

Fighting for the U.S. Cattle Producer!



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January 11, 2016

Vinita Shea, Field Manager
Bureau of Land Management, Malta Field Office
501 South 2nd Street East
Malta, MT 59538

Sent Via Electronic Mail (vshea@blm.gov), Facsimile and U.S. Mail

Re: R-CALF USA's Written Protest Regarding the Proposed Decision by the Bureau of Land Management, Malta Field Office, to Issue a 10-Year Grazing Permit to American Prairie Reserve for the Purposes of Grazing Indigenous Bison on the 15439 Flat Creek Allotment

Dear Vinita Shea:

The Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA) appreciates this opportunity to file a written protest regarding the Bureau of Land Management (BLM), Malta Field Office's Proposed Decision to issue a 10-year grazing permit to American Prairie Reserve for purposes of grazing indigenous bison on the 15439 Flat Creek Allotment (Proposed Decision).

R-CALF USA is a national, non-profit industry trade organization dedicated to ensuring the continued profitability and viability of the U.S. cattle and sheep industries. It represents thousands of U.S. cattle producers on domestic and international trade and marketing issues. It is the largest producer-only trade association representing the U.S. cattle industry and it now also represents the U.S. sheep industry. R-CALF USA's membership consists primarily of cow-calf operators, cattle backgrounders, feedlot owners and sheep producers. Its members are located in about 40 states, including Montana, and the organization has numerous local and state association affiliates, from both cattle and farm organizations. Various main street businesses are associate members of R-CALF USA.

R-CALF USA's interest in ensuring the continued profitability and viability of its members in Phillips County, Montana, is affected by the Proposed Decision.

R-CALF USA protests the Proposed Decision because it is in error for the reasons set forth below.

1. The BLM does not have the authority to issue permits for the grazing of wildlife or to establish a wildlife reserve on the 15439 Flat Creek Allotment that is designated for livestock grazing.

R-CALF USA understands that grazing permits are issued for the exclusive purpose of livestock grazing. The BLM rules cited in support of the Proposed Decision expressly state that the term “[l]ivestock’ or ‘kind of livestock’ means species of domestic livestock – cattle, sheep, horses, burros, and goats.” (43 CFR Sec. 4100.0-5.) Neither bison nor indigenous bison are included as animals eligible to be considered as livestock under the BLM’s cited regulations.

Further, nowhere to R-CALF USA’s knowledge does the BLM have authority to issue grazing permits for the purpose of authorizing the grazing of wildlife or the creation of a wildlife reserve. Yet, according to the Website of the American Prairie Reserve, its explicit purpose for existence is to “maintain a fully-functioning prairie-based wildlife reserve,” and it intends to combine both private and public lands for that purpose. (See <http://www.americanprairie.org/aboutapf/>.)

Notwithstanding the BLM’s exclusion of bison or indigenous bison from among animals considered as livestock, the American Prairie Reserve’s stated goals clearly indicate it does not intend to maintain its bison as if they were livestock. Instead, it intends to maintain its bison as wildlife.

It is clear the Proposed Decision exceeds the BLM’s scope of the authority to manage livestock grazing on federally-controlled lands. Consequently, the Proposed Decision must be reversed.

2. The Proposed Decision contradicts the express objective of the BLM to sustain the western livestock industry.

The Proposed Decision effectively authorizes the American Prairie Reserve to sequester lands that Congress determined essential for ensuring the economic viability of rural economies. In fact, the BLM rules cited in support of the Proposed Decision clearly state that one of the chief objectives of the BLM’s grazing regulations is “to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.” (43 CFR Sec. 4100.0-2.)

As stated above, the intended purpose of the American Prairie Reserve is not to establish an economically viable livestock operation; rather, it is to create a wildlife reserve. The BLM has failed to explain how its management of wildlife in lieu of livestock on the 15439 Flat Creek Allotment would achieve the agency’s stated objective of sustaining the western livestock industry.

3. The Proposed Decision's authorization of the removal of interior fencing contradicts best management practices for rangeland.

The practice of rotational grazing is so well established as a best management practice for the promotion of healthy, sustainable rangeland that citations to academic sources is unnecessary. It is counterintuitive to expect that the favorable condition of the rangeland in the 15439 Flat Creek Allotment achieved via the implementation of interior livestock cross fencing could be sustained following the abandonment of such a beneficial best-management practice. The agency has failed to explain how the destruction of interior fencing, which allows critical rest periods for rangeland recovery, would further the objective of "accelerat[ing] the restoration and improvement of public rangelands." (Id.)

For the foregoing reasons, R-CALF USA believes the BLM's Proposed Decision is contrary to the BLM's stated objective of promoting the improvement of rangeland ecosystems for the purpose of sustaining the western livestock industry. Instead, the Proposed Decision constitutes defiance of the agency's stated objectives and will facilitate the demise of the western livestock industry by removing rangeland ideally suited for livestock enterprises from the purview of the Phillips County, Montana, livestock industry.

R-CALF USA, therefore, respectfully requests that the BLM reverse its decision to issue a 10-year grazing permit to American Prairie Reserve for purposes of grazing indigenous bison on the 15439 Flat Creek Allotment.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bullard". The signature is stylized and cursive, with a large, sweeping flourish at the end.

Bill Bullard, CEO