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On behalf of
The Public Lands Council and National Cattlemen's Beef Association

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Chairman Gianforte, Ranking Member Plaskett, and Members of the Subcommittee, thank you for inviting me to appear before you today. My name is Dave Eliason, and I am a 4th generation rancher from Tremonton, Utah. Currently, I serve as President of the National Public Lands Council (PLC), and my testimony here today is on behalf of the 22,000 cattle and sheep producers throughout the western United States operating with federal grazing permits. Previously, I have served my community and my industry as president of the Utah Cattlemen's Association, a member of the Utah BLM State Advisory Board, chair of the Utah State Farm Service Agency, and as a member of the Governor's Agriculture Advisory Board for the State of Utah. All told, I have spent the better part of 30 years actively engaged in the business of western federal lands policy and its effect on the livestock grazing industry, as well as a lifetime spent on my family's ranch experiencing those effects first hand.

My family settled in Box Elder County in 1889 and has ranched there for four generations. I'm proud that the 5th and 6th generations of my family are now taking the reins and guiding our ranch into the future. To this day we have nearly all of the original ranch and have added substantially in the past 130 years. Over the generations we have expanded and diversified to keep up with the times. That has meant transitioning our herd genetics to reflect current tastes, or acquiring new deeded and permit ground to ensure we have forage and water in dry years, or implementing value added programs like natural beef and source verification to market our animals. Regardless of where our operation takes us, our management is always focused on the land and the needs of the resource that provides our family with so much benefit. Unfortunately, federal land management policy has often failed to adapt along with us.

I have watched the current federal management situation devolve from the early days of open range to the allotment-based permit system we have today. For families like mine, the Taylor Grazing Act of 1934 was defining legislation. Formalizing our preference grazing rights helped to define the current western "ranch unit" consisting of deeded "commensurate" or "base" property and attached federal grazing permits that make year-round livestock care possible in the arid west. We don't own our permit ground,

but we're awfully protective of it. We gladly share it with the other multiple uses, but often ranchers are the ones left to care for the resource after the day-hikers and hunters leave. We know this ground like the backs of our hands and we treat it as our own – and it ultimately benefits all who come to enjoy it.

Like many rural communities throughout the West, ours depends on ranching to stay viable. The supplies for our operation are purchased locally, and the gas stations, grocers, feed stores, farm equipment dealers, automobile dealers, healthcare providers, and community services all depend on our business year-round to stay open. Ranchers also serve on local county and school boards, lead their local churches, and contribute a large percentage of the property taxes that fund local government operations – a constant issue in areas with a reduced tax base due to heavy federal land ownership. Yes, recreation in the form of hikers, hunters, and fisherman all contribute to our economic success, but it's ranching that keeps our local economy moving all year.

Ranchers also form the backbone of local services in our communities. City and county governments, wildland fire response entities like Rural Fire Protection Associations (RFPAs) and other local firefighting entities, search and rescue efforts, and other local services are almost always led by local ranchers. Out of necessity, yes, but also out of care for the communities our fathers and grandfathers built.

In my travels around the West as an officer of the PLC, I get a bird's eye view of how federal land management policy is playing out on the ground, as do my fellow officers and our staff. In some instances, we hear glowing reports of working partnership with local BLM or Forest Service offices. These successful situations typically involve trust built up over years. Despite the political climate of the time, seasoned agency personnel in these successful areas understand the needs of a managed range and look for flexibility to achieve results alongside ranchers.

While we celebrate these partnerships where they occur, unfortunately the story we hear far more often is one of inflexibility and fear. Current statute and policy can be an anchor around the neck of a well-intended range conservationist or district manager. Similarly, in the hands of a federal employee with poor intentions, these policies can quickly become weapons. The pressure to over-utilize the National Environmental Policy Act (NEPA) often grinds progress to a halt and takes commonsense management options totally off the table. Whether maintaining fence lines to protect riparian areas, preserving water sources for wildlife and livestock alike, or utilizing targeted grazing techniques to reduce fuel loads and curb the threat of wildfire, fear of litigation from insufficient NEPA can have catastrophic consequences for western communities.

The scope of impact from this type of management is extensive. No matter the issue, litigation has become an unavoidable obstacle for ranchers seeking to put conservation benefits on the ground. Be it the filing of frivolous lawsuits or simply the threat of legal action, public lands ranchers are inhibited in their ability to implement the necessary adaptive management practices to address the changing conditions on the ground.

This is playing out in real time across the West as I sit before you today. In the weeks leading up to this hearing, the Martin Fire in Nevada raged out of control, consuming 435,000 acres. 433,000 acres of that was greater sage grouse habitat, with 357,165 acres falling in to the Priority Habitat Management Area, or the "best of the best" habitat available. Unfortunately, and due to that very PHMA designation, the range that's been lost in that fire had not been grazed in several seasons. The resulting built up fuel load

of two tons per acre led to the devastation that followed. The science is clear on this issue, responsible grazing is not only compatible with sage grouse habitat, it's beneficial. This is particularly true when it comes to reducing the threat of wildfire. Responsible management of those resources, rather than fear of litigation, could have helped lessen the impact of the Martin Fire and countless others like it.

Unfortunately, this devastation is only the beginning of the story for ranchers impacted by fire on federal lands. The loss of that forage means thousands of animals – both wildlife and domestic livestock – will be displaced just when they would usually be grazing those areas.

To make matters worse, neighboring ranchers that weren't burned out are looking at low utilization rates and excess forage on their own allotments due to similar restrictions. Under the current rules, they must remove their livestock in accordance with the terms of their grazing permit, even if utilization rates are as low as five percent. In a private land environment, these neighbors could work together to ensure that fuel loads were managed and burned out neighbors had a place to graze their animals. In the modern, litigious world of federal land grazing, this forage most often will go unused due to fear of lawsuits from radical environmental litigants until it inevitably burns as well.

The National Interagency Fire Center (NIFC) estimates that non-grazing fuels treatments cost the agencies at least $150 per acre. Ranchers perform that service at no out-of-pocket cost to the taxpayer – in fact, the rancher pays for the privilege.

Instead of embracing this tactical and financially advantageous tool, agency staff's default response has been to reduce AUMs, eliminate grazing, and attempt to placate outside litigators. This trend is increasingly prevalent as it relates to vacant grazing allotments. Because of the overuse of NEPA and subsequent backlog of projects requiring it, many allotments are being unfairly categorized as "not meeting rangeland health standards".

Despite a large volume of misinformation on this front from anti-multiple use groups like Public Employees for Environmental Responsibility (PEER), the reality is that most of the issues in these cited areas are either the result of insufficient information, feral horse damage, fire, or other non-livestock related impacts. Once the threat of lawsuits and pressure have been applied, science goes out the window, fear takes control of decision-making, and the resource becomes stagnant with excess fuel loads due to non-use. Unavoidably, the next step is catastrophic wildfire and a loss for all.

These vacant allotments represent a tremendous lost opportunity. Their use could be a great asset to communities whose range has suffered from wildfire or in case of species conflict such as Mr. Helle will testify to today. Currently, the Forest Service and BLM place a low priority on analyzing and utilizing these allotments, when, in reality, they could solve a large number of internal management issues by making this work and priority, making this forage available to ranchers in need, and reducing risks in the process.

Beyond fire, this type of fear-based management also has consequences for species conservation and the efficacy of laws like the Endangered Species Act. As an example, in 2012 the Obama Administration determined that the Gray Wolf population in the Great Lakes and Wyoming had far-exceeded recover goals and was ready for delisting. Despite following the process, doing to homework, and going through the full delisting process, FWS was immediately litigated on their final rule. That litigation ultimately

resulted in the rule being overturned and wolves being returned to the list. That's not science, it's a hijacking.

Further examples are rampant across all sectors of the Endangered Species Act (ESA). While well-intended when first passed over forty years ago, the ESA has evolved into the favorite weapon of these habitual litigants. A quick inspection of the current listing petition backlog shows a substantial overlap between the most prolific listing petition filers and the most prolific litigators. Unsurprisingly, The Center for Biological Diversity, Defenders of Wildlife, and WildEarth Guardians are petitioners on 80 of the 145 active petitions for listing – that's 46 percent. This litigation-driven focus on listings has derailed true species conservation efforts and rendered the current ESA largely dysfunctional. In an effort to improve ESA's impact on ranchers, NCBA and PLC have been actively involved in the Western Governors Association's (WGA) ESA Initiative. For over three years, we participated in WGAs roundtables with other conservation, recreation, and industry groups. The resulting resolution, which passed on a bipartisan basis, is widely regarded as the gold-standard for ESA modernization. We are pleased that this bipartisan resolution has been crafted into legislation by Sen. John Barrasso in the Endangered Species Act of 2018, and we urge swift passage of this legislation.

In closing, Mr. Chairman, America's cattle and sheep producers have, for generations, been the most engaged federal partner in managing our public lands. Public land ranching is truly the oldest and best example of a successful public private partnership. The public gets 24/7 care and management of nearly 250 million acres of federal land and ranchers get the forage and space they need to make ranching possible in the arid American West. The health of the land isn't a talking point for ranchers, our livelihood depends on it. If we don't keep our natural resources in top condition, we'll be out of business. What we seek in a federal partner is the statutory and regulatory flexibility to manage for the conditions on the ground, not the courtroom. In our experience, judges make terrible land managers. If we are allowed greater flexibility to carry out that mission, taxpayers, federal land managers, and ranching communities across the West will thrive for years to come. Put simply: if we take care of the land, the land will take care of us. Thank you for this opportunity to testify.