

NATIONAL PUBLIC LANDS GRAZING CAMPAIGN

Social Benefits of the Multiple-Use Conflict Resolution Act

Many social benefits would result from the enactment of the Multiple-Use Conflict Resolution Act (MUCRA, H.R. 3166). MUCRA would establish a voluntary grazing permit/lease buyout program for grazing allotments experiencing conflicts with other multiple uses of federal public lands. A few of the many benefits are listed below.

1. Resolve conflicts over public lands management in a fair and equitable manner.

While the Taylor Grazing Act and other laws permit livestock grazing on public lands, many subsequent statutes and caselaw conflict with Congress' original direction on grazing, rendering public lands grazing more problematic for both permittees/lessees and federal land management agencies. Depending on jurisdiction, these laws include:

- Endangered Species Act
- Clean Water Act
- National Environmental Policy Act
- National Forest Management Act
- Federal Lands Policy and Management Act
- National Wildlife Refuge Management Improvement Act
- National Park Service Organic Act
- Wild and Scenic Rivers Act

These laws often prevail over the Taylor Grazing Act and other federal grazing statutes in litigation, complicating land management for federal agencies and creating hardship for permittees/lessees. *MUCRA would help to resolve these legal conflicts more quickly and efficiently, and to the advantage of both permittees/lessees and the environment.*

2. Reduce litigation over public lands management.

Congress enacted the latter set of environmental laws because the American people demanded environmental protection and conservation of natural resources. When these laws are not being enforced or obeyed, citizens can sue the responsible federal land management agency in federal court. The agencies usually lose lawsuits over public lands grazing conflicts, and the court's decision almost always requires federal managers to impose additional restrictions on public lands grazing operations. *When faced with litigation and/or increased agency enforcement, permittees/lessees should have the option to simply retire their grazing permit/lease for compensation rather than suffer the inevitable costly mandates to change their grazing operations. With MUCRA, litigation would also be significantly reduced in the future.*

3. Free up agency resources from defending against lawsuits, preparing paperwork, and responding to public lands grazing conflicts.

Attempting to insulate themselves from legal challenge, federal land management agencies are preparing ever more paperwork to defend their grazing programs (rather than actually correcting illegal grazing practices). This is an unnecessary burden on the agencies themselves, as well as affected permittees/lessees and the public. Ironically, creating a mountain of paperwork neither means, nor proves, compliance with federal environmental laws. *There is a better alternative. If grazing allotments were retired under MUCRA, the agency and the former permittee/lessee would no longer be required to spend time and resources complying both procedurally and substantively with environmental statutes and regulations. Agency personnel could better spend their time doing more productive tasks.*

4. Reduce new species listings and speed recovery of listed species under the Endangered Species Act.

The purpose of the Endangered Species Act is to prevent the extinction of species. The Act explicitly states that the government should recover listed species so that the protections of the Act are no longer necessary.¹ In their attempts to conserve species affected by livestock grazing, federal land management agencies (usually under court order) often impose additional terms and conditions on federal grazing permits and leases. Unfortunately, these terms and conditions are usually biologically inadequate to recover species, while still imposing significant new costs and limitations on public lands grazing operations. *MUCRA would be a more effective, less expensive tool for recovering sensitive species. And the grazing allotments permanently retired from grazing would become new refuges for species from surrounding detrimental land uses.*

Conclusion

The rules have changed on public lands grazing permittees/lessees. Environmental statutes, regulations, and policies will continue to require additional restrictions on public lands grazing. This is the case even under an Administration sympathetic to permittees/lessees and unsympathetic to the environment. Economic conditions also disfavor public lands ranchers, while an increasingly urban population in the West is demanding more environmental amenities over traditional commodity production from their public lands.

When a federal land management agency, either on its own or by court order, reduces livestock grazing, the permittee/lessee is not only forced to find other forage to continue their operation, but also suffers lost permit/lease asset value. Although public lands grazing is not a right that must be compensated when the federal government reduces or eliminates grazing privileges, the financial and real estate markets have long recognized a monetary capital value in federal grazing permits/leases. A voluntary permit/lease buyout program also recognizes this permit/lease value and would help to make permittees/lessees whole again if they decide to retire their allotment.

Congress has a record of acknowledging changing economic and social conditions in agriculture and industry, including authorizing fishing permit buyouts, the peanut quota buyout and the tobacco quota buyout. MUCRA would continue this tradition of assistance to marginalized agricultural communities.

¹ 16 U.S.C. § 1532(3). “The terms ‘conserve’, ‘conserving’, and ‘conservation’ mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary.” See also 16 U.S.C. § 1531(b) (“The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved...”).