

Testimony of  
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Chairman Barrasso, Ranking Member Wyden, my name is Brenda Richards and I am the President of the Public Lands Council. My husband Tony and I run a cow/calf operation in Reynolds Creek, Owyhee County, Idaho. Beyond my involvement in the national Public Lands Council, National Cattlemen's Beef Association, the Idaho Cattle Association, and the Nevada Cattlemen's Association, I have served on the Boise District Bureau of Land Management Resource Advisory Council for seven years and have worked on many collaborative efforts including the Owyhee Initiative. It is my pleasure to testify for the committee today.

The Public Lands Council is the only national organization dedicated solely to representing the roughly 22,000 ranchers who operate on federal lands in the Western United States. Those 22,000 families graze and steward approximately 250,000,000 acres of federal land while owning approximately 140,000,000 acres of adjacent private land. Because of this arrangement, ranchers across the west have a vested interest not just in the health of their livestock, but in the rangelands that support their herds and the wildlife that thrive alongside them. The businesses they operate form the economic nucleus of many rural communities, providing jobs and opportunity where it wouldn't exist otherwise. Additionally, ranchers often serve as first responders in emergency situations across vast, remote stretches of unoccupied federal lands. Simply put, public lands ranchers are an essential element of strong communities, healthy economies, and productive rangelands across the West.

History of Sage Grouse Conservation

Ranchers are also an essential element of any successful species conservation effort. The best and most recent example of this is the comprehensive, multi-decade effort to conserve and protect sage grouse habitat across the bird's eleven state range. The livestock industry engaged early in these efforts, and BLM's own Fact Sheet for the Greater Sage Grouse Conservation Effort reflects that engagement by citing the nearly 10 million acres of sage grouse habitat conserved through voluntary programs like the NRCS's Sage Grouse Initiative as well as Candidate Conservation agreements on both private and federal lands.

Owyhee County – where my family lives and operates our ranch – covers about 7,697 square miles, has a population of 11,000, and has a public land footprint of about 78%. The terrain is primarily high desert, with some of the best sage brush habitat in the west. Simply put, Owyhee County is the heart of sage grouse country. Like much of the rural West, ranching has driven our economy for more than 100 years, which means that healthy, productive rangelands are as critical to the people of Owyhee as the air we breathe or the water we drink.

Ranchers in Owyhee County responded early to concerns about Sage Grouse populations and habitat. Realizing the integral role we play as land managers, and recognizing the rising concerns about sage grouse populations in the early 1990s, Owyhee County established a Sage Grouse Local Working Group in 1995, which later was given official charter status by USGS. This local working group - a diverse mix of land owners, county officials, state agencies, conservation groups, interested public, and the BLM – developed and implemented the Owyhee Sage Grouse LWG Plan by 2000, incorporating best managements practices, conservation and resource health strategies, and other relevant information into an effective conservation plan for the sage grouse. More than 20 years later, meetings are held quarterly, with field trips and other meetings scheduled as necessary.

We have met and overcome numerous challenges through the years, all through cooperation and coordination at the local level. When the US Fish and Wildlife Service finalized their Policy for the Evaluation of Conservation Efforts (or PECE Policy) in 2003, the LWG worked quickly and diligently to amend their plan in order to continue with their work and continue to be recognized as an effective and viable plan. When the BLM again “moved the goal posts” through amended requirements to address the BLM’s planning efforts to “incorporate appropriate conservation measures in Land Use Plans to conserve, enhance, and/or restore habitat...” the LWG once again made sure they amended their plan to include such measures and keep their plan recognized and viable.

Each time, these efforts were undertaken simply to ensure that the on the ground success being achieved by the local ranchers, land owners, state agencies and the local working group could continue.

This working group is still active today, with an average monthly meeting attendance of 25 people. Included in my written testimony are annual reports showing the numerous projects either funded by, approved by, or participated in by the local working group. Over \$318,000 to date has been channeled through the Owyhee Local Working Group on-the-ground projects to enhance and/or restore Sage Grouse habitat. This does not include an additional \$18,000 put towards a fire rehab project with the BLM for reseeding in a habitat area that was burned, nor does it reflect projects funded by the Department of Fish and Game that the local working group members endorsed and participated in.

Beyond our county and local working group participating in local efforts, we were also engaged in the Governor’s Task Force state plan. This is truly collaboration at its best on a very sensitive issue. Plans were agreed upon and signed off on by all stakeholders, with support from our State and local BLM, and great care was taken to find common ground and effective management solutions. Completion of the State Plan should have been a significant milestone and celebration, yet now we are finding our collaborative work disregarded, and the rangeland health and economic viability of our communities pushed out of the conversation in order to satisfy new unproven objectives. Items such as Focal Areas, mandatory stubble height requirements, and withdrawals will impose radically severe and unnecessary management restrictions on this vast area, in opposition to proven strategies. This departure also discourages stakeholders from future

engagement in broad based, collaborative projects once trust in the Federal land management agencies has been broken.

### Results of Collaborative Conservation Efforts

Perhaps the most frustrating part is that the results of these voluntary, local conservation efforts around the West are undeniable – habitat is being preserved and the species is responding. According to the latest data from the Western Association of Fish and Wildlife Agencies (WAFWA) August 2015 report – *Greater Sage Grouse Population Trends: An Analysis of Lek Count Databases 1965-2015*, the number of male grouse counted on leks range-wide went from 43,397 in 2013 to 80,284 in 2015. That’s a 63% increase in the past two years alone, and contributes to a minimum breeding population of 424,645 birds, which does not include grouse populations on unknown leks. Additionally, the WAFWA report found that “At range-wide scales, core areas seem to be holding up well based on model results showing average males per lek trend estimates since 1965...” and “The most recent 10-year trend was increasing for all range-wide leks, stable for core leks, but negative for leks at the periphery.”

While these findings undoubtedly contributed to the US Fish and Wildlife Service’s September 2015 finding that the Greater Sage Grouse was “not warranted” for protection under the Endangered Species Act, it does not appear that they were given similar consideration in preparation of the RODs and ARMPAs that accompanied that FWS decision. In fact, the BLM’s lack of deference to the successful, ongoing conservation efforts of states and local partners stands in stark contrast to their positive results on the ground.

### Federal Sage Grouse Plan Amendments

To be blunt, the BLM’s top down approach of forcing one-size-fits-all or “landscape scale” management of sage grouse conservation efforts through the plan amendments that were finalized last year will set the decades of success and proven stakeholder collaboration we’ve achieved at least three giant steps backwards. Time and time again, the BLM has touted their collaboration with the local working groups and state partners in newsletters, press releases, and Sage Grouse meetings. Unfortunately, those press releases are not policy, and the LUPs that have emerged reflect a very different set of priorities that ignores our years of successful collaboration and partnership.

Any flexibility and recognition of the on the ground continued work and success is ignored in favor of restrictions that are imposed seemingly without any forethought or local input. Rather than embracing grazing as a resource and tool for conservation benefit, these plan amendments impose arbitrary restriction to satisfy requirements for newly minted objectives such as focal areas and “net conservation benefit.”

Perhaps because grazing is so easy to restrict on Federal land, many of these restrictions and limitations are aimed directly at the grazing – totally ignoring the fact that grazing is not classified as a threat to the sage grouse. Wildfire, invasive species and infrastructure are the major threats, all of which are most effectively managed through grazing. To arbitrarily restrict grazing when it’s needed most is a recipe for failure.

It is also critical to note that restrictions on federal grazing land will consequently impact adjacent private land grazing and management – since the adjacent private land owners are typically also the Federal permittees. This is important because we know from decades of scientific evaluation that as much as 80% of productive sage grouse habitat exists on those adjacent private lands, not on the permit ground. Successful sage grouse conservation simply cannot occur without the hard work and commitment of the ranching community – both public and private – and to overlook our commitment and role in this effort in favor of arbitrary federal grazing restrictions will ensure a return to declining populations.

This lack of consideration was underscored even further when the BLM denied appeals for consistency with State management plans by the Governors of Idaho, Nevada, North Dakota, South Dakota, and Utah. An October 13, 2015 entry in the Federal Register highlights the BLM's split response to those appeals for consistency – first they pay lip service to their efforts to collaborate, stating: *“A cornerstone of the BLM's sage grouse planning process has been coordination and collaboration with the affected states...”* only to go on to explain elsewhere in the notice that *“After careful consideration of the concerns raised by the five states, the State Directors decided not to adopt the recommendations made by the Governors.”*

These appeals for consistency and their blanket denial by BLM came at the same time that Department of Interior officials from Secretary Jewell to Director Kornze were again touting the historic collaborative efforts that went into avoiding a listing under the Endangered Species Act. In reality, their focus has been, and appears to remain, on enacting all the restrictions of established conservation instruments like an ESA listing or creation of an Area of Critical Environmental Concern (ACEC), but without actually making that case through the appropriate regulatory process. Instead, they are attempting to accomplish these goals in a de-facto manner through the resource management planning process, which will prevent establishment of any meaningful recovery benchmarks or plans – only in-perpetuity restrictions that inhibit existing effective management.

Despite these comprehensive efforts at the state and federal level, and over several years of objections and numerous substantive comment submissions by national, state, and local livestock associations and industry groups, the BLM and US Forest Service finalized two Records of Decision covering the entirety of the range of the Greater Sage Grouse in September of last year. Accompanying the RODs were numerous plan amendments impacting over 165 million acres in 11 Western states.

### Livestock Industry Concerns and Objections

The livestock industry has many concerns with the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) Resource Management Plans (RMPs) and Land Use Plans Amendments (LUPAs) in regard to the greater sage grouse. The Public Lands Council and the National Cattlemen's Beef Association filed detailed comments on each plan at the Draft EIS stage. Industry has also joined litigation in several states over our concerns.

While too numerous to list in detail here, these plans fail in a variety of important areas. As mentioned previously, the primary threats to the Greater Sage Grouse – particularly in the Great

Basin region – are wildfire, invasive annual grasses like cheatgrass, and conifer encroachment. These threats all require active management through tools like grazing, not arbitrary objectives such as those in the Habitat Objectives Table 2-2 that is found in all the plan amendments.

The Habitat Assessment Framework or HAF, which forms the basis for monitoring under the plans, is essentially a monitoring snapshot which is geared to static conditions. The problem with this approach is that rangelands are anything but static. They are incredibly dynamic and must be monitored for trends. To ignore this concept is setting the agencies and permittees up for failure. The static HAF ignores best available scientific evidence showing that properly grazed bunch grass systems are more resilient and more resistant to fire than ungrazed systems – in other words, proper grazing specifically addresses the biggest threats to sage grouse habitat, while reduced grazing allows these threats to compound. This is particularly true after a wet spring like we've had in much of the West. Grass is abundant this year, and as it dries out we could experience a catastrophic fire season, which will be devastating for wildlife, ranchers, and local communities alike.

Since the online newspaper Greenwire leaked the BLM's draft Grazing Implementation Memo and Implementation Guide several months ago, our industry has repeatedly requested that BLM engage us in the finalization of this guidance. Repeatedly, those requests have been denied. To date, our only reference for what this guidance might look like comes from the leaked documents found online. We have been told repeatedly that we will get to see the documents once they are completed and ready for implementation – well past the point where we, as critical on-the-ground partners, could offer any constructive input into the process.

In conclusion, this lack of collaboration, misplaced focus on reduced grazing footprint rather than proper application of grazing as a tool, and disregard for ongoing local management is precisely the reason these plans must be thrown out, and the Federal land management agencies must reevaluate their involvement in the conservation of the greater sage grouse. Local input and decades of successful, collaborative conservation efforts must be the starting point for Federal involvement, not an afterthought.

Thank you for the opportunity to appear, I welcome any questions the Subcommittee may have.