

SENATE ENERGY & NATURAL RESOURCES COMMITTEECOMMITTEE  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTRY & MINING  
HEARING ON BLM PLANNING 2.0

TESTIMONY OF  
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Mr. Chairman and Members of the Committee, I am Jim Magagna, a life-long Wyoming public land rancher. For the past 17 years I have held the position of Executive Vice President of the Wyoming Stock Growers Association (WSGA). The Association has been a voice for Wyoming's ranching industry since 1872. I have also served as President of the National Public Lands Council and as President of the American Sheep Industry Association. I am currently serving on a FACA Committee where we have spent the past four years advising the U.S. Forest Service on implementation of their 2012 Planning Rule. To the extent that there are similarities between these two rules, my comments will reflect that experience. I appreciate this opportunity to testify before you today.

Livestock grazing is perhaps the earliest and most widespread use of public lands in the west since the founding of our nation, predating the establishment of the Bureau of Land Management. I believe it is useful to understanding our concerns with the planning rule to place it in the context of the evolution of the relationship between the BLM and the public land rancher. Prior to the mid-20<sup>th</sup> century, public land grazing was viewed primarily as "a use of the land". The role of BLM was focused on the issuance of permits and assuring general compliance with their terms and conditions.

Beginning in the 1960's, BLM range professionals became more active as "partners" with ranchers in on-the-ground management. This partnership led to more intense management of livestock and increased productivity of the land. Advances in range science influenced livestock management. As we moved toward the 21<sup>st</sup> century, livestock grazing came to be recognized not only as a use of the land but as an important tool in meeting the resource management goals of the agency.

Today, increased federal regulatory burdens and incessant legal challenges to agency decisions from a radical element within the environmental community threaten this partnership. While we commend the BLM for considering the need to make their planning process more responsive to the public, WSGA is very concerned that several of the changes proposed in Planning 2.0 will further erode our partnership with the agency in achieving sustainable resource management.

A central component of Planning 2.0 introduces the concept of landscape level planning. We find several dangers inherent in this approach. For those most knowledgeable about the resources in any given area, individual areas are most notable for their uniqueness and their unique management challenges. Attempts to implement broad management plans

will necessarily often result in less attention to the resource management needs of a particular area.

Landscape level planning moves the input and decision-making processes further from those agency personnel with a working knowledge of the resource and resource challenges. These same individuals best understand current multiple uses of these resources and the potential social and economic impacts of plan components. The removal of the well-defined roles of BLM State Directors and Field Office Managers in favor of “Deciding Officials” and “Responsible Officials” only serves to increase the uncertainty and distrust that has been growing among resource-dependent constituencies.

Landscape level planning will significantly reduce the ability of local governments, resource dependent users such as grazing permittees and local publics to engage in and influence the planning process. For all of these reasons, WSGA urges that effective planning be conducted at the smallest scale compatible with effective use of resources. In Wyoming that is the field office level.

A second component of Planning 2.0 addresses improved opportunities for public input. WSGA’s analysis confirms our early concern that, while Planning 2.0 may encourage a greater breath of the public to provide input, it actually lessens the ability of those most directly involved in multiple uses of the resource and therefore most significantly impacted to have meaningful substantive impact. Furthermore, we find no recognition of the particular need for agency planners to reach out to constituencies that have a more formal relationship on the affected lands through permits, leases, rights of way and other legal instruments including, in our case, the Taylor Grazing Act.

In addition to the challenges imposed by the landscape scale approach discussed above, minimum formal comment periods have been significantly reduced—from 90 days to 60 days on draft resource management plans and from 90 days to 45 days on draft plan amendments. This becomes even more problematic as plans become more generic due to the landscape level approach. As planning documents have become more complex and lengthy, even under the current planning rule we are most often compelled to seek extensions to the comment periods to allow for adequate analysis.

In part because grazing permittees, many of whom have multiple generational commitments to stewardship of the public lands, have been relegated to no greater opportunity for engagement than that of “the public”, we have become increasingly dependent on the unique opportunities of state and local governments to represent our interests in the planning process. Their “toolbox” has included cooperating agency status and coordination as granted by the Federal Land Policy Management Act (FLPMA).

While the proposed rule acknowledges the role of cooperating agencies, the need for collaboration and the requirement to seek consistency with local plans, it is filled with undefined terms that provide BLM multiple escape routes from full cooperation. These include cooperation “where possible and appropriate”; collaboration “as feasible and appropriate” and consistency “to the maximum extent the BLM finds practical”. The

insertion of these terms makes the proposed rule inconsistent with both the spirit and requirements of FLPMA. These changes provide the opportunity to eliminate or minimize local governmental input at the discretion of BLM.

One of the cited goals of Planning 2.0 is to “improve the BLM’s ability to respond to social and environmental change in a timely manner”. While timeliness may be a virtue to be commended, WSGA finds it difficult to reconcile response to social change” with the BLM’s mandate to manage for multiple use and sustained yield. The agency should be cautious in responding to social change without careful analysis of the impact of such changes on local communities and established resource users including grazing permittees/lessees. Meaningful discussion of the need to address economic impacts is noticeably absent from the proposed rule.

In an apparent effort to simplify and expedite the planning process and minimize the need for plan amendments, Planning 2.0 segregates the outcomes of the current planning process into two distinct categories—Plan Components and Implementation Strategies. While WSGA does not disagree with this classification, we strongly object to the lack of opportunity for formal and meaningful public and local/state governmental input into the development of Implementation Strategies. The rule requires no more than a 30 day notice with no opportunity for public input prior to implementation. Otherwise acceptable plan components can have significant unacceptable impacts on resource users dependent upon the implementation strategies selected.

In an another significant departure from the current planning rule, Planning 2.0 replaces the requirement that the BLM identify a single preferred alternative with the opportunity to identify “one or more” preferred alternatives. This will serve to further burden affected constituencies such as public land ranchers in providing meaningful responses to draft RMP’s. It will increase the uncertainty that surrounds identification of the anticipated components of the final RMP and the ability to make timely business management decisions to adjust to expected changes. Finally, WSGA believes that this change will only serve to enable the agency to put forth often very biased “citizen alternatives” as alternate preferred alternatives.

In summary, BLM Planning 2.0 will complicate effective resource planning while reducing opportunities for meaningful public and local governmental input and lessening local agency decision making authority. It will further challenge the public land rancher while eroding our partnership with local BLM personnel in assuring resource sustainability that contributes to the long-term viability of our industry.

Thank you for this opportunity to share our concerns. I look forward to your questions.