



I. The meeting was called to order at 1:00 PM by Vice Chairman Goicoechea. The agenda for the meeting and minutes of the 2017 Cattle Industry Annual Convention in Nashville were approved without objection.

II. COMMITTEE ACTIONS:

a. Consideration of Expiring Policy:

After conclusion of the speakers and presentations during the meeting, Vice Chairman Goicoechea moved to consideration of expiring policy. The following expiring policies were acted on:

1. FL 1.4 – Payment-in-Lieu-of-Taxes Funds Continuance. The committee renewed the policy by unanimous consent.
2. FL 1.5 – Agency Range Budget. Niels Hansen from WSGA moved to amend. There was a second. The amendments are reflected below in italics and strikethroughs.

FL 1.5

2017/Amended

**Agency Range Budget**

BE IT RESOLVED, NCBA supports adequate funding for U.S. Forest Service and Bureau of Land Management agency budgets and program emphasis to meet ~~basic~~ legislated range management functions and mandates in order to ensure sound and sustainable multiple use management.

BE IT FURTHER RESOLVED, NCBA supports matching range program emphasis and budget to corresponding range production outputs.

BE IT FURTHER RESOLVED, NCBA ~~supports~~ *encourages* Congressional efforts to clarify that the cost of administering the whole of ~~the~~ federal range programs ~~which~~ is inclusive of users, *statutory* mandates, and obligatory *federal regulatory* actions, many of which are not applicable to the costs of administering the livestock grazing portions of these programs.

The amended policy was passed by a unanimous voice vote.

3. FL 1.6 –Public Access. Niels Hansen from WSGA moved to amend. There was a second. The amendments are reflected below in italics and strikethroughs.

FL 1.6  
2017/Amended  
**Public Access**

BE IT RESOLVED, NCBA opposes any imposition of public access on unwilling landowners *or any taking of private access by prescriptive easement not established by state law.*

The amended policy was passed by a unanimous voice vote.

4. FL 1.8 – National Forest and Grasslands Management. The committee renewed the policy by unanimous consent.
5. FL 1.9 – Stewardship Program. The committee renewed the policy by unanimous consent.
6. FL 1.10 – Permit Renewals. John O’Keeffe of OCA moved to amend the policy by adding “and maintain adequate levels staffing.” There was a second. The motion passed by a voice vote.

Amber Miller of the Nevada Cattlemen’s Association moved to strike the last “Be it Further Resolved.” There was a second. The motion passed by voice vote.

Jim Magagna of the Wyoming Stock Growers Association moved to amend the policy by striking all “whereas” statements and adding a new “whereas” statement: There was a second. The motion passed by voice vote.

The amendments are reflected below in italics and strikethroughs.

FL 1.10  
2017/Amended  
**Permit Renewals**

*WHEREAS, the continuance of grazing under a permit beyond the date of expiration does not eliminate the obligation to complete NEPA on BLM and Forest Service permits and leases, ~~legislation establishing a deadline for the National Environmental Policy Act (NEPA) compliance and/or permit renewal by the federal land management agencies, the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS), is at risk for not being met and a significant number of grazing allotments will not have NEPA decisions and/or permit renewals issued before the deadline, potentially closing livestock grazing after the deadline and subjecting the industry to potential litigation,~~*

THEREFORE BE IT RESOLVED, the USFS and BLM allocate appropriate levels of funding, *and maintain adequate levels of staffing* to

complete the grazing allotment NEPA documents and grazing permit renewals, internally communicate the priority of completing these

~~BE IT FURTHER RESOLVED, if the legislative deadline cannot be met and allotments are subject to cancellation or litigation, NCBA will work with Congress to extend the legislative deadline.~~

Alisa Ogden of New Mexico Cattle Growers Association moved to renew the policy as amended. The policy passed by a unanimous voice vote.

7. FL 1.11 – Direct Access to Federal Court. Jim Magagna of the Wyoming Stock Growers Association moved to amend the policy by adding “and objections.” There was a second. The motion passed by voice vote.

The amendments are reflected below in italics and strikethroughs.

FL 1.11

2017/Amended

### **Direct Access to Federal Court**

WHEREAS, administrative appeals *and objections* procedures available within the U.S. Forest Service and Bureau of Land Management are a time-consuming and extremely expensive process, and

WHEREAS, the appeals *and objections* process is a mandatory procedure that must be exhausted before receiving a hearing before a federal Court,

THEREFORE BE IT RESOLVED, NCBA supports legislation granting permittees direct access to federal court.

BE IT FURTHER RESOLVED, NCBA supports legislation granting federal lands grazing permittees the right to trial De Novo in the federal courts in any appeal of a final administrative decision involving the permittee.

Alisa Ogden of the New Mexico Cattle Growers Association moved to renew the policy as amended. There was a second. The motion was passed by voice vote.

8. FL 1.21 – Appeals of Forest Service Decisions. Jim Magagna of the Wyoming Stock Growers Association moved to amend by adding “grazing” ahead of “appeals” in the first “whereas” statement and the title. There was a second. The motion was passed by voice vote.

The amendments are reflected below in italics and strikethroughs.

FL 1.21  
2017/Amended  
**Grazing Appeals of Forest Service Decisions**

WHEREAS, the current U. S. Forest Service *grazing* appeals process requires appeals to be made to the next highest line officer, and

WHEREAS, this process results in a reversal of decisions unfavorable to grazing permit holders in less than five percent of appeals,

THEREFORE BE IT RESOLVED, NCBA seeks statutory or regulatory change to require, at the option of the permittee, required administrative appeals of Forest Service grazing permit decisions pursuant to 36 CFR Part 251, subpart B, to be held on the record before an independent hearing officer or administrative law judge, with the right to confront and cross examine agency employees in accordance with the requirements of the federal Administrative Procedures Act, 5 U.S.C. 551 et. seq.

John Fowler of the Arizona Cattlemen’s Association moved to renew the policy as amended. There was a second. The motion passed by voice vote.

9. FL 1.25 – Experimental Scientific Review of BLM and Forest Service Range Management Decisions. Robbie LeValley of the Colorado Cattlemen’s Association moved to amend the policy by adding “on an annual basis” at the end of the last sentence. There was a second. The motion passed by a voice vote.

Bob Skinner of the Oregon Cattlemen’s Association moved to amend the policy by striking out “would” and inserting “could” in the third paragraph. There was a second. The motion passed by voice vote.

John Fowler of the Arizona Cattle Growers Association moved to allow the policy as amended to expire. There was a second. The motion passed by voice vote.

FL 1.25  
2017/Sunset  
**Experimental Scientific Review of BLM and Forest Service Range Management Decisions**

WHEREAS, all resource users, regardless of specific interest, benefit from the best scientific information available being utilized in resource decisions, and

WHEREAS, agreement between the various natural resource interest groups as to a manner in which the best scientific information can be brought to decisions would help stabilize the direction of resource management and reduce related litigation,

THEREFORE BE IT RESOLVED, NCBA, in conjunction with state affiliates, will seek development of an experimental scientific review process that ~~would~~ **could** include

local range scientists, among other agency range scientists, to become an official and required part of the Bureau of Land Management (BLM) and U.S. Forest Service administrative appeals process for decisions affecting range management.

BE IT FURTHER RESOLVED, this review process should be developed to not only improve the scientific basis of decisions, but should also be designed to gain acceptance by all reasonable natural resource interests *on an annual basis*.

10. FL 1.36 – Toxic Rotenone and/or Antimycin A. The committee renewed the policy by unanimous consent.
11. FL 2.6 – Commensurability. The committee allowed the policy to expire with no objections.
12. FL 2.7 – Access to Forest Inholdings. John Fowler of the Arizona Cattlemen’s Association moved to amend the policy by adding “in perpetuity” at the end of the last sentence. There was a second. The motion passed by voice vote.

John Fowler moved to renew the policy as amended. There was a second. The motion passed by a voice vote.

The amendments are reflected below in italics and strikethroughs.

FL 2.7  
2017/Amended  
**Access to Forest Inholdings**

BE IT RESOLVED, NCBA supports the amendment of 16 United States Code 478 to clarify that the ingress and egress guaranteed by the statute apply not only to initial settlers residing within the boundaries of the National Forests, but to all patentees and their successors in interest.

BE IT FURTHER RESOLVED, NCBA supports clarifying legislation to guarantee unencumbered access to existing roads and rights-of-way for owners of patented property lying within the boundaries of national forests *in perpetuity*.

13. FL 2.8 – Davis-Bacon Act. The committee renewed the policy by unanimous consent.
14. FL 2.9 – Natural Resources Conservation Legislation. The committee allowed the policy to expire without objection.

15. FL 2.10—Mining Laws. The committee renewed the policy by unanimous consent.

16. FL 2.12 – National Monument Designations. Jim Magagna of the Wyoming Stock Growers Association moved to amend the policy by striking the fourth “whereas” statement. There was a second. The motion passed by voice vote.

John Fowler of the Arizona Cattlemen’s Association moved to renew the policy as amended. There was a second. The motion passed by a voice vote.

The amendments are reflected below in italics and strikethroughs.

FL 2.12

2017/Amended

**National Monument Designations**

WHEREAS, the United States Department of Interior has aggressively ~~nominated~~ *designated* millions of acres of land across the western United States to be designated by the President as national monuments through use of the Antiquities Act of 1906, and

WHEREAS, monument designations have restricted multiple uses to the point of elimination through restricted access and increased regulation, thus destroying the social and economic fabric of the local area, as well as the high level of ecological integrity which merited its designation, and

*WHEREAS, the purpose of the Antiquities Act is to designate “the smallest area essential to ensure the proper care and management of the objects to be protected,”*

~~WHEREAS, Congress passed the National Environmental Policy Act (NEPA so that all important federal land use planning processes and projects are subject to public scrutiny and local government cooperation and coordination, and~~

~~WHEREAS, the executive branch has gone beyond the original intent of the Antiquities Act of designating only the smallest portion of land needed to represent certain objects of historic and scientific interest,~~

THEREFORE BE IT RESOLVED, NCBA strongly supports modification of the Antiquities Act *to include:* ~~that every such proposed designation undergoes congressional approval based on a thorough social, economic, and environmental analysis, conducted under the scrutiny on NEPA.~~

- 1. A requirement for congressional approval of Presidential Designations.*
- 2. A requirement that existing levels of grazing and infrastructure be maintained.*
- 3. A requirement that approval be granted by local residents and stakeholders.*
- 4. A requirement that appropriate economic and environmental review be complete prior to national monument designations.*

BE IT FURTHER RESOLVED, NCBA encourage the administration to work toward the reversal, or repeal or *reduction in size* of ~~past unnecessary~~ national monument designations, *consistent with the aforementioned purpose of the Antiquities Act.*

BE IT FURTHER RESOLVED, NCBA will work with the locally affected members and the land management agencies to ensure that ~~all national monument~~ management plans *for monuments* ~~safeguard~~ *incorporate sustained* livestock grazing and other multiple uses.

17. FL 2.16—Species Recovery Easements. The committee allowed the policy to expire without objection.
18. FL 3.2 – Damage Control and Wildlife Services. With no objection, the committee agreed to amend the title by adding “Predator & Wildlife” before the word “Damage”. The title now reads:  
  
FL 3.2  
2017/Amended  
***Predator & Wildlife Damage Control and Wildlife Services***
19. FL 3.4 – Desert Tortoises. The committee renewed the policy by unanimous consent.
20. FL 3.5 – Delisting of Wolves and Grizzly Bears. The committee renewed the policy by unanimous consent.
21. FL 3.7 – Sage Grouse Recovery. The committee renewed the policy by unanimous consent.
22. FL 4.1 – Fire Resistant Plant Species. The committee renewed the policy by unanimous consent.
23. FL 4.5 – Control of Grasshoppers, Crickets, and Other Damaging Insects on Federal Lands. The committee renewed the policy by unanimous consent.
24. FL 5.3 – Water Rights. The committee renewed the policy by unanimous consent.
25. FL 5.7 – Water Rights on Federal Lands. Alisa Ogden of the New Mexico Cattle Growers Association moved to strike “U.S.” before “canals” in the second “WHEREAS” statement. There was a second. The motion passed by voice vote.

John Fowler of the Arizona Cattle Growers Association moved to renew the policy as amended. There was a second. The motion passed by voice vote.

26. FL 6.5 – Catastrophic Wildfire. John O’Keefe of the Oregon Cattlemen’s Association moved to amend the policy by adding “such as rangeland fire protection associations or other local wildfire support groups” in the third “resolved” statement.

John Fowler of the Arizona Cattlemen’s Association moved to renew the policy as amended. There was a second. The motion passed by a voice vote.

The amendments are reflected below in italics and strikethroughs.

FL 6.5

2017/Amended

**Catastrophic Wildfire**

WHEREAS, vegetation fuel loads, drought, poorly planned backfires, and inaccessible areas have led to catastrophic wildfires, creating an emergency situation, and

WHEREAS, catastrophic wildfire poses a constant threat to human life and property on federal lands and private lands, including those managed under the Conservation Reserve Program (CRP), and

WHEREAS, the risk of catastrophic wildfires is compounded by federal lands management policy, including the requirements imposed by the National Environmental Policy Act (NEPA), and by Endangered Species Act (ESA) restrictions, and

WHEREAS, private lands are similarly affected by ESA restrictions, and

WHEREAS, catastrophic wildfires cause significant damage to the natural resources, especially timber, forage availability, water quality, and wildlife habitat, and

WHEREAS, suppression and restoration costs to taxpayers can be in the billions of dollars annually, as can the value of timber lost,

THEREFORE BE IT RESOLVED, NCBA supports efforts to reevaluate and improve land management to prevent similar catastrophic wildfires in years to come. This would include legislative and regulatory changes that require managers of all federal lands, lands managed under the CRP, and lands managed under ESA prescriptions to use multiple-use activities such as grazing, thinning, and timber harvesting so as to prevent the build-up of fuel loads that can lead to catastrophic fire,

BE IT FURTHER RESOLVED, NCBA supports “categorical exclusions” for NEPA requirements and waivers for ESA management in cases of land management for catastrophic wildfire prevention,

BE IT FURTHER RESOLVED, NCBA supports efforts to better coordinate fire suppression efforts between local, state, and federal officials along with private landowners,

such as local wildfire support groups *such as Rangeland Fire Protection Associations*, that are trained and sanctioned by the federal agencies,

BE IT FURTHER RESOLVED, NCBA supports full funding of user-friendly emergency relief and rehabilitation programs,

BE IT FURTHER RESOLVED, NCBA strongly urge immediate rehabilitation measures that are based on site-specific conditions and a multiple use philosophy,

BE IT FURTHER RESOLVED, NCBA continue efforts to publicize the important role that both forest thinning and livestock grazing can and do play in vegetation management to reduce fuel loads and to prevent the spread of uncontrolled wildfires,

BE IT FURTHER RESOLVED, NCBA continue to closely coordinate with affiliated states, affected members, elected officials, and any other potential ally on these important efforts.

27. FL 6.9 – Recreation Campaign. The committee renewed the policy by unanimous consent.

28. FL Winter Resolution 1 – Transfer of Federal Lands. Niels Hansen of the Wyoming Stock Growers Association moved to adopt the resolution. There was a second. The motion passed by voice vote.

b. Vice Chairman Goicoechea then opened the floor for new resolutions:

1. A motion was made by Terry Fankhauser from the Colorado Cattlemen’s Association to consider a new resolution titled Species and Habitat Conservation Action Planning and Implementation. There was a second.

Tim Canterbury of the Colorado Cattlemen’s Association moved to amend the policy. There was a second. The amended resolution consists of the following:

FL Summer Resolution 1  
2017/New

**Species and Habitat Conservation Action Planning and Implementation**

WHEREAS, NCBA strongly supports principles of multiple use that provides for livestock grazing, recreation, mineral development, wildlife and natural resources, etc, and

WHEREAS, NCBA supports voluntary, incentivized conservation measures that achieve scientifically-based outcomes and multiple uses, ~~such as the Habitat Exchanges and~~

WHEREAS, NCBA supports federalism approaches that empower stakeholders, states, and local governments to manage species and habitats in outcome based approaches, and

WHEREAS, species and resource issues are best handled in order to limit, if not prevent, litigation due to the robust and defensible nature of advanced and legally defensible planning,

THEREFORE BE IT RESOLVED, NCBA insist on species and habitat action plans that fully consider multiple uses and *does* not elevate ***any use over livestock grazing*** ~~one use over another~~ subsequently causing imbalance regulatory application,

BE IT FURTHER RESOLVED, NCBA and its Affiliates work with the Administration to find the required balance and implementation of programs/approaches in advance of regulatory implementation,

BE IT FURTHER RESOLVED, planning improve certainty and efficiency for landowners, lessors, permittees and project developers by provides an avoidance, then minimization and ultimately mitigation approach that is reasonable and sustainable related to conservation and economic norms,

BE IT FURTHER RESOLVED, planning fosters transparency, accountability, credibility and continuous improvement to be implemented in a timely, process based fashion,

BE IT FURTHER RESOLVED, NCBA work with its Affiliates to detail and offer formal regulatory constructs that strikes a balance for timely implementation of species and natural resource management planning in lieu of heavy regulatory approaches or litigation.

The resolution passed by unanimous voice vote.

III. New Business

No other business was brought before the committee.

IV. Adjournment - The committee adjourned at 3:46 PM