

Testimony
on behalf of the

**Association of National Grasslands
and Public Lands Council**

with regard to:

Support for S. 2787, to amend the Federal Land Policy and Management Act of 1976 to ensure that ranchers who have grazing agreements on national grasslands are treated the same as permittees on other Federal land

submitted to the Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forestry, and Mining

Chairman John Barrasso
Ranking Member Cortez Masto

submitted by:

Ty Checketts
President, Association of National Grasslands
Owner/Operator, Fiddleback Ranch

Thursday, February 12, 2026
Washington, D.C.

**Testimony of Ty Checketts, Owner/Operator of Fiddleback Ranch and President of
Association of National Grasslands
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Senate Energy and Natural Resources Subcommittee on Public Lands, Forestry and
Mining**

Chairman Barrasso, Ranking Member Cortez Masto, and members of the subcommittee, I appreciate the opportunity to testify in support of S.2787, which would create parity across federal lands grazing permits and agreements. Grazing on federal lands is diverse both on the ground and in the laws that govern various kinds of agreements a producer may have with a federal agency. S.2787 recognizes that until now, producers who graze on national grasslands, managed by the U.S. Forest Service (USFS), have faced greater uncertainty and fewer tools when navigating permit renewal and opportunities to graze than their counterparts who graze on forest lands.

Currently, I serve as President of the Association of National Grasslands (ANG), which represents Grazing Associations and direct grazing permittees who work with USFS in the protection, improvement, development, and administration of the National Grasslands. In total, we represent 30 national grasslands, grazing associations, and districts for a combined 1,275 members that utilize one million animal unit months (AUMs) of permitted grazing on 4 million acres.

I also am a member of the Wyoming Stockgrowers, National Cattlemen's Beef Association, and have the privilege of holding a seat on the board of the national Public Lands Council. Most importantly, I am a husband and father trying to carve out a living as a rancher - playing my part to build a legacy for generations to come. My wife and I, with our children, own and operate the historic Fiddleback Ranch in northeastern Wyoming. It consists of rolling prairie with the Cheyenne River running through it. We run about 1,000 head of Black Angus cow/calf pairs on 65,000 acres. I love what I do, and grazing on federal lands makes my dreams - and our operation - viable. The benefit of this setup is that it is positive for both parties: me and the land.

Without the ability to graze on national grasslands, there would not be enough forage for my livestock, nor enough private land to access additional forage, to be able to ranch in Wyoming. Many Western and midwestern states are in the same situation - the federal government owns or controls so much of these states that integrating federal lands grazing allotments is the only way to have cattle and sheep production at scale. This access must be predictable and consistent, which unfortunately has not been the case for grazing associations and direct permittees whose authorizations emanate from the Bankhead-Jones Farm Tenant Act of 1937.

The Federal Land Policy and Management Act of 1976 (FLPMA) provides the guidelines for permits and agreements to be provided to direct permittees and grazing associations on lands managed by the Bureau of Land Management (BLM) and USFS. During the Congressional deliberations around FLPMA's origins, Congress discussed inclusion of National Grassland permittees in the language that provided due process protections of 43 U.S.C. §1752. The final version of FLPMA omitted the National Grassland permittees, granting those due process rights only to the National Forest and BLM permittees. These included the ability to renew permits with a preference position, the ability to engage with the relevant agency in negotiating conditions and grazing levels, and clear expectations that a permit or agreements should only be cancelled with

abundant notice. Each of these are important protections for producers who engage in this contractual agreement with a federal agency who are building businesses and livelihoods based on these agreements.

Because the final version of FLPMA did not afford protections to permittees equally, USFS developed 36 CFR 222.3. This regulation creates two classes of permits: one having more rights (permittees on Forest Service land) and the other having less (permittees and associations on National Grasslands).

S.2787 addresses this longstanding inequity by amending FLPMA to replace the words “lands within National Forests” with the words “National Forest System lands”. With this simple change, National Grassland permittees would have access to the following tools:

- 1.) The ability to have a 10-year permit;
- 2.) First priority for receipt of new permit upon expiration of an existing permit (this is the “preference” position afforded to USFS and BLM permittees);
- 3.) Entitlement to written notice of any permit violations and an opportunity to achieve compliance before cancellation or suspension proceedings related to the permit; and
- 4.) Except in cases of emergency, no permit would be allowed cancelation without two (2) years prior notification.

The ability to have a longer-term permit provides producers the ability to plan for longer-term investments in the land, including water troughs, water pipelines, culverts, fences, soil amendments and forage treatments. This longer-term asset also creates a more stable financial balance so permittees can have access to capital, as a longer-term permit inherently brings more business stability. This business stability is crucial for the health and sustainability of rangelands, grasslands, and rural communities; each of these grazing agreements and permits are tied to management of a base property. Without the ability to plan for a longer-term grazing rotation and business operations, permittees face challenges in whether to continue operations. Loss of an allotment or grazing association permit puts increased pressure on their private land, and can lead to a producer selling out. Lack of predictability affects producer retention, and even the ability to recruit additional, new permittees over time. The average age of ranchers in the United States is 58.1 years old. More than 70 percent of farm and ranch land is going to change hands in the next twenty years, and without long-term predictability, many operations will face the decision of whether to sell, or gamble on future forage availability. Providing tools for grasslands permittees that are already available to BLM and USFS permittees will give the young ranchers more confidence to continue the long legacy of stewardship and continue producing high quality protein as part of our national food security.

The value of grazing on federal lands cannot be overstated. More than 60 percent of the western beef herd and more than 50 percent of the breeding ewes spend some time grazing on federal lands. Grazing generates billions in direct revenues for USFS and BLM, in addition to the billions in ecosystem services on an annual basis. National Grasslands are often some of the highest

quality grazable forage in the federal land portfolio, so the ability to provide greater predictability in grazing on these lands inherently improves management. When you plan ahead, you plan better.

Grasslands are diverse ecosystems, and grazing is the best way to manage them. As an ecosystem, grasslands cover approximately 25 percent of the Earth's surface and store approximately 34 percent of the world's carbon. The National Grasslands managed by USFS are no different, and grazing is the best way to ensure biodiversity and ecosystem resilience. Grazing, and the way we manage our rotations, mimics historic management of the grasslands and promotes retention of native grasses, fights the encroachment of invasive species, and reduces fire risk.

Because of the complex relationship between/among the expectations in regulation, Bankhead-Jones, and FLPMA, ANG wishes to clarify the following and urges the Committee to adopt the following positions when advancing S.2787:

- 1.) The intent of the amendment is only to make the due process and other rights of 43 U.S.C. §1752 available National Forest System permittees, and rather than extend all expectations of FLPMA to the National Grasslands. Extending other provisions may unintentionally change expectations for USFS administration, which would be disadvantageous for long-term management.
- 2.) The Conservation Practice program currently administered on the National Grasslands is intended to remain intact, as the Range Betterment Fund program contained in 43 U.S.C. §1751 is not changed or made applicable to the National Grasslands in any way by this amendment.
- 3.) The National Grasslands exemptions contained in the Public Rangelands Improvement Act (PRIA), specifically 43 U.S.C. §1907, are also intended to remain intact and not changed in any way by this amendment.
- 4.) The current program of issuing Grazing Agreements to Grazing Associations on the National Grasslands is intended remain intact; the Grazing Associations should continue to assume the privileges and rights of a term permit holder.

Mr. Chairman, the proposed legislation simply seeks to give National Grasslands permittees the same due process rights that the Bureau of Land Management and National Forest permittees currently enjoy. S.2787 will provide for stable and secure ten-year grazing agreements and permits. The modification sought by this legislation will, in fact, create a more uniform, equitable and less confusing framework for the relationship between the Forest Service managers and their rancher partners across the western portion of the United States. I thank you for your consideration and urge the Committee to advance this bill.