like to see this expanded into monitoring of vacant
22 and retired permits so that we can get a true reading of
23 what the long-term trends are when livestock is removed
24 off of grass land, and not just have a speculation that it
25 is improving just because there are not livestock on this

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1 permit.

2 Once again, I would like to thank you for
3 your time this evening and the California Farm Bureau will
4 be submitting written comments on the proposed rules. And
5 we are pleased to be able to work with you. Thank you.

6 MS. BERGER: Thank you, Mr. Coe. The next
7 speaker will be Mr. Ted Hoffman.

8 MR. HOFFMAN: Good evening, I'm Ted Hoffman.
9 I'm the president of the Idaho Cattle Association. My
10 comments are not the final policy of the cattle association
11 on this issue, but they're certainly ideas that we're
12 considering and we're urging you to consider also. I'm a
13 federal land dependent rancher, near Mountain Home, Idaho.
14 If my permit were to disappear, my ranch, the remainder of
15 my ranch would become a golf course in about six months.
16 It's not that my family and I are enamored of golf, but
17 every dollar we have is tied up in that ranch. We would
18 need to recover on our investment.

19 We feel that performance-based stewardship
20 contracts are certainly an idea worth pursuing. We think
21 both the permittees and local government would increase the
22 sense of partnership and require cooperation to be
23 successful, and would demonstrate the validity or not of
24 local information and thoughts as to how to do things.
25 Individuals and communities would be challenged to show new

1 capabilities and we feel that would benefit all aspects of
2 the resources and all interests.

3 We would caution, however, that failure to
4 achieve some of the performance-based standards would not
5 necessarily -- should not necessarily reflect ill on the
6 rancher. Ranch science is an inexact science. If they made
7 good faith effort to follow through on their commitments,
8 one can't always predict what will happen in the biological
9 world.

10 Regarding the consideration of what criteria
11 to examine as far as requested increased permitted use, we
12 feel you should consider fuel load and fire effects as a
13 primary concern. The decreased use in recent years in the
14 West we feel has contributed significantly to the increase
15 in wildfires, particularly the decreased temporary,
16 non-renewable use in the fall. We also feel that the
17 impact of increased economic opportunity for the rancher
18 and its effect on their stewardship options and private
19 land ecological values should also be considered.

20 The administration -- or administrative
21 actions for which fees are being reconsidered is troubling.
22 We assume that you're not considering decreasing these
23 fees. We feel that's inappropriate. We think strict
24 accounting of time and materials spent on most allotments

25 by the government would reveal that regulation of grazing

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1 itself costs well below the fee that the rancher pays. The
2 costs of fire planting and suppression and rehabilitation
3 and fence maintenance, weed control, ESA activities,
4 agricultural resources, protection of water development, and
5 maintenance and many other costs would remain even if there
6 was no grazing on that land. We feel pretty certain the
7 public would demand those values be maintained. In fact,
8 the permittee constantly assists in many of these efforts
9 and these costs are not as high as they would be if the
10 grazing did not occur. Unless the fees are minimal and of
11 little financial impact, it's reasonable to assume that
12 permittees who are generally cash poor would only seek to
13 avoid these fees and that would lead to a decreased order in
14 the administration of the range, which is the primary charge
15 of the BLM.

16 And then unless the permittees were also
17 allowed to charge you fees for their efforts on the land
18 and for providing the agency access through private land, I
19 think this additional fee would lead to more estrangement
20 instead of an increased sense of partnership.

21 The NEPA regulations, as far as they apply
22 to range improvements or projects or permit renewal, we feel
23 has been overdone. Every allotment has been studied, that
24 has been analyzed under the NEPA process for the impacts on
25 grazing a number of times and we keep reinventing the wheel.

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1 If we could just change those regulations so you could just
2 refer back to the last three decisions regarding the
3 required NEPA analysis on the allotment and just focus on
4 what is new, it would save the BLM a lot of time and money
5 and they can get other things done.

6 And finally, while these grazing regulation
7 changes are needed, I don't feel they address the major of
8 problems this administration faces in having the four C's
9 and other administration philosophies become operative in
10 daily practice on the ground. I don't think they address
11 the major obstacles between permittees and a sense of
12 security about their allotment which is sufficient to allow
13 them to begin to make long-term plans again, which are,
14 essentially, good stewardship. And they also don't address
15 the means by which the main progress of obstructors, if you
16 will, like the Washington Watershed Program and the
17 Committee for Idaho Desert don't address how they are able

18 to succeed in winning appeals and litigation. And the fact
19 is the main problem is personnel, not regulation.

20 I don't know for a fact, but I have seen it
21 written a number of times, that there are half as many BLM
22 employees trained in ranges as there were not too long ago.
23 And the majority of the employees in every resource area
24 district and state office and national office are not
25 trained in the range, despite the fact that the BLM land,

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1 almost by definition are, in fact, rangeland. And this
2 creates a problem that you cannot overcome just through
3 regulation. I thank you for your time.

4 MS. BERGER: Thank you, Mr. Hoffman. The
5 next speaker will be Mr. Doug Busselman.

6 MR. BUSSELMAN: My name is Doug Busselman.
7 I'm the Executive Vice President of the Nevada Farm Bureau.
8 We would like to express our appreciation for the BLM
9 holding this meeting in Reno and affording us the
10 opportunity to make these public comments on the potential
11 changes to livestock grazing regulations. We will also be
12 submitting written comments on a more extensive basis to
13 the matters raised in the Federal Register notice of

14 advanced notice of proposed rulemaking.

15 In our comments tonight, we wish to hit on
16 two key priorities that we believe are essential in the
17 process of changes to current BLM livestock grazing
18 regulations. We attempted to use the Nevada Bureau of
19 Land Management website in order to be able to develop our
20 comments in reference to specific areas of regulation but
21 were unable to retrieve the specific language of citations
22 in the CFR. We will attempt to obtain a written copy of the
23 entire section of the livestock grazing regulations in order
24 to improve on our written comments.

25 The two areas we wish to stress tonight deal

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1 with water rights and range improvements. We are currently
2 involved in legislative deliberations in the Nevada
3 Legislature to address concerns over stockwater, water
4 rights permits. The basis for our organization's
5 involvement in this issue area is our member development
6 or adopted public policy position which states, "Nevada
7 Farm Bureau encourages actions to expand the private
8 development and ownership of stockwater and federal land."
9 We believe that such a policy objective is important for
10 several reasons, including the benefits for enhanced

11 resource condition that result from maximum livestock
12 distribution made possible by expanded water development
13 projects. Providing the opportunity to provide development
14 of water resources on federal lands expands the resources
15 available for improving resource management.

16 We are constantly made aware of the shortfall
17 and budget dollars that federal managers have for
18 appropriate resource management. The to-do list of things
19 that need to be accomplished towards improved resource
20 management on lands administered by the Bureau of Land
21 Management is also extensive and continues to grow faster
22 than financial resources made available by Congress. We
23 believe that willing livestock permittees who wish to make
24 investment in their livestock grazing allotment should have
25 the ability to obtain the necessary permit to establish

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1 water development on Federal land, and have the ability to
2 possess ownership title in the beneficiary use of livestock
3 water rights, as well as ownership title in the range
4 improvements.

5 While the specific matters relating to what
6 might be the outcome of the 2003 Nevada legislative

7 deliberations on possible changes to stockwater rights on
8 federal land, we fully support and appreciate the stated
9 intentions of BLM to follow state law in the acquisition of
10 water rights. We believe that this good-faith intention is
11 appropriate.

12 At the same time, however, we continue to
13 receive reports from farm bureau member families throughout
14 Nevada of inappropriate attempts to acquire partial
15 ownership on the part of federal agencies of existing
16 water rights, whether on public or private land. This
17 concern and similar concerns from other states played a
18 large role in the adoption of a new policy point in the
19 American Farm Bureau policy book this past year. This
20 policy statement notes our organization's opposition to
21 public land agencies requiring relinquishment of existing
22 water rights as a condition of access for maintenance and
23 repair of water works. Reports that we've got from the
24 Nevada ranchers on this attempted coercion seriously
25 undermine the spirit embodied in the four C's mentioned by

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1 Interior Secretary Gale Norton.

2 We would strongly encourage whatever
3 appropriate regulatory changes that might be needed to

4 resolve this specific problem while at the same time
5 providing appropriate direction to federal land managers on
6 recognizing and respecting existing water right ownership.
7 We believe that working partnerships on expanding existing
8 water resources capacity is critical to enhancing resource
9 conditions on federal land in Nevada. We urge attention
10 be given to necessary regulatory changes which facilitate
11 the opportunity and needed long-term assurances for private
12 sector investment in developing water on federal land.
13 Thank you for this opportunity to call these two specific
14 areas to your attention.

15 MS. BERGER: Thank you, Mr. Busselman. The
16 next speaker will be Miss Noelle Cremers.

17 MS. CREMERS: My name is Noelle Cremers with
18 the California Cattlemen's Association and I'm here
19 representing California's 1.35 billion dollar beef industry
20 and the approximately 500 federal grazing permittees in
21 California. We would like to voice our support of the
22 proposed change to the BLM grazing regulations and we look
23 forward to working with BLM in developing workable Federal
24 Grazing Regulations that will incorporate flexibility to
25 ranchers while providing environmental benefits to

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1 rangeland. We thank you for coming out to Nevada and
2 close enough to California for us to visit and listen to
3 our comments. Thank you.

4 MS. BERGER: Thank you, Miss Cremers. The
5 next speaker is Mr. Rex Cleary.

6 MR. CLEARY: Can I give a copy to somebody?
7 My name is Rex Cleary. I'm a certified range management
8 consultant. I live in Genoa, Nevada, and I speak on
9 behalf of the Association of Rangeland Consultants. The
10 Association of Rangeland Consultants is a blend of
11 professional range consultants from private consulting
12 firms and academia, with a common interest for responsible
13 applications of range management principles.

14 The first definition -- we agree that all nine
15 definitions that were listed in the advanced notice should
16 be addressed. We suggest that two more should be addressed
17 as well. They are suspended use and temporary nonuse. And
18 the purpose for adding these two more is, in part, to be
19 able to define four terms in context with each other.
20 Those four terms are preference, active use, temporary
21 nonuse, and suspended use.

22 The first two, preference and active use,
23 you already have on the list. So adding the other two,
24 all four of these closely-related terms can be defined in
25 context with each other. We further suggest that three

1 existing definitions should be deleted. These three are
2 conservation use, permitted use, and suspension.

3 The changes under consideration that are
4 listed in the advance notice, our association agrees and
5 supports making changes on all of the subjects listed as
6 being under consideration. We offer some of the following
7 comments on certain subjects to reinforce the need for
8 change, and in one case, to offer a caution.

9 We picked out seven of the ones that we feel
10 are more important, and we simply offer encouragement and
11 reinforcement on why the changes need to be made. I won't
12 go through that now. They are in my paper that I submitted.

13 One caution, was with respect to the reserve
14 common allotment subject. We would caution while the
15 concept has obvious merits, it is also fraught with
16 pitfalls and unanswered questions. There's been an attempt
17 to establish a grass bank under the old name here in Nevada
18 and lots of problem have developed. Our association offers
19 the dialogue with BLM and the Secretary in search of
20 answers. And this subject, we think, is well suited to a
21 pilot before broad implementation. It takes a pilot to
22 help develop effective and appropriate rules.

23 Additional subjects, we listed three

24 additional subjects that we feel should be addressed that
25 are not noted in the advanced notice. First, is

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1 exchange-of-use grazing agreements. We suggest that the
2 earlier provision for grazing exchange or grazing use
3 should be reinstated which allowed private, unfenced and
4 intermingled lands which to be offered for exchange-of-use
5 outside of the permittee's allotment, as well as inside.
6 The earlier provision allowed outside land allotment to be
7 offered in return for a reduction of the owners grazing
8 bill. Then, in turn, the outside lands were then controlled
9 by the BLM who could then bill the neighboring permittee for
10 the capacity of said lands. This enabled the permittee to
11 benefit from his lands outside of his allotment, as well as
12 it enabled the neighboring permittee to pay for it and add
13 capacity of said lands to his authorization. This trade
14 arrangement was eliminated by insertion of the words "in
15 the same allotment" in the current regulation.

16 The second item is suspended use. Suspended
17 use should be reinstated. BLM has interpreted the current
18 regulations to authorize elimination of all suspended use
19 from the records at the time of the permit renewal when it
20 is based on a full allotment evaluation. This is the

21 practice being implemented. It is an unjustified
22 elimination of the base property qualifications that are
23 kept on the books in suspended status. This provision was
24 started 42 years ago in 1961 during the adjudication era,
25 and published in Circular 2075, January 1962. The intent

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1 of the 1961 rule was to carry the difference between the
2 present grazing capacity and the allotment potential on the
3 books in a suspended status so that it was available for
4 reactivation if and when the grazing capacity increased by
5 any number of means and was available for use. The intent
6 is still justified and it is wrong to eliminate this record
7 with a sweep of the pen. In fact, the intent is even more
8 relevant now than it was 42 years ago with increasing
9 competition for forage from forces such as expanding elk
10 and wild horse herds. Suspended use should be reinstated
11 before any more permittees are deprived of this credit on
12 the books. It serves as an incentive for good stewardship.

13 And the third item is the so-called "F"
14 clause. This refers to 43CFR 4130.2(f) which states, and
15 I quote, "The authorized officer will not offer, grant, or
16 renew grazing permits or leases when the applicants,

17 including permittees or lessees seeking renewal, refuse to
18 accept the proposed terms and conditions with a permit or
19 lease."

20 This is an unbelievable denial of due
21 process. The authorized officer in her or his wisdom can
22 determine the terms and conditions, and if the permittee
23 objects, there is no recourse. The permit is simply not
24 issued. A likely explanation of why there hasn't been more
25 outcry on this is because the permit is held hostage, and

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1 the permittee must have the permit. Due process and the
2 right to protest and appeal should be reinstated in keeping
3 with the regulatory tradition of fairness.

4 The Association of Rangeland Consultants
5 appreciates this opportunity to speak out and be heard on
6 this important rule-making matter. We will continue to
7 search for provisions that can be improved. We look
8 forward to working with the BLM and the Secretary to the
9 Interior to improve the regulations through this rule-making
10 process. We will submit detailed and specific comments
11 before the May 2nd deadline. Thank you very much.

12 MS. BERGER: Thank you, Mr. Cleary. The next
13 speaker will be Miss Tina Nappe.

14 MS. NAPPE: Hello. For the record, my name
15 is Tina Nappe and I, too, thank you for coming to Reno. I
16 hope that you have time to enjoy some of our wonderful
17 entertainment here. I am speaking on something that hasn't
18 been brought up before and possibly there are definitions
19 elsewhere. I don't know what citizen-based or
20 community-based decision making means. And nowhere in
21 here is it described. In fact, throughout the entire
22 document, it seems to me that the citizen is basically
23 left out of the process. At one reference there, you
24 mention Resource Advisory Councils, but these councils
25 cannot be used in any way to, as a citizen-based council

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1 for the purposes of looking at grazing. So that is one of
2 my concerns. A citizen-based system, to me, is an open
3 system. It is a transparent system. It has a process for
4 review and scope, and nowhere is this mentioned.

5 That means to me that when I'm looking at,
6 when I read these regulations is the decision making is
7 basically between the BLM manager and the permittee. That
8 is not going to be very helpful to us long term and let me
9 explain why. We have, over the last few years, we've had

10 the range standards and guidelines. These are not very,
11 very clear all the time. And they are a goal that we have
12 yet to meet. If the livestock industry is exempt from those
13 standards and guidelines and if it's the most pervasive use
14 that we have of the public land, then how can we in good
15 conscience demand more, demand that horses and burros be
16 removed? How can we look at the damage that may be caused
17 by all terrain vehicles? Why should we invest in range
18 restoration at all if we do not have some idea of what the
19 long-term goals of this land is going to be. Today between
20 fire and weeds we have huge public investments that have to
21 be made that are far beyond an individual permittee. We
22 need to have confidence in the system. And my concern when
23 I read this is that I am beginning to lose confidence in
24 that system. So I bring that up.

25 I am concerned about whether we have a lot

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1 of work being done on sage grass. If we cannot count on
2 our ranchers trying to have good properties and lands, why
3 should we invest our time in sage grass management? So
4 that's one of the concerns I might have.

5 There's the term about looking at economics
6 and the need to document. Again, I have to reference the

7 fact that that document should also talk about the cost of
8 range improvements that we all bear in terms of range
9 restoration after fires, in terms of weed control. These
10 lands are increasingly expensive. And I know I don't need
11 to tell you that. And we are all paying for them in one
12 way or another.

13 Finally, I would like to, perhaps, take an
14 opposite view on private water rights and fences on public
15 land. We are moving towards an era which, I think, we are
16 going to see more disposal of public land. And I'm not too
17 keen with having a private, a private land ownership on top
18 of public land. When you build fences and you put in
19 watering devices, that means roads. It can mean more
20 weeds. It can mean more fire danger. It can mean spreading
21 problems in areas where we've not had them. These water
22 devices do not necessarily do anything for wild life. We
23 have guzzlers in Nevada for that, although it can be very
24 beneficial for wild horses and burros. So I guess I have
25 a cautionary feeling about having more water devices which

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1 can also be used to close off areas for access.

2 We have a lot of people in the State who are

3 not very respectful, and I appreciate the fact that it's
4 very difficult for them. I am very interested in your
5 green banks and conservation resource process. I do think
6 that we need to look at how we can sustain ranching when we
7 have fires, when we have droughts, rather than going in for
8 grazing. And I am very hopeful that you will explore this
9 in some detail. Thank you for your time.

10 MS. BERGER: Thank you, Miss Nappe. Miss
11 Nappe, did you care to state any affiliation?

12 MS. NAPPE: I belong to so many organizations,
13 basically, conservation ones, but I am not speaking on
14 behalf any of them tonight, just for me.

15 MS. BERGER: Very good. Well, thank you for
16 your comments. The next speaker will be Mr. David Schumann.

17 MR. SCHUMANN: Good evening. My name is David
18 Schumann. I'm the Vice Chairman of the Nevada Committee
19 for Full Statehood. And I note your point here clarifying
20 that the BLM will follow State law with respect to the
21 acquisition of water rights, and that's a minimum. Please
22 reference Pollard v Hagan, P-O-L-L-A-R-D, v, H-A-G-A-N, a
23 Supreme Court case which says within the boundaries of the
24 State, the State has sovereignty over all of that land.
25 The federal government is a mere proprietor. It says that

1 several times. So please consult that. When the Federal
2 Government wants to acquire water rights, it must follow --
3 it just says it that way, will follow state water rights --
4 State law with respect to the acquisition of water rights.
5 That's not negotiable. That's just a fact.

6 Now, my plea here is that we get to CFR's in
7 line with the U.S. Code. With regard to the actions on
8 confiscating cattle and things, there's two sections of the
9 U.S. Code, Title 43, Section 17.01 and Title 43, Section
10 17.33, which states flatly that "When the secretary or the
11 director of the BLM finds that there is going to have to be
12 law enforcement, this is 17.1 action, he shall," it doesn't
13 say "may" or "can" or if he feels like it, "shall engage
14 local law enforcement to carry this out." Instead, we have
15 this horrible scene of pistol-packing BLM agents out there
16 confiscating cattle. That is a violation of U.S. Code.
17 It complies with Section 4150.1 through .5, I think it is,
18 of the CFRs, but that's in direct conflict with the Federal
19 Land Practices and Management Act. And I'll call it FLPMA
20 after this. It's in direct conflict with Section 17.01 and
21 Section 17.33 which states that the local governments have
22 zoning rights over the national -- and that's the words they
23 use, the national resource land.

24 So let's get the first thing we have to do
25 when we're rewriting the CFR's is get them to coincide with

24 system, so we need to do that. This gentleman was
25 discussing the Hage case, and I'll leave you this. This

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1 was filed February 5, 2003. It's the latest order of Judge
2 Loren Smith here. And I want to read part of this because
3 it's right on point.

4 "Lastly, the U.S. government appears to
5 suggest that the rights of the Court -- the rights the
6 Court enumerated in Hage v. United States, 51 Fed Court
7 of Claims 570 (2002) are essentially worthless without a
8 corresponding grazing permit. Even looking past the factual
9 disputes that exist surrounding the cancellation of the
10 grazing permits, the Court is not of the opinion that the
11 lack of a grazing permit that prevents access to federal
12 land can eliminate plaintiffs' vested water rights and
13 ditch rights that pre-date the creation of the permit
14 system. The value of these rights, if any, is something
15 to be determined at trial. For these reasons, the Court
16 hereby denies the U.S.'s motion for partial summary
17 judgment." And I'll hand you -- I'll give you this because
18 I've got extras.

19 But when you're relying on your CFRs and your

20 grazing things, you need to take this into account, because
21 it has serious implications for what you're talking about.
22 The idea that a permit is needed by the permittee is
23 fallacious. The permittee, if he wants to be regulated by
24 the government and get the government's help in these range
25 improvement deals can go ahead and sign one, but it is not

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1 necessary. He does not need one. And here is, you can read
2 the court order and then get the whole thing. By the way,
3 you can find Pollard v. Hagan on "Find Law" on the internet.
4 Since you're in Sacramento, it's right there in the law
5 library. But this happens to have been the U.S. Forest
6 Service, but it applies to the BLM as well. So thank you
7 very much for your time and I will just give you this.

8 MS. BERGER: Thank you, Mr. Schumann. The
9 next speaker will be Mr. John Falen.

10 MR. FALEN: Thank you for the opportunity to
11 be able to present some comments in front of you folks.
12 The Nevada Cattlemen's Association would like to thank you
13 for giving this opportunity to us in the State of Nevada.
14 Good to see you back in Nevada, Mike. And I'm John Falen.
15 I'm chairman of the Public Land Committee for the Nevada
16 Cattlemen. I am a member. I represent Nevada on its

17 grazing regulation task force. And I'm a member of the
18 monitoring task force that John O'Keefe referred to.

19 And I want to take this opportunity on
20 behalf of the Nevada cattlemen here, a few of us kind of
21 divided up some of these issues to kind of expedite this
22 process a little bit. Rex Cleary talked about suspending
23 the nonuse bit and I want to mention that also. There
24 seems to be a move that -- not to include suspended nonuse
25 when they reactivate a ten-year permit. And there's been

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1 some incidents in Nevada where they tried to do that. It's
2 still a part of our private property. It's still a part
3 of our permit. It does away with the incentive for range
4 improvements. If there's extra forage, the suspended nonuse
5 available is an excellent way to redo or reactive part or
6 all of that use.

7 It should say as a part of the permit when
8 they're up for renewal -- I want to give you an example when
9 I took over the allotment here several years ago. There
10 was 12,900 total AUMs. There was 5,100 active AUM's, and
11 then there were 78 suspended nonuse -- 7,800 suspended
12 nonuse. Over a period of years and through the use of TNR

13 every year, we -- and through the use of quite a bit of
14 range management, some fencing, some water development and
15 some range improvements, and, like I said, through the use
16 of TNR after the use of those improvements, and then
17 followed by a three-year evaluation process, I was -- the
18 BLM in Winnemucca reactivated the balance of 7,800 AUMs,
19 whereby using all of the 12,900 that we now enjoy the use.
20 So I say that as an example of that. It does work and the
21 process is there and it should continue to stay there.
22 Again, I thank you for coming to Nevada and giving us this
23 opportunity.

24 MS. BERGER: Thank you, Mr. Falen. The next
25 speaker will be Floyd Rathbun.

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1 MR. RATHBUN: I'm Floyd Rathbun. I live in
2 Fallon, Nevada. I'm one of a whole series of range
3 consultants and several ahead of me, so thank you very much
4 for this opportunity to speak. I am here speaking for
5 myself. I am not representing any clients tonight. I
6 also have a background in federal employment. I worked at
7 several of the agencies, including the BLM in part of my
8 misspent youth, I guess you could say. So I have some
9 firsthand experience with the CFRs and with the regulations

10 we're talking about. In an effort to be more quick, most
11 of the first speakers, except for Miss Nappe, I agree with
12 what they said. They've made all of the same comments that
13 have come up in my written comments.

14 I would like to add to several them. One
15 deals with the nature of water rights when they're talking
16 about Mr. Hage's case, Judge Smith was pretty clear on that,
17 and in explaining that the elimination of grazing permits or
18 the elimination of permitted grazing didn't change the
19 nature of private property rights in the form of water
20 rights. The water rights still exist and that's why that
21 part of that case is continuing on with trial. So that
22 nature of water rights being intact becomes an important
23 part of a ranch and an important part of the appraised
24 value of the ranch itself.

25 When a ranch is forced to share the ownership

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1 of a part of their assets and that reduces the value of the
2 ranch substantially, especially in the eyes of a banker.
3 So I am basically opposed to having, I think, Mr. Busselman
4 used the word "coercion." So it must be the fifth "C."
5 And I think that the nature of these agreements damages

6 the value of the ranches as they go around their annual
7 business.

8 There's one item that's missing from the
9 list of regulations, and that's a fairly new one, that's
10 the Federal Data Quality Act. And the Federal Data Quality
11 Act is something that's in the process of being incorporated
12 into most agencies. In almost every agency's regulations,
13 every agency is obligated under the same law. And I've read
14 the preliminary proposals for the BLM, and so there's some
15 work being done on it.

16 Under the Federal Data Quality Act, or at
17 least under these regulations, one of the things that
18 brought that act to public attention was probably the
19 effort to prove that lynx existed up in Washington State.
20 Lynx falsification by scientists who work for the Department
21 of the Interior and Agricultural the altercations and in
22 the Clairmont Basin included some accusations of inaccurate
23 or falsified data and so on. I think that the BLM still has
24 quite a few honest, technically sound technicians working
25 for them. Some of them aren't. Some of them use data that

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1 aren't supported as facts when they're scrutinized. And
2 there needs to be probably under the Data Quality Act

3 issues, some way of holding these people accountable, your
4 employees accountable and that includes criminal prosecution
5 once needed.

6 There is one attorney -- I'm fortunate not
7 to be an attorney, but I heard an attorney say that in his
8 dealings with the administrative law, that the way to
9 describe an agency's decision sometimes is that they're
10 not forced to act, on his terms, preponderance of the
11 evidence. And that was a pretty strongly-worded talk by
12 him that there is a need for federal decisions, regulatory
13 decisions, to have more supporting evidence sometimes
14 occurs. His comment was in line with this Federal Data
15 Quality Act. That's really how the comment came up.

16 There's one thing, that's one of my favorite
17 soap boxes, I guess, there's been a -- there's always
18 incentives for people who use establish terminology,
19 redefine it, and then not warn the people who they're
20 talking to that they're using a recognized, established
21 word with a new definition. One of those words is
22 "conservation" these days. There are people who use the
23 term "conservation" in exactly the same context that a few
24 years ago people were using the word "preservation." I
25 really like the tone of what you're proposing in terms of

1 conservation, as long as it's in the old definition for us
2 old people, and that means conservation means management
3 rather than preservation and an absence of management.

4 So, please be careful with the definition of
5 the terms that are driving some of these discussions. Oh,
6 I just got the sign for one minute. I thank you very much.

7 MS. BERGER: Thank you, Mr. Rathbun. The next
8 speaker is Mr. George Wilkinson.

9 MR. WILKINSON: I'm George Wilkinson from
10 McDermitt, Nevada. I run cattle on the Owyhee Desert which
11 was under the famous Veil Project which was a pilot project
12 for range improvement. And I'm here to propose that we
13 take a new look at this Wild and Scenic River Act as we the
14 ranchers are being asked to remove our cattle by the 15th of
15 July. And in doing so, this will retire thousands of acres
16 of grazing land because in Nevada, most rivers are just that
17 in name only, river. I mean, what was left there after July
18 is just mere water holes here and there for our cattle to
19 go in and water and then go out and graze the range. And
20 there's no way of improving or getting more water out there.
21 So it's just retired grazing land. So this would have been
22 done during the Veil Project.

23 Also, these riparian areas that are
24 tributaries to the so-called rivers, we're asking for --
25 they are asking for the forage stubble to be left there.

1 And I'd suggest that we need to look at the grazing season
2 and the time frame rather than the stubble height. And,
3 at this time, that's about all I have to say other than,
4 Mike, you should know what I'm talking about because we
5 rode the range together many years ago. Thank you.

6 MS. BERGER: Thank you, Mr. Wilkinson. Our
7 next speaker is Mr. Scott Chew.

8 MR. CHEW: My name is Scott Chew. My family
9 has been -- I'm from Jensen, Utah. My family has been
10 ranching in Northeastern Utah and Northwestern Colorado for
11 part of the 19th century, all of the 20th century, and now
12 into the 21st century. We raise both sheep and cattle and
13 hold several BLM grazing permits along with permits inside
14 the Dinosaur National Monument. We have a unique situation
15 being we graze on BLM land, Forest Service and National Park
16 Service land.

17 I'm coming here representing the Utah Farm
18 Bureau Federation, where I serve as a member of the Board
19 of Directors and also, you know, representing my family.
20 The Utah Farm Bureau Federation represents over 22,500
21 member families, including a large majority of livestock
22 operators. Several years ago, my wife and I were invited

23 by former Secretary of the Interior Manuel Lujan to go to
24 Washington, D.C. as semi-finalists in the "Take Pride in
25 America Campaign," where we reported on how we worked with

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1 the BLM in using proper grazing practices to implement
2 impressive riparian restoration on public lands.

3 I'd like to talk about some of the things
4 that I think, some of the nine things I was given to
5 discuss. Economic impact of livestock grazing, the
6 majority of Utah's rural communities are built upon the
7 livestock industry. Applying a conservative, research based
8 multiplier developed by Utah State University, we estimate
9 that more than 2.5 billion dollars in economic activity is
10 generated throughout public land grazing in Utah, a big
11 portion of our State's economy.

12 Utah's ranching was built upon authorization
13 for grazing livestock on the public lands under the Taylor
14 Grazing Act. And we feel like that it was a good thing.

15 I'd like to talk a little bit about NEPA
16 compliance. The National Environmental Policy Act
17 requires that economic and social impacts be considered in
18 environmental impact statements and environmental analysis.
19 Livestock grazing forms a viable base for the rich cultural

20 heritage of the West. This heritage needs to be preserved
21 and considered in any NEPA analysis.

22 And some of this stuff we talked about a
23 little bit about water rights and stuff. We feel that the
24 water rights should be dealt with according to the state.

25 We understand that the BLM is considering

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1 developing a system called the reserve common allotments.
2 This is an interesting concept and it reminds me of
3 arguments presented to my grandfather back in the 1920's
4 by federal bureaucrats urging him to help create the
5 Dinosaur National Monument. One of the arguments for
6 tying up grazing allotments within the monument that
7 grandpa went for was "These resources will be available if
8 they are ever needed." They are available through an act
9 of Congress now. We would oppose taking existing permits
10 from livestock operators for the purpose of creating these
11 common allotments and would urge the BLM to establish
12 reserve common allotments by definition and regulation and
13 to develop a fair and equitable process for allocating
14 forage under this program.

15 The part of the Taylor Grazing Act that

16 assured a person owning a grazing permit be a bona fide
17 livestock operator with base property is a good concept.
18 This has been shown since the inception of the Act by the
19 improved conditions of our ranges. The people who will
20 take the best care of them are the ones who rely on it for
21 their sustenance. We support a provision in the rules that
22 strikes "conservation" use from the regulations and restores
23 the requirement that permit and preference holders must be
24 engaged in the livestock business as required by the Tenth
25 Circuit and the U.S. Supreme Court.

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1 On the shared ownership of range
2 improvements, we feel that ranchers should share -- that
3 ranchers often invest their time and money in developing
4 improvements on public lands. And as an incentive for this
5 investment, range improvements need to be owned, at least
6 in part, by the permittee. It is hard, if not impossible,
7 to invest money into something that you don't own. And
8 very few, if any, financial institutions will loan money to
9 an operator to build an improvement that will be owned by
10 someone else. Providing co-ownership will give permittees
11 an incentive to construct and maintain range improvements.

12 The permitted non-use that's been talked

13 about is another area where regulations might need to be
14 changed. The majority of Utah's public lands are located
15 in regions of the state now entering the fifth year of
16 continuous drought. By extending the permitted non-use
17 from three to five years, BLM can provide greater
18 flexibility to producers and to the forage resources.

19 Like I said, we support the state control
20 of water rights. And we feel that on a nonpermitted-related
21 activities, that prohibiting activities, we feel that the
22 person's permit should only be in jeopardy because of
23 permit-related activities and not something else.

24 I had something else I wanted to say. We
25 believe that because America was in part created by our

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1 forefathers' desire to be judged for who they were and what
2 they did, not because of a class or a race that they might
3 belong to. Again, I would like to express my appreciation
4 for the opportunity to comment on these proposed regulations
5 and urge the Bureau of Land Management to take a proactive
6 stance in creating a set of regulations more supportive of
7 the livestock community. Thank you.

8 MS. BERGER: Thank you, Mr. Chew. Thank you

9 for your comments. Mr. Dan Heinz.

10 MR. HEINZ: Dan Heinz, my wife and I live in
11 a rural area in northern Nevada. I am a retired ranger.
12 I spent years in the Forest Service. And since retirement,
13 I have been very much involved as a range reform activist
14 with the environmental community. I would like to think
15 it's been a constructive criticism of the, some of the bad
16 practices we see on public land. I want the good healthy
17 ranch families out there as bad as anybody in this room
18 does. I've lived in a number of small western resource
19 communities and life just doesn't get any better than that.
20 There's good people out there.

21 And when it comes to the grazing regulations,
22 I believe strongly we need a very minimum of day-to-day
23 regulation on how the range is to be managed. There's a
24 tendency to put out very specific restoration schedules to
25 be in "x" pasture for certain date with a certain number of

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1 cattle and then move onto the next pasture and all of these
2 things made a part of grazing permit. To be in violation of
3 that, is to be in violation of the permit. That was a bad
4 idea when it was conceived. I was part of all of that.
5 It's a bad idea now.

6 What I do believe strongly is that we need
7 objective, measurable annual performance standards and then
8 key areas on those allotments. I'm talking about residual
9 forage measurements that are easy to measure. They are
10 objective. It doesn't have near the skill level or the
11 art that many of the other utilization studies have. I
12 would suggest you take a hard look at the California EIS
13 that was developed to produce the standard guidelines for
14 the California State. There was a lot of signs, a lot of
15 public involvement that went into those. And I think it's a
16 good start of a good system.

17 The conditions and trend studies I spent
18 much of my career doing those. They're simply too slow in
19 telling you that you're getting in trouble. There is way
20 too much lag time before a condition and trend study becomes
21 solid and objective enough to stand a court test if it
22 comes to that.

23 Also in general decision-making on public
24 land must be inclusive of and easily inclusive of all
25 interested parties who otherwise may be very convenient

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1 in the short term, to get past all of the ornery

2 environmentalists that are constantly throwing marbles in
3 the road. To shortcut that process, it's going to bite you
4 in the long run and alienate more people that and do nothing
5 but increase the rantings of the cattle-free movement. And
6 none of us want to see that. Thank you for this
7 opportunity.

8 MS. BERGER: Thank you, Mr. Heinz. The next
9 speaker is Miss Rose Strickland.

10 MS. STRICKLAND: Hi, my name is Rose
11 Strickland. I live in Reno, Nevada, and I'm a long-time
12 conservationist working on public land issues. I served
13 on a Resource Advisory Council which developed standards
14 and guidelines for range health for Northwestern Nevada.
15 I've been working on these issues so long that I actually
16 served on the Carson City District Advisory Council. Some
17 of you might remember those. But I haven't worked as long
18 as Rex Cleary.

19 Most of the proposed changes so far, I
20 believe, are unnecessary, have nothing to do with
21 conservation. Why lock the public out of public land?
22 What is beyond what many of us see? Why should we give
23 away private property rights and livestock facilities? To
24 me, this would simply open the Pandora's box of taking
25 allotments every time the BLM wants to change a season of

1 use or any other grazing practice.

2 I did like the change from three to five
3 years, but this is not enough time to significantly
4 improvement range health in the arid West, if that was the
5 intent. Like some of the other speakers, I have found a
6 lot is missing from these proposals. I found nothing to
7 address the spread of noxious weeds in the West. This is
8 a real problem. I found nothing to address the increase in
9 catastrophic wildfires. I found nothing even to provide the
10 basic monitoring which is necessary for all of us to know
11 the best thing to do for the land.

12 I find that the proposed regulations
13 appear to be directed at protecting the 10 to 15 percent
14 of permittees who are either poor managers or are
15 unsuccessfully trying to make a living on public rangeland
16 which aren't suitable for livestock grazing. There is
17 nothing in the proposals to reward good managers or to
18 give incentives to permittees who are still trying to
19 improve range conditions, not just for livestock, but
20 habitat for sage grass and other wildlife.

21 I have some ideas for BLM to consider. I
22 think you should work on developing incentives to achieve
23 ecological and economic health on public land. A couple of
24 ways of doing this is reconsider developing incentives based
25 on a grazing fee, to which permittees who successfully

1 manage grazing to meet land health objectives pay less in
2 grazing fees, and permittees who failed to meet land health
3 objectives pay more in fees in the short term and forfeit
4 their permits long term. Or, develop a program for BLM to
5 pay permittees whose livestock grazing results in healthy
6 range conditions, helps to recover endangered species in
7 its critical habitat, restore healthy watershed conditions,
8 protect agricultural and archaeological resources or meets
9 other public goals.

10 My other idea is for you to develop a
11 program to buy out grazing permits from willing sellers.
12 There is widespread support for a voluntary buyout for
13 permittees who cannot make a living on marginal rangeland,
14 or who are not interested in continuing grazing for one
15 reason or another. Allotments acquired which are unsuitable
16 for livestock grazing should be retired permanently. Other
17 rangeland which recover healthy conditions can be used as
18 grass banks to assist in restoration of other public land.
19 I will say that this hearing is not as exciting as the
20 hearings that we had on rangeland reform. Thank you.

21 MS. BERGER: Thank you, Miss Strickland. Our
22 next speaker is Mr. Dennis Ghiglieri.

23 MR. GHIGLIERI: Thank you for the opportunity
24 to speak. My name is Dennis Ghiglieri. I am a life-long
25 Nevadan. I am primarily concerned with the environment

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1 because my background is in touring the State, going around
2 we have helped numerous projects on both Bureau Land and
3 Fish and Wildlife Service land and National Forest land.
4 I'm a volunteer who has worked with agencies in the past and
5 certainly a role that I've enjoyed.

6 I don't want us to lose sight of the land
7 itself when we talk about regulation change. And, of
8 course, that, to me, is the most important part because
9 the public land forms the background and the backbone of
10 wildlife habitat in the United States. There's little
11 question that the West is a unique place. It's a valuable
12 place. It's valuable for all of us. It's especially
13 valuable for wildlife, and the regulations need to address
14 that. I know you're going to write an EIS, but we shouldn't
15 lose sight of the fact that the whole purpose of regulating
16 the public land is to protect them according to the way
17 Congress has set forth.

18 One of the things I am concerned about is

19 the idea of locked gates. I don't believe that this will
20 help the livestock industry significantly. And I think it
21 would lead to some negative feelings which, certainly, are
22 not necessary. And I don't believe that the majority of
23 the ranchers that I am associated with now would find that
24 this proposal would help them significantly.

25 I do believe that we should work somehow to

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1 establish reserve common allotments along the lines of
2 retiring permits which are not needed any longer and
3 establishing a larger permit, a larger area which can be
4 grazed under times of harsh conditions or in the case of
5 fire.

6 I am concerned particularly about the lack
7 of addressing two areas which have already been mentioned,
8 and those are fire and weeds. One of the things that's
9 changing in the West is the planned communities are
10 changing. And we can't view this as the same kind of
11 problem that we had 50 years ago. Nevada is being
12 overtaken, in some cases, by weeds which is far more fire
13 prone than the previous kind of rangeland that we're
14 familiar with, primarily native grasses and sagebrush and
15 forest. What we see today is that fires can get started in

16 a much more intensive way on these weedy species and burn
17 far larger areas more frequently and not help the native
18 vegetation. We need to stop that. We need to take and
19 make sure that we have a method of stopping this.

20 I don't think these rule changes are going
21 to help us. And the public is spending huge amounts of
22 money on putting out range fires and then trying
23 rehabilitate. There are millions of dollars that have been
24 appropriated by Congress. These are dollars that the public
25 is investing in these lands. And it's an important thing

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1 for us to consider the public investment that is going on,
2 not merely range fees that are being paid, because those are
3 low, and almost, you know, they are tiny by comparison and
4 the BLM doesn't get all of them anyway. That's something I
5 think we can address in recollection, that we can think of
6 ways of providing incentives to keep land that is in good
7 condition in good condition and work on land which needs to
8 be improved.

9 I don't like the rule changes because they
10 seem very piecemeal to me. They seem to address one concern
11 of the livestock industry without addressing rangeland

12 themselves, which are the most important part. It's your
13 job to administer that. You are the BLM. And I am very
14 concerned about sharing ownership. I agree that this is
15 a -- I can see why a livestock operator would want it, but
16 I can't see why the public benefits or how the public would
17 benefit from it. It is a -- it is a complication in the
18 use and management of public land which I don't believe will
19 be very fair or easy for the public to accept. I think you
20 need to go back to the drawing board and think of other
21 ways of compensating ranchers for improvements they make on
22 public land if they are unwilling to see them dedicated to
23 the federal government.

24 Finally, I think that you should look at
25 monitoring as a key component and should be part of the

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1 rule-making process. Monitoring needs to be given much
2 more emphasis in this rule. That's all I have. Thank you
3 very much.

4 MS. BERGER: Mr. Ghiglieri, when you -- I may
5 have missed this. When you introduced yourself, did you
6 state an affiliation or do you care to?

7 MR. GHIGLIERI: No, I don't have an
8 affiliation.

9 MS. BERGER: Okay. Thank you very much for
10 your comments. The next speaker is Mike Griswold.

11 Mr. Griswold.

12 MR. GRISWOLD: I don't have anything to say
13 right now.

14 MS. BERGER: Okay. Thank you very much.

15 Mr. Don Alt.

16 MR. ALT: I'm Don Alt. There's a pretty
17 large undertow going on in the state. People that have
18 been reading just three or four publications each month
19 that have come out talking on about different court
20 decisions that have come down and what they mean. And
21 then you hear BLM talking and the Forest Service talking
22 about, they don't mean that. They don't mean this or that,
23 or something else. And it's going to start getting violent,
24 I'm afraid.

25 Some of the people have really, really strong

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1 feelings. And I feel that the Attorney General should
2 confer with the judges and come down with, you know, sort
3 of real decision that will settle this dispute that is going
4 on. And it's something that should really be looked at and

5 some real determination made on it by the Attorney General
6 in Washington and settle everything that has come about.

7 And then referring to some of my patented
8 land, there is probably more overgrazing on that right now
9 than has ever been in history. And this is the first year
10 there have been cows on it in over 30 years, and that's due
11 to horses and riparian areas are stripped bear. There is
12 nothing alive anymore close to the riparian areas. I
13 fenced off one real nice spring area. The horses have
14 completely -- and I put up a little over a mile of fence
15 and the horses have completely annihilated the fence.
16 These are stray horses. They are not considered the
17 federal horses. But the same things goes on in what they
18 call the wild horse areas, too. And up in the Pine Nuts,
19 you can see some of these areas where there's been no
20 grazing going on for years and riparian areas are in really,
21 really bad shape. And there, the horse populations they
22 have to be managed in the same way that the cattle are
23 managed. You move the cows when it's time to move them and
24 the horses should be -- the same thing should be done with
25 them. Thank you.

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1 THE CLERK: Thank you, Mr. Alt. Mr. Alt, did
2 you have an affiliation that you wanted us to recognize?

3 MR. ALT: Pardon?

4 MS. BERGER: Did you have an affiliation that
5 you wanted us to recognize?

6 MR. ALT: No.

7 MS. BERGER: Thank you. We have actually
8 reached the end of the list of individuals who requested
9 time to provide comments. We still have time, and if so,
10 if there are persons that we haven't heard from yet, we
11 would like to give you the opportunity to speak. Is there
12 anyone who has yet to provide comments?

13 Sir, when you come forward, please state
14 your name and your affiliation and provide your comment.

15 MR. PAGE: I'm Ray Page from Cedarville,
16 California. And I'm tonight not affiliated with anybody.
17 I'm affiliated with a lot of groups. But maybe local
18 communities, we look on these rangelands in the West, small
19 communities, it's the heart of our small communities. And
20 it's very important to the economics of our small community.
21 Over the years, a number of AUM's in the community that I
22 am in have gone less and less and less. Some people talked
23 about the Sheldon refuge. At one time, it was part of our
24 economic base. And as time goes on and it's been taken away
25 for other uses. Antelope, in this case, we lose that as a

1 small community. And I think the BLM needs to be aware of
2 that.

3 Just recently, we have had the NCA at
4 Black Rock, and although grazing was not eliminated yet,
5 I'll bet that it will be. And each time that happens, our
6 community shrivels and shrivels and shrivels. And we don't
7 have anything to replace that. A couple of speakers spoke
8 about weeds and wildfires.

9 Interestingly, since the passage of FLPMA,
10 we've done things in the grass. The cheat grass has gotten
11 thicker and thicker and thicker because there's less
12 livestock to eat it off. Then we have more fires, and this
13 is a fact. And we -- you know, I don't have the facts here
14 to show you, but in my lifetime in Cedarville for 20 years,
15 there was three fires. In the last few years after the
16 tightening of what goes on, on the range, there's many,
17 many more fires. And it costs the government more to fight
18 it. It's a logical situation. The grazing grass, it
19 doesn't burn and it doesn't change the species. It's gone
20 from native grasses to cheat grass and this is a fact.

21 Another thing is the wild horse problem.
22 And, you know, the BLM doesn't necessarily have control of
23 that. So it's the Wild Horse and Bureau Act. We've worked
24 as cattle people, livestock people, to get better riparians
25 and then the horses come along and beat it out. And really

1 somebody needs to address the horse problem. I'm not
2 saying we need to eliminate them. There are people that
3 enjoy seeing them. And we should look at them and make
4 sure there's some there for people to look at where they can
5 see them. But there's a lot of them that are way off in the
6 outback that really don't accomplish anything, except trash
7 riparians. That concludes my little comment. Thank you.

8 MS. BERGER: Thank you. Mr. Page, is it
9 P-A-G-E, to make sure?

10 MR. PAGE: Yes, P-A-G-E, like in a book.

11 MS. BERGER: Great. Thank you very much for
12 your comment. Sir, in the second row.

13 MR. BOWEN: Yes, my name is Don Bowen, and I'm
14 a reporter for the Nevada Rancher. I would just like a
15 definition from you folks of what the community-based
16 decisions mean? Who knows what that is? Who in the
17 community is making those decisions? Is it all of the
18 federal officials or is it some county officials? What is
19 it?

20 MS. BERGER: Mr. Bowen, unfortunately, we're
21 here tonight just to take comment. There are

22 representatives of the BLM who will be available after we
23 conclude this portion of the scoping session. And you may
24 want to take advantage of just talking to one of those
25 individuals and they may be able to help you with the

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1 definition. But for this portion, the objective was just
2 to take the comments that the individuals have.

3 Is there anyone that we haven't heard from
4 who would like to speak? Yes, sir, in the back.

5 MR. HENDERSON: Good evening, Don Henderson
6 with the Nevada Department of Agriculture. I agree with
7 the large majority of the comments and suggestions that
8 have been made this evening. I think you've had a lot of
9 good input. I, too, would like to express appreciation
10 from Nevada for you coming here to hold your meeting.

11 I think the one point that I saw missed
12 that I thought I'd bring up and mention is currently the
13 regulations, there's a one-year period if a grazing permit
14 is found to be not in compliance with the rangeland health
15 standards, that they have to be compliant within a year.
16 And if not, then the permit is penalized -- the permittee
17 is penalized and the permit is possibly cancelled or not
18 renewed for that next year. That's one workable situation.

19 Something I hope you really look at in-depth and in your
20 revisions, and there's two reasons why for that. And this
21 is based upon being a range consultant and looking at
22 grazing in Nevada over the past twenty years.

23 Most of our grazing issues out there are
24 based upon livestock grazing distribution issues. It's not
25 a stocking issue. And the only way to address those is

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1 through rangeland improvements by changing the distribution
2 of livestock grazing. That requires in most cases range
3 improvements and, quite frankly, the BLM cannot react to
4 new rangeland improvement within a year and get through
5 all of their review processes and analysis and agricultural
6 clearance. So you say it's a catch 22 here that's
7 unworkable. And we really need the changes in these
8 regulations. Thank you for your consideration.

9 MS. BERGER: Thank you for your comments.

10 Mr. Schumann, I think we've already heard
11 from you tonight.

12 MR. SCHUMANN: This will be no more than 30
13 seconds. I didn't make it absolutely clear, you need to
14 adjust the CFR's to recognize the Wayne Hage case. People

15 who have allocated -- I'm sorry, adjudicated allotments,
16 they have a fee ownership interest in those grazing rights.
17 Calling it public land is really a misnomer. Have your
18 people back in Washington talk to Judge Loren Smith. These
19 are takings. When you reduce those and Wayne Hage is going
20 to get millions of dollars. So, please, if those are
21 allocated -- I mean, those adjudicated allotments and the
22 owners of those allotments have a fee interest in the
23 grazing rights on those and a permit really isn't needed.

24 MS. BERGER: Thank you, sir. Is there anyone
25 else who would care to comment this evening? Okay, please

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1 remember that we would gladly accept your written comments.
2 So if you have written comments, if you would like to
3 submit tonight, the individual who you should submit them
4 to is Mike Holbert. He is sitting right down at the end of
5 the table. So provide those to Mike. And remember, also,
6 that you have the opportunity to provide written comments to
7 BLM's Washington office. And I believe that the Federal
8 Register also gives you the mechanism for providing your
9 comments electronically through e-mail. So remember that
10 there is plenty of time for you to provide additional
11 comment to what we've already heard tonight or, you know,

12 just to provide a fresh set of comments or your input.

13 UNIDENTIFIED SPEAKER: Is there a snail mail
14 address for you in Washington?

15 MR. HOLBERT: It's right on the back on one of
16 the side wall panels.

17 MS. BERGER: I believe that's it. If there is
18 no one else who would care to speak tonight, I would like to
19 turn the program back over to Jim.

20 MR. HUGHES: In closing this out, I would
21 just like to say a couple of quick things. First of all,
22 a couple of people in the audience, I want to thank Bob
23 Abbie and his people, the Nevada State Director, for all of
24 their help in setting this up. I also notice we have a
25 representative from Senator Ensign's office here tonight.

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1 We appreciate it. He keeps us on our toes back in
2 Washington. We get calls from him and we work real close
3 with his office and they're on top of issues all the time.

4 But finally, I want to thank each and every
5 one of you who came out here tonight and took part in this.
6 Those of you who gave comments, I really appreciate this.
7 I know our staff does. I found the comments very

8 productive. I think they're going to be very helpful.

9 One last thing, again, I'd like to
10 reiterate what Tim said earlier. We are not limiting you
11 to commenting just on those items that are in this notice.
12 If there are other issues you want to raise, you think we
13 need to take a look at, please get those to us also.
14 Those were just sort of an idea to get you thinking and we
15 obviously got you thinking. So thank you again. Good
16 night and I guess it's probably proper to say God bless
17 America. Thank you.

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19 Thereupon, the proceedings were concluded at 8:10 p.m.

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1 STATE OF NEVADA,)
)
2 COUNTY OF WASHOE.)

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4 I, BARBRA M. WISHNOFF-TUTTLE, a notary public

5 in and for Washoe County State of Nevada, do hereby
6 certify:

7 That on Thursday, the 20th day of March, 2002,
8 at the hour of 6:00 p.m. of said day, at the Reno Sparks
9 Convention Center, 4590 South Virginia Street, Reno, Nevada,
10 proceedings were held before the Bureau of Land Management
11 in the matter of the Grazing Administrative Regulation
12 Revision Public Scoping Meeting;

13 That the foregoing transcript is a full, true
14 and correct transcription of my stenotype notes of said
15 proceedings.

16 DATED: At Reno, Nevada, this 27th day of
17 April, 2003.

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BARBRA M. WISHNOFF-TUTTLE
CCR No. 744

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