



National Cattlemen's
Beef Association

Property Rights & Environmental Management

Minutes

Denver, CO

Hyatt Regency, Capitol Ballroom 5-6

July 14, 2017 • 1:00 PM – 3:00 PM

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I. The meeting was called to order 1:11 PM by Chairman Koopman. The agenda for the meeting and minutes of the 2017 Cattle Industry Annual Convention in Nashville, Tennessee, were approved without objection.

II. COMMITTEE ACTIONS:

a. Consideration of Expiring Policy:

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

1. PR/EM 1.11—Support for the Environmental Quality Incentives Program. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
2. PR/EM 2.8—Fire Ant Control. Allowed to expire.
3. PR/EM 2.9—Definition of Rangeland. Allowed to expire.
4. PR/EM 2.11—Prescribed Burning. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
5. PR/EM 2.29—EQUIP “Systems” Approach to Brush, Invasive, and Non-Beneficial Species Control. Allowed to expire.
6. PR/EM 3.7—Property-Abandoned. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
7. PR/EM 3.20—Aerial Surveillance. Todd Wilkinson from South Dakota’s Cattlemen’s Association moved to renew. Motion was seconded. The committee voted to renew by a unanimous card vote.
8. PR/EM 3.8—Government Coercion. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
9. PR/EM 3.9—No Net Loss of Private Property. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.

10. PR/EM 3.19—Private Land Condemnation. Allowed to expire.
11. PR/EM 4.7—Wildlife-International Treaty. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
12. PR/EM 4.8—Delisting Threatened and Endangered Species. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
13. PR/EM 4.9—Biological Diversity. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.
14. PR/EM 4.14—Voluntary Species Recovery Credit System. Jason Hitch from Texas Cattle Feeders Association moved to renew. There was a second. The committee voted to renew by a unanimous card vote.

b. Chairman Koopmann then opened the floor to amendments to expiring policies:

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 1.2—NCBA’s Environmental Platform. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 1.2
NCBA’s Environmental Platform

WHEREAS, cattlemen ~~will continue to exhibit~~ have a special appreciation of the natural world as individuals producing food and fiber from renewable natural resources, while conserving and improving these resources on an ecologically and economically sound, sustainable basis, and

WHEREAS, ~~p~~*Private* property rights, property values, and management flexibility ~~will~~ should be enhanced because ~~B beef should~~ will be recognized as an environmentally friendly product and sound beef production as an integral component of environmental management, and

WHEREAS, ~~To~~ protect private property rights, enhance and preserve property values, maintain flexibility in the prudent management of natural resources, and improve and promote consumer demand for beef, cattlemen must implement a bold, creative strategy on environmental issues, ~~and~~.

WHEREAS, ~~B~~*beef* production should be represented and recognized as one of the most vital and environmentally sustainable components of American agriculture ~~and~~ ~~Beefs~~ should be correctly perceived by consumers as an environmentally friendly product, and

WHEREAS, cattlemen should be more widely recognized as the expert, responsible stewards of our nation's natural resources, including those of soil, water, air, vegetation, and wildlife,

THEREFORE BE IT RESOLVED, ~~To pursue these goals:~~ NCBA will *continue to initiate and support* a comprehensive research programs to thoroughly assess the condition of the resources utilized in the production of beef ~~and~~ ~~P~~producer education programs ~~will be undertaken to that~~ disseminate both current and innovative technologies and management techniques ~~and as well as to~~ encourage prudent use and management of natural resources,

BE IT FURTHER RESOLVED, NCBA will expand its informational, political, and legal tools to protect cattlemen and the environment from ill-advised legislation and regulations which restrict management options, reduce land values, reduce economic incentives for prudent resource management, and increase government ownership or control of natural resources,

BE IT FURTHER RESOLVED, NCBA will support progressive and innovative environmental approaches that demonstrate to the public that privately owned and managed natural resources are more effectively conserved and protected than resources owned or controlled by government,

BE IT FURTHER RESOLVED, NCBA will form action-based alliances that promote the importance of private ownership of land, productive use of natural resources, and the environmental effectiveness of the private sector,

BE IT FURTHER RESOLVED, NCBA will initiate an informational and cooperative dialogue, and coordinate to the most practical and political extent, a consolidated effort between other segments of animal agriculture, and will strongly encourage reciprocal dialogue, assistance, and advisement between NCBA and affiliate organizations regarding local, state, and national initiatives affecting animal agriculture.

BE IT FURTHER RESOLVED, NCBA will strive to position beef in its true role as an environmentally friendly product with diverse audiences of opinion leaders, public influencers, and consumers.

The amended policy was passed by a unanimous card vote.

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 1.3—General Policy for Private Lands and Water. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 1.3

General Policy for Private Lands and Water

WHEREAS, ~~I-~~ The right of an individual to own property is protected by the federal and various state constitutions together with rights of life and liberty, **and-**

~~Any abridgment of these rights shall be vigorously opposed.~~

WHEREAS, ~~G~~government policy should enhance the individual right of free choice in land, water, soil, and energy use, development, and conservation, and

WHEREAS, ~~this~~government policy should be carried out by all branches and levels of governments,

THEREFORE BE IT RESOLVED, NCBA takes the following positions:

1. **Private Land Ownership:** Any loss of private lands or water rights including waters arising or claimed on federal lands without specific procedures of due process of law and just compensation (as provided in the V and XIV amendments of the U.S. Constitution) shall be opposed. Agreements involving individual private land and water rights shall be solely a decision of individual private property owners.
2. **Cooperative Federalism:** The laws and policy of state and local governments and private rights should be paramount in governing the use and ownership of water and natural resources. The authority of each sovereign state to allocate quantities of water within its jurisdiction shall not be superseded, abrogated, or otherwise impaired by governmental action. Rights to use surface and ground water established under state law are private property rights, constitutionally recognized, and protected. **NCBA opposes federal efforts to seek the establishment of instream flows on any river or stream in any state, inter-basin or interstate transfer of water except as freely agreed upon between the states or basins affected. NCBA also opposes federal interferences with existing ditches and structures in connection with any water right on either private, state, or federal lands and federal preemption or interference with an individual filing on water rights under state law, except in full compliance with the law of the state.**
3. **~~II. NCBA statement of policy for the protection of vested water rights and water used in accordance with the federal constitution, various state constitutions, and state laws is as follows:~~** Federal Reserved Water Rights: The water rights claimed by the United States and the Indian Tribes under the Federal Reserved Water Rights Doctrine (Winters Doctrine) should be determined and administered under state procedures or by agreement with the several states. Such water rights should be restricted to the expressed purpose for which the reservation was originally set aside as of the date of creation and in the amounts then contemplated. The United States, the several Indian Tribes and the several states should take prompt action to quantify reserved water rights.
4. No Non-Reserved Water Rights: The concept of federal non-reserved rights shall not be recognized, but the United States may acquire new water rights pursuant to state law.

5. Indian Water Claims: In connection with federal encouragement and recognition, private water rights have been acquired in accordance with state laws to which Congress has invariably deferred. Substantial investments have been made in reliance on these water rights. Without prejudging the Indian water rights claims or without prejudice to their justice, the NCBA believes that the trust obligation of the United States to Indians can be fairly and justly met by alternate means, without divesting the owners of their established water rights.
6. Groundwater: The goal of minimal-degradation of groundwater is supported by NCBA; but until adequate research is completed upon which to base decisions, we urge restraint in developing rules to achieve this goal.
7. Wilderness Legislation: NCBA opposes any wilderness legislation until such time as the question of reserved water rights on federal land is resolved in a manner insuring such additional designations to the National Wilderness Preservation System shall not, directly or indirectly, reserve or otherwise create a right to the appropriation, diversion, use, or flow of water to or by the United States. ***NCBA opposes expansion of the Wild and Scenic River System.*** NCBA supports the following language: “No provisions of this Act or any other act of Congress designating areas as part of the National Wilderness Preservation System, nor any guidelines, rules, or regulations issued hereunder, shall constitute the establishment of an expressed or implied right to the acquisition, diversion, appropriation, use, or flow of water to the federal government because of the designation except in full compliance with states’ water laws.”
8. Wetlands: NCBA recognizes the importance of traditional wetlands in providing fish and wildlife habitat and insuring quality water. NCBA supports wetlands management in those traditional areas only when those activities do not infringe upon the rights of individual and the respective states to determine the uses of their land and water resources.
9. Federal Regulations and Restraints: No department or agency of the United States Government shall diminish the value of a water right by unreasonable restraint or regulation. No federal, regional, or multi-state water entity shall in any way diminish, alter, or in any manner affect private water rights or a state’s legal right to allocate and administer water.
10. Riparian Areas: NCBA opposes regulations by federal or state agencies to fence riparian areas except when the proposed sites are studied in full cooperation with the private livestock operator and where a comprehensive cooperative agreement, with recognition of stock water rights, is voluntarily entered into between the agency and livestock operator or permittee.

NCBA opposes:

- ~~1. Federal efforts to seek the establishment of instream flows on any river or stream in any state~~
- ~~2. Expansion of the Wild and Scenic River System,~~

- ~~3. Inter-basin or interstate transfer of water except as freely agreed upon between the states or basins affected,~~
~~4. Federal interferences with existing ditches and structures in connection with any water right on either private, state, or federal land.~~
~~5. Federal preemption or interference with an individual filing on water rights under state law, except in full compliance with the law of the state.~~

11. **Sustainability:** ~~III.~~ Cattle production is an efficient and environmentally sound use of renewable natural resources (air, water, soil, and vegetation). ~~I.~~ Successful, sustainable cattle production depends on the prudent management of renewable natural resources with long term productive multiple use benefits. ~~2.~~ These resources such as air, water, soil, vegetation, forest, and fish are dynamic resilient renewable resources and respond positively to prudent management. ~~3.~~ Management practices which best sustain and enhance natural resources are site and situation specific. ~~4.~~ The most environmentally effective and productive management of natural resources occurs through private ownership and individual management which maximizes flexibility and choice.

The amended policy was passed by a unanimous card vote.

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 1.4—Defining Regulatory Authority over Waters of the United States. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 1.4

Defining Regulatory Authority over Waters of the United States

WHEREAS, wetlands and non-navigable waters are found on a large portion of agricultural lands, and we believe farmers and ranchers should be able to use their land for production to the greatest extent,

THEREFORE BE IT RESOLVED, NCBA will seek regulations and/or legislation to prevent the expansion of federal jurisdiction ~~over wetlands and non-navigable waters under the Clean Water Act,~~

BE IT FURTHER RESOLVED, NCBA will work with Congress and the federal agencies to rescind and replace the 2015 waters of the U.S. (WOTUS) rule and restore jurisdiction of non-federal waters to the States.

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 1.12—Environmental and Economic Implications of Government Mandated Renewable Fuels Production. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 1.12

Environmental and Economic Implications of Government Mandated Renewable Fuels Production

BE IT RESOLVED, NCBA supports:

1. ~~*Continued*~~A federally funded research program to evaluate the potential economic implications on the cost of food production, as well as the environmental implications, both on air and water quality, of feeding distillers' grain co-products to beef cattle.
2. Legislative and regulatory environmental relief for cattle operations that are appropriately utilizing and feeding the co-product of the renewable energy industry.

The amended policy was passed by a unanimous card vote.

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 2.15—Air Quality Standards. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 2.15
Air Quality Standards

WHEREAS, emissions from feedyard pens and retention ponds are not regulated under Title V of the *Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or the Emergency Planning and Community Right to Know Act (EPCRA),*

WHEREAS, the U.S. Court of Appeals for the District of Columbia Circuit recently ruled that all animal feeding operations, regardless of size, are subject to federal emissions reporting requirements under CERCLA and EPCRA if a facility exceeds the reportable quantity of 100 pounds per day of ammonia or hydrogen sulfide emissions, and if allowed to stand, these expanded reporting requirements will cause up to 100,000 farms and ranches across the country to face potential liability if an emissions report is not submitted,

THEREFORE BE IT RESOLVED, NCBA recognize the potential significant impacts National Ambient Air Quality Standards (NAAQS) have on livestock operations and that any additional legislative, legal, regulatory, and research resources may need to be expended to protect the interests of NCBA members,

BE IT FURTHER RESOLVED, NCBA oppose federal reporting requirements under CERCLA and EPCRA for livestock operations, support legislation to clarify that CERCLA and EPCRA do not require such reporting, and encourage the Environmental Protection Agency to oppose or minimize the imposition of any such federal reporting requirements.

The amended policy was passed by a unanimous card vote.

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 2.22—Alternative Technologies for Feedlots. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 2.22
Alternative Technologies for Feedlots

~~*WHEREAS, climate and feedlot size differences across the country make “a one-size fits all” approach in EPA’s prescribed technology economically unachievable for many feedlots,*~~

BE IT RESOLVED, NCBA encourage *the Natural Resources Conservation Service* federal officials to allow producers to employ best *practicable control technologies currently* available ~~*technologies that are economically achievable*~~ and that enforcement action will not be taken during the implementation and testing period for those technologies.

~~*BE IT FURTHER RESOLVED, NCBA shall intensify its dialogue with federal officials and agency personnel to provide science based research on alternative technologies so that the use of those technologies can be accepted within the scope of National Pollution Discharge Elimination System permits for feedlots.*~~

The amended policy was passed by a unanimous card vote.

A motion was made by Mike Williams from California Cattlemen’s Association to amend PR/EM 2.28—Carbon Sequestration on Grasslands. There was a second. The amendments are reflected below in italics and strikethroughs.

PR/EM 2.28
Carbon Sequestration on Grasslands

BE IT RESOLVED, NCBA encourages the Natural Resources Conservation Service (NRCS) to *continue investigating* current research and models used to calculate carbon sequestration on rangeland and pastureland *in order and, if no acceptable model can be found, then pursue the development or modification of an existing model* to provide a factual and reliable estimation of carbon sequestration ~~*on range and pastureland at*~~ various management levels *and rangeland conditions* to facilitate the free exchange of environmental carbon credits,

~~*BE IT FURTHER RESOLVED, NCBA encourages NRCS to research and investigate the marketability of implementing carbon sequestration practices on range and pastureland.*~~

The amended policy was passed by a unanimous card vote.

A motion was made by Jason Hitch from Texas Cattle Feeders Association to amend PR/EM 2.30 Waiver of Fees for Projects. There was a second. The amendments are reflected below in italics and strikethroughs

PR/EM 2.30
Waiver of Fees for Projects

WHEREAS, NCBA supports landowners' efforts in restoration projects on private property, and

WHEREAS, a completed restoration project adds to the value of the property and promotes a healthy environment,

THEREFORE BE IT RESOLVED, NCBA supports landowners who engage in restoration projects that benefit water quality, wildlife, or the public,

BE IT FURTHER RESOLVED, NCBA encourages all federal, state, and local governmental agencies, which have oversight over a voluntary restoration project on private land to waive any and all administrative fees associated with obtaining and implementing the requisite permits associated with such restoration projects.

The amended policy was passed by a unanimous card vote.

III. New Business

No other business was brought before the committee.

IV. Adjournment - The committee adjourned at 2:45 PM