

GRAZING POLICY CHANGES PROPOSED BY THE U.S. FOREST SERVICE

HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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TUESDAY, AUGUST 30, 2005

U.S. SENATE,
SUBCOMMITTEE ON
INTERIOR AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
Bismarck, ND.

The subcommittee met at 11 a.m., at the Bismarck State College Student Union, 1500 Edwards Avenue, Missouri Room, Bismarck, North Dakota, Senator Byron L. Dorgan presiding.

Present: Senator Dorgan.

Also present: Representative Earl Pomeroy.

OPENING STATEMENT OF SENATOR BYRON L. DORGAN

Senator DORGAN. Good morning to all of you. I'm Byron Dorgan. This is a hearing of the Interior Appropriations Subcommittee, U.S. Senate. Senator Conrad Burns from Montana is the chairman of that subcommittee, and I am the ranking Democrat on the subcommittee.

With the concurrence of Senator Burns from Montana, we are holding the hearing today in Bismarck. He was hoping to be able to be here. His schedule would not allow him to fly over. He's in Montana this morning for something previously scheduled, but he wanted me to proceed to hold the hearing.

His staff director on that subcommittee, Bruce Evans, is with us today, and Bruce is right over here. We have my staff, Peter Kiefhaber and Rachael Taylor, right over on this side, and they're welcome to pull up chairs as we move along if you wish.

We will formally convene the hearing. Congressman Pomeroy is in North Dakota as well. It's the August break from the Congress. He indicated he was available here in Bismarck, and I invited him to sit in. And I'm pleased that Congressman Pomeroy sits in.

As you know, the House of Representatives has 435 members, so they operate largely on the 1 minute rule. Every opportunity they get to participate in a Senate event when we have unlimited debate, House Members will be asked for that opportunity. So I'm really pleased that my colleague, Congressman Pomeroy, is here.

This is an issue that is very important. I know we have many ranchers here in the crowd, we have representatives of the Forest Service, and we're going to hear about a series of issues. Let me begin with an opening statement and describe why we're here.

First of all, I'm here because I want some straight answers from the Forest Service. I was surprised, as I would suspect everybody

in this room who ranches was surprised, by the rules or regulations put out in the handbook recently.

When they were put out, we were told that they were already in effect and they would begin to work with these new rules and regulations and deal with leasing of base property and its attachment to the issue of grazing rights and a series of other things. Shared cattle, the carrying capacity, measuring and carrying capacity of grazing lands. A whole series of things.

I was surprised by it because no one had told me that—at least I wasn't aware that we were nearing a point where someone was going to say that this is going to change after many, many, many decades, and yet, it was put out and announced it was in effect. That's unfair. It's wrong. I believe the policy itself is wrong, but the procedure by which it was done was just flat out wrong.

I wrote to the Forest Service immediately when I found out and asked for a suspension of these new policies. The Forest Service, I'm pleased to say, did, in fact, suspend the policies about 6 or 8 days after we sent the letter. So the result is we're now holding a hearing of the Interior Appropriations subcommittee.

We, in fact, fund the Forest Service. That's our connection here to the Forest Service. This subcommittee funds the Forest Service, and so we're really pleased that all of you are here.

I'm going to make a few comments about this, and then I'm going to have Congressman Pomeroy make a couple comments. We are then going to hear from the Forest Service, ask questions of the Forest Service, and then we're going to hear from a panel of ranchers—the conclusion of which I hope will give all of us a better understanding of where we are, what's happening, and what we can do about it.

Let me just say, first of all, that one would not normally think that the Forest Service would have anything to do with grasslands, and normally they shouldn't. They're about forests.

In case anybody has noticed lately, forests are different than grasslands, very different. So my own feeling is the grasslands ought to be managed by someone else. NCRS or someone in USDA, not the Forest Service. Nonetheless, we are where we are, and until that changes, the Forest Service manages the grasslands.

There are people in the Forest Service who I believe want a one-rule-fits-all template that you put over grasslands just as they do the forests. Doesn't work. Can't work in my judgment. So that's a serious problem.

We work long and hard. Congressman Pomeroy was a part of it, and Senator Conrad and myself, we worked long and hard to say to the Forest Service, you know, if you had a forest out here you were managing, you'd have a forest supervisor. You'd have a forest supervisor. So because you're supervising grasslands, we want a grassland supervisor out here.

That's where Mr. Pieper came in, but that was not an easy fight. It took a long while to get that. The reason we fought for that is because we believed very strongly, Senator Conrad, Congressman Pomeroy, and I believed very strongly, as did the ranchers, that grasslands are not forests. So you can't just take a set of rules and deal with forest and say, okay, we'll just impose them on the grasslands. It's a separate entity. It needs to be treated separately.

Now, we've got a lot of people who are here to talk today. Teddy Roosevelt once said, "Ranchers don't talk very much. They do most of their work in the saddle."

That's true, but ranchers are plenty interested in talking at an opportunity like this. I've heard from them. Many of you have heard from them as well, and so their discussion today is going to be very important.

I don't claim to be a rancher. I know something about this life just a bit. We raised some horses and had a few cattle, but I don't claim to understand the full value of all of the nuances here.

But I want to say this: That Rodney Nelson wrote a piece once that I just jotted down for this morning. You know, ranching is not just a \$600 million business in North Dakota—\$600 million a year business—it's a big part of our State. But ranching is also about values. Farming and ranching is about values. And Rodney Nelson of just west of here wrote something about it.

He said, "What's it worth for a kid to know how to fix a machine? How to hang a door? How to weld a seam? What's it worth for a kid to know how to work livestock, how to teach a calf to drink from a bucket, how to plant a crop? What's it worth for a kid to know how to build a lean-to, how to drive a tractor, how to butcher a steer, how to grease a combine, how to milk a cow?"

He said, "We sent millions of people that knew all of this from America's farms and ranches in the Second World War to go around the world, and they could fix anything any time. What's it worth? It's about values."

Now, let me just describe quickly what's happening here. Some years ago, unlike the forests, which have never been in most cases in private hands, unlike the forests which have always been in public hands in this country, some years ago much of our grasslands was taken into public hands from private people during the Great Depression.

Accompanied by the Bankhead-Jones Act there was a certain understanding about how that was going to work, and how it was going to work is it was going to go from private hands to public ownership available for multiple use to be sure, but also a part of a continuing part of our agricultural economy, especially with respect to grazing, in order to continue helping the economy of this State, and helping farmers and ranchers. That was the foundation for it. It's important to understand that.

Now, what has happened is over a period of a long time, the Forest Service has been managing this and we've had our fights. But what has happened in the last few months in my judgment is a real setback because—and I'm going to ask Ms. Kimbell, and Mr. Pieper, and Ms. Kaiser about this.

But this is supposed to be a partnership, and you don't have a partnership by announcing: "Here are the new rules by the way. We didn't really talk to you about them. We didn't meet with you about them. We didn't consult with you about them, but here are the rules."

I want to know who in Washington triggers that or who in the regional office triggers that to say, yeah, this is fine. It's not fine. Not fine with me, and I don't believe it's fine with the U.S. Con-

gress. I'm going to do everything I can to try to change this and try to make it right.

You know, the fact is this issue of leasing base property. We've been doing that for 70 years. Yes, it's different in North Dakota, but so what? That was the rule. That's the way it started. That's the way it was suppose to have been. Now all the sudden somebody wants to change it.

What will it mean? Well, it will mean that young ranchers won't have a start. It just means we won't have a future in ranching. Aside from the fact that it's just unfair.

Now, I'm just going to mention two other things. I wish that Margaret McKutchen could be here today. I read her letter. I've got a letter from Martha. I also read a piece that Laura Donovan wrote in the Bismarck Tribune about Martha.

My guess is her testimony could be real, real short. Just a couple words, just based on what I read in the Bismarck Tribune, but we would all understand the point. Martha is 85 years old, a widow. She understands how this leasing decision would affect her. We can't let that happen.

Let me read to you a letter I got. I read it this morning, from a 12-year-old. Landon Lector. A 12-year-old boy, and I don't know Landon, but here's what he says:

"My name is Landon Lector. I'm 12 years old. My grandpa and I spend time on his ranch in the Badlands. He and I have visited about the changes being made. I don't get it. He gets very upset when he explains it to me.

"Do all of these things really need to happen to my grandpa and I? I want a ranch someday. Will my grandpa also be able to help me? Grandpa always says 'God will look out for us.'"

Well, the question for Landon, I suppose, is: Will the Forest Service look out for us?

So the purpose of this hearing is to get some answers and some straight talk. And frankly, I don't like what's happened. I'm upset by what's happened. This should not happen. This is a Federal Agency. It's a big old bureaucracy. It has a responsibility to us.

My preference would be that the grasslands not be managed by the Forest Service in the future. Until we can effect that change, if we can effect that change, we're stuck with what we have. That is the Forest Service. But we have to expect the Forest Service is going to treat this as a partnership, and it has not.

This surprise with respect to leasing and other issues is a devastating surprise to a lot of ranches. It is unfair. It will hurt this State. It will hurt families. It will hurt our economy, and we can't let this happen.

So let me call on my colleague Congressman Pomeroy for a few comments and then we will hear from the Forest Service.

OPENING STATEMENT OF REP. EARL POMEROY

Mr. POMEROY. Senator Dorgan, for purposes of today's hearing I'll say Mr. Chairman. Thank you for convening this hearing of the Appropriations subcommittee.

Thank you also for the work you have done in signaling our sharp disagreement with the Forest Service relative to today's interim directives.

In my entire experience of relations with the Forest Service as one Agency of the Federal Government, an entity with lots of agencies, I have never seen an approach used on such substantive matters as was attempted by the Forest Service with these interim directives.

It raises many deeply disturbing questions that need answers, and I hope we'll get some today. I expect we'll be getting answers for some time.

The use of an interim directive to essentially change effective law relative to our ranchers through the Grazing Associations as lease holders of the Federal land is, I believe, a dangerous departure from the protections Americans have under the Administrative Practices Act.

That law requires an Agency that's going to take your rights away to at least make advance publication to hold formal hearings, gathering public input, and to develop a record of decision making as rationale for the policies advanced.

Now, maybe that was just a little too cumbersome for the Forest Service in this instance because what they did with their interim directives published on July 19 was totally change in very important ways, this contractual relationship between our ranchers and the Federal Government through the Forest Service. And they came out to the associations and said, "Here it is. This is done. This is the new requirement. Take it or leave it."

That kind of heavy hand arbitrary approach of the Federal Government threatens our ranchers. But in a broader sense, it threatens every American. We have rights and we won't stand for that type of treatment by those agencies.

We also have a lot of questions we need answered relative to the substance underlying the changes. The Forest Service has said this is the first time they have tried to update the handbook in 20 years, been a lot of case law and other issues since that time, needs updating from time to time.

Well, we need a clear distinction between what changes are driven because of what has unfolded as a matter of case law or involving Federal law in Congress, and what is essentially the whim and wishes within certain officials in the U.S. Forest Service?

I am especially concerned about the prohibition advance on lease transfer and the seemingly arbitrary line drawn of maximum of 7 years or when the lease expires, whichever is earlier. And because lease terms are often 3 years, it is often earlier.

I want some explanation in terms of what analysis the Forest Service did that gave you a notion that a new operator can come in, generate the kind of capital to buy the cattle, buy the base acreage for purposes of obtaining this lease transfer.

Whoever thought this one up in the Forest Service seems to have a fundamental ignorance of economics of ranching or for that matter finance 101.

But these are the kinds of things an Agency, that's operating within the Administrative Practices Act, can actually hear and internalize and learn from before they run out; new requirements on behalf of the Federal Government.

The last 2 weeks I've met with the McKenzie Grazing Association in Watford City. I met with the Medora Grazing Association in

Dickinson yesterday, and I believe it is a fair statement that I have now as a Member of Congress spent more time studying the implications of your new directives than the Forest Service has itself.

Senator Dorgan, your hearing is urgently needed, and I hope that we hear in the testimony from the Agency a very serious reconsideration of this whole ill-advised notion.

Final point I want to make, and I'll introduce it in evidence as the hearing unfolds. I have correspondence here. We were copied as members of the Congressional Delegation.

It was sent to the Forest Service, to Sheila McNee, a range program leader, whom I understand was a principal employee of the Forest Service studying all this, dated January 22, 2004. The signatures are the Medora Grazing Association, Little Missouri Grazing Association, Grand River Grazing Association, Sheyenne Valley Grazing Association, McKenzie County Grazing Association, and Horse Creek Grazing Association.

It is the definitive statement on the ideas floating about, the ideas that ultimately became the interim directives.

This was prepared substantively and in considerable effort and sent to the Forest Service. The receipt of which was not even acknowledged. There was ultimately no feedback. Nothing relative to this at all until attendance at the Grazing Association meetings by Forest Service personnel with the interim directives about the new requirements.

PREPARED STATEMENT

Now, that is not how the Federal Government should operate. It's not how the Forest Service should operate, and I never want to see an Agency operate like this again. And by God, if we have to pass laws to make sure they don't, we'll pass them because the American people deserve more protection than that from their own Government.

Thank you again, Mr. Chairman.
[The statement follows:]

PREPARED STATEMENT OF REP. EARL POMEROY

Senator Dorgan, thank you for calling this hearing today and for allowing me to join you as we investigate changes to management of our National Grasslands proposed by the U.S. Forest Service. I believe this hearing offers us the opportunity to delve more into the process by which these changes were developed and arrive at critical answers to questions that have arisen about both the process used by the Forest Service and the substance of the changes proposed or already implemented.

Yesterday and last week, I visited with some of the ranchers here today to learn their concerns about the changes. Unfortunately, I had the feeling that in just these two short visits, I had spent more time with them discussing these changes than the Forest Service had in their development of the proposal. This is simply not right and is not how the Federal Government should work.

Several issues concern me about the Forest Service's actions in this case.

First, the agency appears to be using a method to change policy that purposefully minimizes public participation. Interim Directives go into force immediately upon publication in the Federal Register, no public comment required. This is the case despite the Office of Management and Budget finding that the change was "substantive." The Forest Service only backed off from putting much of the policy into place immediately upon an outcry from public officials and ranchers.

Second, the changes being proposed to these handbooks are not simply instructions to personnel about proper forms to use for managing the grasslands or about procedural matters. They directly and substantively affect the livelihood of ranchers in the area. As a result, no change should be implemented without considerable and

thorough input from affected parties, including the ranchers, grazing associations, and the public at large.

Third, the changes being proposed are not justified by the Forest Service in the Federal Register and appear to be arbitrary decisions made without the informed input of experts on the ground. The use of a seven-year limit on leasing of property to satisfy base ownership qualification requirements is a perfect example. Why seven years? The ranchers I spoke with—some who own land they ranch, some who lease—insist that this period of time is simply too short to build up the equity necessary to purchase of land, cattle, and equipment.

To sum up, I believe the Forest Service should see this hearing as an opportunity to evaluate its procedures and determine ways to better enhance its relationship with ranchers and grazing associations on the ground. I hope the agency uses the hearing today for this purpose and that we receive the answers we need to the many questions that relate to the changes proposed and implemented in the Forest Service handbook.

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January 22, 2004

Dear Elected Officials,

The Forest Service has informed the Grazing Associations in Region 1 of the Forest Service, which is all the National Grasslands in North Dakota and the Grand River Grazing Association in South Dakota, that leasing and share cattle programs will be analyzed for possible elimination as they revise the Forest Service Handbook.

These programs have been used by permittees since the 1930's and are authorized under North Dakota State Law SL-36-08.

Enclosed are the Grazing Associations response to the Forest Service which articulates our position that these programs need to be continued under the 1987 minimum guidelines which were agreed to by the Forest Service and is included in our response to the Forest Service.

The Grazing Associations request any help that you, the North Dakota elected officials can provide to ensure that these successful programs will not be eliminated. Our position has always been that the Forest Service should recognize the difference between the National Forest and the National Grasslands and not make the National Grasslands regulations the same as the National Forests. Therefore, North Dakota's position should be as the Forest Service Handbook is revised it should reflect the North Dakota Attorney General's legal opinion on the uses and purposes of the National Grasslands.

Sincerely,

Randall Mosser
Randall Mosser, President
Medora Grazing Association

Loren Jacobson
Loren Jacobson, President
Little Missouri Grazing Association

Nate Skjoldal
Nate Skjoldal, President
Grand River Grazing Association

Bruce Hakanson *per telephone*
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January 22, 2004

Ms. Sheila McNee
Range Program Leader
US Forest Service
Dakota Prairie Grasslands
240 West Century Avenue
Bismarck, ND 58503

RE: The Importance of Leasing

Dear Ms. McNee:

This letter is in response to your request for information in the letter of December 10, 2003. Each Grazing Association previously provided data on leases last week.

- Eliminating the leasing and share cattle programs by the Forest Service on the National Grasslands in North Dakota is not a new issue. During the 1980's the Forest Service attempted to eliminate these programs. After a series of meetings, the Forest Service and North Dakota Grazing Association established a set of minimum "Guidelines of Leasing of Base Property and Ownership of Livestock". (**Attachment #1**) At that time, the Forest Service stated these Guidelines addressed their concerns. Each Grazing Association has operated by these Guidelines through their Rules of Management. Presently the Forest Service has not shown where these Guidelines are not working or are causing abuse of the Grasslands.
- Issues raised in a letter from Little Missouri Grazing Association to the Forest Service on the leasing and share cattle issues are part of this comment (**Attachment #2**)
- The same issues were raised in 1987 when the minimum requirement for leasing/livestock ownership were agreed to by the Forest Service. Sheyenne Valley and McKenzie County Grazing Associations provided to the Forest Service at that time history and comments which are still valid today and are provided in **Attachment #3** as part of this comment.

- In July 2003 the Forest Service presented their concerns or perceptions in writing to the Grazing Associations, these are addressed in **Attachment #4**.
- In response to Dave Pieper's letter requesting numbers on leasing and share cattle agreements enclosed are McKenzie County Grazing Association and Medora Grazing Associations responses. (**Attachment #5**)
- From the very beginning of the North Dakota Grazing Associations, the eligibility of its members for grazing rights was derived from the "base property" owned or leased by the member. This recognition of leased lands as base property was quite important in North Dakota, because some of the owners had moved off their lands due to the devastating economic conditions in the 1930's. This made it possible for the lessees of that base property to become members through their Grazing Associations.
- This practice has continued ever since the 1930's, and it represents an opportunity for aspiring young ranchers to acquire the use of a sufficient amount of land to make an economic unit. These permittees would not otherwise have been able to get started in ranching, and they would not have been able to build up sufficient equity so that they could eventually own their own ranch. Thus, one major difference in the situation in North Dakota is that because of economic necessity, some of the base property has been leased.
- Since the USFS did not assume management of the grasslands until 1954, this land managed by the Soil Conservation Service was set up with leasing of base property as a right and incorporated in North Dakota State Law (SL 36-08-04). The Forest Service should honor the commitment of the SCS and also ND State Law.
- The granting of grazing permits to lessees has continued through all the years since the North Dakota Grazing Associations were formed, and it represents an important feature of our Grazing Associations, since it provides young people with an opportunity to become established in ranching, and at the same time, it affords older ranchers an opportunity to assure an orderly change of ownership of the base property (by enabling the owner to observe the performance of a young lessee rancher who is a prospective purchaser). The Grazing Associations have always stressed the importance of stewardship of the land, and this is something that is instilled in the young lessees from the beginning.
- The recognition of the lessees of base property as eligibility for membership in the Grazing Association thus represents an important part of the grazing rights of the North Dakota Grazing Associations and their members. There is no need and there would be no benefit to anyone from attempting to eliminate this right which has been an integral part of the grazing rights enjoyed by our Grazing Associations and the members over the previous 65 years.

- The majority of the Dakota Prairie Grasslands are presently federal property due to adverse climate conditions and the depression of the 1930's. The mosaic pattern of interwoven private, state and federal land ownership dictates that any management decision will create impacts on all land owners. The economics of getting started in agriculture are many times addressed by family leases. A portion of the operation is rented by a child, nephew, niece or a young neighbor to allow a gradual transition of ownership. This process may require more than ten years.
- The grazing associations have been leasing state school land and independently owned private land which is intermingled with federal land for many years. This has been a large benefit to both the general population and hunting population as it has increased the amount of land open to the public included in the grassland management plans (ecosystem management). If the Forest Service eliminates leasing it could remove those lands from Forest Service management and use by the public. The concept of ecosystem management will be compromised. The federal land will be more fragmented making beneficial management difficult.
- It seems that if the renewable resource, "grass", is harvested at the proper level, it should not matter if that is accomplished by a person who is an owner or a tenant of the land.
- Grazing Associations have strict Rules and Regulations for all who ranch on federal Grassland ranches, and especially for those who lease a ranch. Grazing Associations scrutinize leases and/or share cattle agreements now, more than anytime in the past. Any new owners or tenants are assisted with their Annual Operating Instructions and ground inspections.
- Approximately 30% of Grazing permits are leased as a tool in the ranchers operation.
- Some ranches are leased with the option to buy.
- At this time, many young people are leaving the land. If we discontinue leasing, we will speed up the process of young people leaving the land and the state.
- People who own one place and lease another, do so to stay in business. That is the sign of the times. These people are truly good stewards of the land.
- Grazing Associations have a limit on the number of livestock one can graze. Therefore, we control the number of places that one can lease.
- One issue the Forest Service brings up, is the fact that the Dakota Prairie Grasslands is the only unit in the entire National Forest System that allows base property leasing and share cattle.

On other National Grasslands, such as in South Dakota, the Forest Service eliminated the leasing program over the objections of the permittees and the State.

Regulations on the National Forest have never allowed leasing. Therefore livestock are on Federal land only for permitted months and the Forest Service has no responsibility for the rest of the year.

On the National Grasslands, our rules and regulations require that our members operate a year-round operation. We have people being stewards of the land, 12 months of the year, thus preserving a better ecosystem.

- It should be recognized that administration of the National Grasslands by grazing associations unique and that it is adapted to a peculiar combination of local circumstances. The grazing associations on the National Grasslands are operated so differently from the National Forests (and have to be because of intermingled land) that many existing Forest Service regulations cannot be equitably applied and if applied will not contribute to the stability of ranches or the management of the National Grasslands or to sound ecosystem management.
- There are currently a number of 50 to 150 head places that can't possibly sustain themselves on their own. By enabling a neighboring rancher to lease a unit like this, you may increase his chances of keeping a "home unit" solvent. If you were purchasing a unit, leasing another unit could help you to successfully pay your mortgage.
- The practice of leasing allows ranchers to have an option if they become ill or disabled. They can lease the land to someone else to operate while they recover. Otherwise they would have to sell the place.
- The myth that leased places aren't being managed properly is a general statement that needs correcting. That statement could pertain to an "owned" place as well. The Associations and the Forest Service are constantly monitoring conditions on both and taking corrective actions if deemed necessary.
- The Associations hold lessees and lessors equally accountable for the condition of the permit.
- Some base property owners need lease payments to retire, or allow time for an heir to come back and ranch.
- After working hard for 3 or more decades to pay for a ranch, the rancher should have the right to some retirement income through leasing.
- Leasing is a valuable tool for keeping land in production agriculture versus taking land out of production for development and recreation. Wildlife will thrive with successful ranchers on the land whether it is leased or owned.

- Retaining leasing on the Dakota Prairie Grasslands will keep ranches viable and reduce the fuel load to prevent catastrophic fires.
- A lessee of a grassland ranch, may not buy that ranch, but many times has purchased another ranch in the area. The stewardship and equity he acquired while a member of a Grazing Association on a leased ranch allowed him this opportunity.
- When leasing is prohibited, outside interests with excess cash to invest will be inclined to out-bid local producers who can't afford over inflated land. These outsiders will manipulate and pool these holdings, operate them with hired help with little or no knowledge of land stewardship. Often, alternative agendas prevail and soon the local economy destabilizes, schools close and out migration occurs.
- Thirty years ago, a 150-head place was a viable operation, but now it takes a 300-head or larger place to make a living. Sometimes a person has to lease 1 or more smaller places to make up a large enough operation to create a viable operation.
- Probably, the leasing issue should differentiate between two types of grazing allotments in the Forest Service. Solid tracts of National Forest lands without base property criteria are distinct from National Grasslands where allotments are viable only by integrating private, state and federal lands to establish an agricultural base. The integration of private, state and federal lands necessitates the establishment of base property, Grazing Associations, and year round operations.
- In favor of the base property/federal lands operation, it is essential that these units remain intact for either identity is non-functional without the other.
- The Land Utilization projects now called the Dakota Prairie Grasslands areas were instituted to incorporate private ranches, federal and state lands to establish viable family grassland operations.
- These family units were established and passed on from one generation to another, as total deeded units would be. In the process of these transactions, sales, leases, and share cattle agreements were tools used to establish efficient farm units.
- Following the general progression to larger agriculture units, it is essential that these grassland units continue to be leased and sold to become more efficient agriculture units. The federal portion of the grazing allotment is as essential and valuable as are water rights to an irrigation farm.

- Leasing agreements openly conducted under regulations done at the grazing associations establishes a valid arrangement. Without leasing the same operation can happen with side agreements that are technically not allowed but done in secret illegally. Open lease agreements contribute to proper land management that can be regulated in an accountable manner.
- Should leasing be eliminated as a business transaction tool, serious consequences would likely arise to base property acreage. These parcels would probably be sold as sub-divided ranchettes or they would be sold to the financially elite and used for recreational purposes. Either way, the intentional use as sustainable grassland farms/units would be thwarted.
- Restricting the tool of leasing would be devastating to the local county economies. An entire sector of agricultural operations could be lost.
- Ranches that are owned but have no one to take them over when the owner reaches retirement, present an opportunity for a new operator with limited assets to get started. In some cases it may be an opportunity for a neighbor to take it over so he can remain viable, so both don't have to get town jobs.
- Many ranch operations are becoming too small to have adequate economy of scale. Leasing allows the increase in scale of operation to allow viability.
- Some ranchers stay in business by leasing two or more units to achieve economy of scale.
- The federal and state governments are owners of both land and minerals in the state. They have no restrictions as far as their ability to lease, in fact, they are encouraged to lease. Why should a private landowner be placed in a position of not having the same rights?
- Often small or low income units lack the headquarter structure to sustain extended function consequently their only alternative is to be annexed to one that is. Leasing increases the options.

For all the above stated reasons, North Dakota Grazing Associations respectfully request the Forest Service to continue to use the 1987 Guidelines on leasing and ownership of livestock as their policy.

Attachment Index

- #1 1987 Guidelines of Leasing of Base Property and Ownership of Livestock.
- #2 Little Missouri Grazing Association Letter addressing Leasing and Share Cattle Issues.
- #3. History on McKenzie County Grazing Association & Sheyenne Valley Grazing Association developed when minimum requirement were agreed to.
- #4. Sheyenne Valley Grazing Association's response to the Forest Service Concerns/Perceptions of Leasing and Share Cattle Agreements dated July 17, 2003.
- #5 McKenzie County Grazing Association, Medora Grazing Association, Grand River Grazing Association, Sheyenne Valley Grazing Association and Horse Creek Grazing Association letters in response to Forest Service on numbers of leases, share cattle etc.

ATTACHMENT

1

**GUIDELINES OF LEASING
OF BASE PROPERTY
AND
OWNERSHIP OF LIVESTOCK**



United States
Department of
Agriculture

Forest
Service

SO

REPLY TO: 2250

DATE: November 4, 1987

SUBJECT: Amendment to Grazing Agreement

TO: District Ranger, McKenzie Ranger RD

Enclosed are two copies of approved Amendment No. 3 for the Grazing Agreement with the McKenzie Grazing Association.

Regarding the last three sentences on share livestock which they eliminated, this was discussed some at the Dickinson meeting, but I had not developed any specific wording at that time. Although the usual intent of share agreements is to provide the opportunity for a permittee to build up his herd, there are sometimes other reasons e.g. lease payments. No particular problem with eliminating the sentences, but I'd encourage the Association to take a conservative approach on approving share cattle agreements to be sure they aren't being used as a means of circumventing the prohibition on subleasing of permits. Subleasing is prohibited by law and the perception of subleasing has caused the BLM a great deal of problems in recent years. Too liberal an approach could lead to the elimination of the share cattle provision all together.

DAVID A. FILIUS
Forest Supervisor

Enclosures

McKENZIE R.D.
CUSTER N.F.

NOV 6 1987

Range Asst
Min. Asst
Engineer
Lands Asst
Bldg

UAS

GRAZING AND MANAGEMENT AGREEMENT
Between

McKENZIE COUNTY GRAZING ASSOCIATION

and

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Amendment No. 3

Leasing of Base Property

and

Ownership of Livestock

The following are minimum guidelines to be implemented in approval of all new base property leases by May 1, 1988, and in all existing leases by May 1, 1989. A grazing permit may be issued by the grazing association to a lessee of base property within the National Grasslands of the Custer National Forest providing the lease complies with state law 36-08 (Cooperative Grazing Associations) and with National Forest Policy and Guidelines. The basic intent of leasing is to demonstrate good grassland agriculture, to prevent misuse of submarginal cropland, and to provide the opportunity for the lessee to eventually become a ranch owner operating in the local area utilizing principles learned on the National Grassland. Associations may adopt more rigid guidelines if they wish but as a minimum the following will apply.

1. The grazing permit must have historically been attached to commensurate base property which is under association control. Control means that the association will annually monitor use of the base property to assure that stocking rates and overall management maintains commensurability and provides for development and retention of healthy range conditions which demonstrate good grassland agriculture. This control must be acknowledged by wording in the lease.

2. The owner of the base property must release any rights and interest in grazing permits back to the association. The lease agreement will also make the lessee subject to all association rules and regulations including the compliance with any approved allotment management plans and annual plans of use. Upon termination of the lease, the base property owner may again be issued the grazing permit provided they meet the necessary requirements of the association.

3. A lease agreement for a minimum of three years is encouraged, but associations may consider leases for a shorter time for special needs. The agreement must be for private lands only and must be notarized with a copy on file at the association office. Leases will be unacceptable to the extent that they purport to assign or transfer a grazing permit. The United States and the Grazing Association do not consider purported assignments to be of any legal consequence as far as they are concerned.

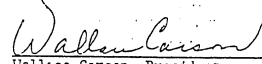
4. The Grazing Association will review all leases to assure that the lease complies with all rules of management prior to issuance of a grazing permit to the lessee. All leases will be reviewed by the Grazing Association at least each time the grazing agreement is renewed, every ten years, to verify that the lease complies with any changes in the rules of management.

Livestock owned by members of the immediate family or full time ranch employees of term permit holders may be grazed under the term grazing permit. Numbers permitted to graze under this provision will be limited to not more than 50 percent of the number of livestock authorized by the term grazing permit for members of the immediate family nor more than 10 percent for employees. In no case will the permit holder own less than 50% of the livestock except as provided for share livestock. The intent is to allow immediate family members or employees to establish a livestock herd of their own and to eventually acquire a ranch operation in the local area and thereby expand the demonstration and practice of good grassland agriculture. The Association must annually advise the District Ranger of ownership of livestock to be grazed under this provision. Notification will include the number of animals and the brands or other identifying marks to provide for verification of permitted cattle during range inspections.

Share livestock operations may be authorized in limited cases where the permittee may run livestock owned by someone else on a portion of the permit with the provision that the permittee will manage the livestock and will share in the ownership of the offspring of such livestock. Any share livestock agreement must be in writing and approved in advance by the Grazing Association. Such agreements will indicate that the livestock are managed by the permittee on a year around basis and will indicate the percent of the offspring which are to become the property of the permittee. Livestock permitted under this type of agreement shall consist of females two years old or older which meet all state health requirements including calfhood vaccination for brucellosis. This provision is to provide an opportunity for the permittee to build up his herd and to allow for eventual replacement of the share livestock on the permit with livestock owned by the permittee. In special instances share livestock agreements may also be authorized when required as a part of a lease payment.

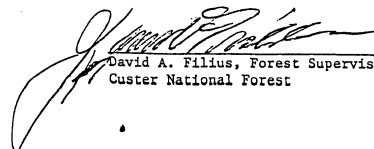
McKENZIE COUNTY GRAZING ASSOCIATION

9/4/87
Date


Wallace Carson, President

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

11/4/87
Date


David A. Filius, Forest Supervisor
Custer National Forest

ATTACHMENT

2

**LITTLE MISSOURI
GRAZING ASSOCIATION
LEASE LETTER**

Little Missouri Grazing Association

201 Inman St., Box LL
Amidon, ND 58620
lmg201@hotmail.com

January 6, 2004

Sheila McNee
Range Program Leader for the
Dakota Prairie Grasslands
240 W. Century Ave.
Bismarck, ND 58503

Dear Sheila:

In response to your letter dated December 10, 2003 LMGA has compiled information from our membership. In the 2003 grazing season LMGA had 98 members and 119 permits. Twenty six allotments were operated under lease agreements, this is 21% of our allotments. The number of AUM's attached to leased base property in 2003 was 19% or 11,984 AUM's. LMGA currently has 12 leases that have existed for less than 5 years, 6 leases that have existed for 5 to 10 years and 8 leases that have existed for more than 10 years. Some of these leases are agreements between family members. The lease information for prior years was not essential to the management of this association and once a lease was terminated there was no reason to keep this information on file. Because of this we are not capable of giving numbers for leases in the past or numbers of leases that resulted in new membership into LMGA. Our membership has made it clear that leasing has been essential to many members to get a start in the industry and has allowed ranchers to expand the size of their operations.

We can tell you that leasing and share livestock has indeed been integral to the ability of many of our members to get a start in the ranching industry. As far back as World War II, young men came home to our area and leased base property and operated under share agreements to succeed in ranching. Without resources to purchase a ranch and cattle these options were key. As they still are today.

It is because of the land ownership and fencing patterns on the Dakota Prairie Grasslands that leasing has been allowed here while it has not on other forest system lands. Federal, State, and Private acres are intermingled, this is what makes this area unique. A map of the LMGA will show this. What a map may not show is that most of the Federal land is not fenced separately, but is included in inventory permits where the cattle numbers on both private and public lands are controlled by the Forest Service.

Putting the same restrictions on intermingled land as on entire blocks of public land would have negative consequences on our rural communities. As our population ages the opportunity for family members and young people to get started in our ranching business is very important. To

facilitate the transfer of ownership, lease and share agreements allow individuals to get started and not allow one or two bad years to knock them out of business. On the other end of this is the retiring ranchers on inventory permits. Leasing allows ranchers to keep living on their private property where they have raised families and lived for 30 years or more in some cases. Without leasing they would be left with two options, sell out and leave their homes or put in miles of fence to separate federal from private lands. This could result in many miles of fence being built that would change the characteristics of the badlands.

If we allow only those with the strong financial capability or wealth to own base property or cattle it would be counter productive to the rural areas and the communities that serve them. It is imperative that these agreements be allowed to exist. At this time Federal and State entities, hunting interests, conservation groups, and Realtors are all competing for the land and ranches. Existing ranches will need to expand to stay viable. Yet land prices are inflating too high for agriculture use. We do not believe that outside interests buying ranches will care about the resources the way our local ranchers have.

Splitting Federal acres from Private acres could result in poorly managed allotments. Individuals from out of the area could buy Federal grazing privileges for summer grazing, resulting in inefficient monitoring along with improper range science and management. Private acres adjacent to Federal acres could be parceled out and require access roads. Private acres may be grazed heavier as a result of no grazing association regulations.

The amount of investment that has been made on private and Federal land needs to be considered as a part of total resource management, water, fences, noxious weeds, trails and access, and wildlife. Private acres need Federal acres as Federal acres need private acres for resource management. People living in our local communities care about what happens on our permits. We need leasing options in this area. Without leasing we fear we could undo 60 years of work and substantial investment in the area by our local people and the Forest Service.

The Dakota Prairie Grasslands was created with different guidelines so that all resources could be managed properly. Grazing Associations help manage the grasslands by holding monthly and annual business meetings with Forest Service personnel present. Board members and Forest Service personnel work together to handle resource management practices on private and federal land.

It is our strong belief that leasing and share livestock agreements are essential, not just convenient, within LMGA. Our ranchers cannot withstand the fluctuations that come with drought and economic turbulence without these tools. Please continue with a well established tool proven over time to work well.

Sincerely,


Lynn Jackson
Little Missouri Grazing Association

ATTACHMENT

3

**SHEYENNE VALLEY
AND
MCKENZIE COUNTY
GRAZING ASSOCIATION
STUDY/HISTORY
OF LEASING**

A STUDY
In The Case Of
OWNER VS LESSOR

A Presentation
by
The Shyanne Valley Grazing Association
In Cooperation With
The North Dakota Grazing Association

STATE HISTORICAL SOCIETY OF ND.
612 EAST BOULEVARD AVENUE
BISMARCK ND 58505-0830

15 March 2000
SP

Preface

The board of directors of the Slevens Valley Grazing Association has undertaken the task of formulating a presentation to the Forest Service, U.S.D.A., with the sole objective of defending the 25 year policy of the association which stipulates that there shall be no discrimination in grazing privileges between an owner of commensurable lands and a lessee of commensurable lands. The underlying principle here being that a headquarters attached to further commensuration carries the grazing preferences; the owner or lease holder may change, but the preference is constant except in as much as other rules and regulations may affect it.

This presentation was deemed necessary when the board of directors was informed of the Service policy which stipulates that a permittee for grazing shall own all of the livestock to be grazed, and shall also own at least 50% of the commensurability necessary to support all of the livestock for that period of the year during which they are not under permit to graze.

The difficulty of formulating this presentation must be evident to anyone who has observed:

- 1-Officers and members of this association are not qualified in matters of research and documentation, nor in drawing conclusions from them.
- 2-The presentation must appear negatively argumentative, tho in reality it is constructively affirmative.
- 3-The Forest Service has given no reason for the institution of the policy under discussion, nor justified it in the areas of
 - a-relating to a common good.
 - b-better use of natural resources.
 - c-better conservation of natural resources.
 - d-greater welfare of communities involved.
 - e-corrections of abuse or injustice.
 - f-in support of any expressed policy of the present administration.

Preface (cont'd)

Therefore, the board must "shoot in the dark", hoping to hit the target-i.e., to find the effective avenue and direction toward inducing the Service to rescind the above policy in as far as it affects the Shyanne Valley Grazing Association and other associations which are similarly formed and controlled.

History

The Shyanne Valley Grazing Association was organized in 1942 and Articles of Incorporation were filed with the Secretary of State of N. D. that same year. The Articles of Incorporation were in conformance to the Statute relating to the Cooperative Grazing Associations of N. D.

Similarly, by-laws were formulated and subscribed to by the original membership. These by-laws complimented both the State Statutes and the Ass'n articles of Incorporation in the provision that any owner or lessee of land within or on the border of the boundaries of the corporation was entitled to become a member of the association. Provided further, that he meet 5 other conditions, which are of no importance here.

Since State Law, articles of Incorporation, and By-laws of the association provide for grazing privileges to the members of the association, and loss of membership upon loss of grazing privileges, it has become axiomatic that every member of the Shyanne Valley Grazing Association must be granted a permit to graze or a permit not to graze, whichever he requests.

To the best of our knowledge, the total paid membership of this association was 157 at its highest point, at the close of 1949.

Today the membership stands at 115. Reasons for the decrease are varied, but are mainly: discontinuance of livestock operations, revocation of permits and membership on grounds of violation of rules and regulations, incorporation of commensuration of two or more ranches thru lease or purchase.

History, cont'd

In 1942 there were not enough cattle within the membership to utilize all the available grazing controlled by the association, consequently, the board of directors issued grazing permits to non-members. This also in accordance with State Law, Articles of Incorporation and By-laws. In 1966 there was not sufficient available grazing under ass'n control to satisfy the membership requests for grazing.

The above leads us to expect the following statistical data taken from the Ransom County assessment records, and pertaining only to those townships in which lie the lands owned by the U.S.A. under the supervision of the Forest Service and leased to the ass'n.

	<u>no. of cattle</u>	<u>assessed value of</u> <u>personal property</u>
1936	4,335	\$156,752
1942	4,512	243,095
1966	11,966	595,169

Considering these figures and assuming that comparable ones would be true in Richland County also, we must make this relevant observation:

The acquisition program was begun in this area during the early 1930's as a land utilization project. Land use was adjudged to be sub-marginal; and such judgement was supported by the evidence of small herds, cash cropping, lost vegetation, vast areas of drifting sand, numerous poorly kept farmsteads. The avowed purpose and long range plan expressed by the agents in charge of land acquisition was to remove these lands from abusive management and eventually restore them to their natural state of climatic forage. The hope was that their full potential might be finally realized thru the cooperative management of Federal Agencies in charge and remaining operators in the purchase area. Fulfillment of this hope should bring about a more prosperous local agriculture and better community living.

History (cont'd)

Upon considering the statistics above, tho he may never have visited this area, can anyone doubt that proper utilization and restoration of both private and Federal resources have not been accomplished to a very marked degree? And we wish to emphasize that the credit must be shared by Federal agencies and the membership of this grazing association—~~owners~~ and ~~lessees~~!

Association Contributions TowardProper Utilization of Restoration and Conservation.

When the association first leased the U. S. lands from the Land Utilization office at Lincoln, Neb. in 1942, the board of directors discovered that not all lands under lease had been fenced nor supplied with watering facilities. Consequently, the first ten years saw the board occupied with supplying materials and labor to remedy the situation. Approximately \$90,000.00 was spent in this endeavor. Many miles of "outside" boundary fences and dozens of windmills and pumping wells were installed by the association. Since 1952, the association has dug 36 stock ponds, and drilled 11 flowing (artesian) wells, this cost \$14,768.49. A continued program of installing permanent type boundary fences, and a new program of cross fencing and fencing out sand blows necessitated an additional cash outlay of \$65,178.95 for materials such as posts, wire, windmills. This figure also covers expenditure for repairs in the maintenance of structures on the project, (fences, wells, windmills). Cash labor involved amounted to \$16,578.94. Total cash expenditures for development toward better utilization and conservation of the forage resources on these lands during the 25 years of association tenancy amounts to \$186,526.38. In addition to this cash expenditure, allowance must be made for permittee labor which is contributed by him in accordance with a rule established by the membership itself. This rule stipulates that every permittee must furnish gratis all labor necessary to maintain fences, wells, windmills, pumps,

Contributions: (cont'd)

and to improve grazing by moving lowlands. Further, he must furnish labor gratis required for installing fences necessary (by board's standards) to assist in forage conservation and utilization by deferred grazing, protecting sand blows, and preventing concentrated grazing in certain areas. A conservative estimate of each permittee's man hours so contributed yearly has been set at 40 hours, or \$40.00 a year. The average membership since 1953 is 120; therefore the 14 years until now will give a labor credit to the association membership of \$67,200.00. Cash outlay plus labor credit will bring the total association contribution toward the original aims and goals of the Land Utilization Dep't. to \$253,726.38. The owner and the lessee have shared in this contribution!

Membership

It has been stated that our present membership is 115. A questionnaire given to each member makes these revelations concerning the make-up of the membership:

8% are under 35 years of age
 62% are between 35 and 55 years of age
 30% are over 55 years of age

89% live on the headquarters
 11% have others (labor) living on headquarters

87% own necessary commensuration = 100 permittees
 13% lease all necessary commensuration = 15 permittees

58% of present owners never leased. - 58 permittees
 42% of present owners leased before purchase- 42 permittees

48% hold a preference of 75 AU's or less
 36% hold a preference of 75 to 150 AU's
 16% hold a preference of 150 to 250 AU's

Average preference is 87 AU's for 6 months

61% permittees of present owners have a land mortgage
 39% permittees of present owners do not have a land mortgage

Membership (cont'd)

11% of commensuration is 320 acres or less
 32% of commensuration is 320 to 640 acres
 41% of commensuration is 640 to 1280 acres
 3% of commensuration exceeds 1280 acres

8% of permittees have or do graze share cattle under permit
 92% of permittees never did graze share cattle under permit

90% of permittees graze only cattle carrying their personal brand
 10% of permittees graze some cattle not carrying their personal brand

74% of permittees upon retiring from livestock raising prefer to
 lease their commensuration.
 26% would prefer to sell upon retirement.

Pertinent conclusions relative to the membership can be drawn from the
 above percentages.

1. 30% can be expected to retire within ten years. If these permittees have the average preference of 87 AU's, the ranch value is a minimum of \$26,100.00 at \$300.00 per AU. The cost of the 87 AU's at \$225.00 each is \$19,575.00 and the conservative machine and equipment cost for such an operation is \$16,000.00. The total value of such an operation is \$61,675.00. The question raised to all who would be concerned about community welfare-if not the individual's-is, "who can be expected to have \$61,675.00 cash and credit to purchase such ranch if it must be sold and may not be leased, to continue a constant operation? 30 percent permittees in the Shoshone Valley Grazing Association must find the answer if the Forest Service applies its policy of ownership requirements.
2. Acquisition of land for commensurability is either thru direct purchase or after prior leasing. That 42 permittees leased before purchasing indicates that, traditionally, retiring operators have a good opportunity to find an eventual buyer, provided leasing is permitted.
3. When considering the economic well being of an individual or community, one cannot overlook credit and stability of credit.

Membership (cont'd)

The fact that 61 permittees of this association have a land mortgage indicates that area credit is good. But it also confronts us with the necessity of stabilizing this credit for ourselves and future permittees. Representatives of the Farm Home Administration, Federal Land Bank Association, Production Credit Association and of 9 local banks have in conversation assured us that their credit extended in this area will necessarily be curtailed to a great extent if the leasing of commensurability negatively affects grazing permits. Written statements in confirmation will be furnished at our request.

The returned questionnaires also gave the following information relative to membership position in regard to the Forest Service policy under discussion:

40% favor ownership requirement of 100% livestock
 58% oppose ownership requirement of 100% livestock
 25% favor ownership requirement of at least 50% commensuration
 75% oppose ownership requirement of at least 50% commensuration
 83% favor granting the lessee some rights and privileges as owner.
 17% oppose granting the lessee some rights and privileges as owner.

The above figures must be interpreted as indicating membership division almost equally on the question of livestock ownership; but definitely in agreement that the lessee and the owner be given equal status. That they are in agreement here could be anticipated after considering the former statement that 42% (actually 42 owners) of the present owners of 100% commensuration leased prior to purchase and that 13% of the permittees (15 permittees) now lease their commensurability.

That 83% of the membership favors that the lessee continue to enjoy grazing privileges would seem to indicate that the association members realize that such lessees in the past have contributed a total of \$126,863.00 in cash

Membership (cont'd)

and services toward the restoration and conservation of the forage resources of U. S. owned lands now under lease to the Shoshone Valley Grazing Association. Such a contribution must deserve consideration.

Conclusion

It is unanimously agreed by the officers of the Shoshone Valley Grazing Association that these concluding statements can logically be assumed to be true:

If the Forest Service policy of requiring ownership of at least 50% of Necessary commensuration is put into effect in this area,

- 1-The Service has not given proper and judicious consideration to the historical difference between the traditional Forest Service Lands and the National Grasslands.
- 2-Credit agencies will sharply decrease their lending in this area, with resultant long range adverse effects on present and future permittees.
- 3-Traditional avenue of ownership transfer (leasing before purchase) will be closed.
- 4-A retiring rancher will be subject to financial loss in the sale of his ranch due to
 - a) reduced demand.
 - b) reduced available credit.
 - c) cannot lease out until such time as desirable buyer can be found.
 - d) liquidation of livestock must be immediate-cannot be run by lessee, or new owner of headquarters, on shares.
- 5-The young men will rarely be in a position to become ranch owners, since at least \$60,000.00 must be raised to qualify as a permittee.
- 6-The conservation gains on private lands controlled by present permittees will be in jeopardy.

Conclusion (cont'd)

If commensuration is leased and grazing on Federal lands therefore prohibited, the loss of livestock income will be replaced by income from cash crops—proper land utilization, which has been the goal for 25 years, will fall into discard.

7-The policy would seem to be based on the principle that "those who have shall get." Certainly this policy fails to be consistent with present administrative policy of all out assistance to the underprivileged and to the youth of America; which policy has the endorsement of the American people.

Resolution

Whereas, the above presentation supports the continuation of the present policy of the Shoshone Valley Grazing Association whereby the lessee of commensuration is accorded the same grazing privileges as owners of like commensuration, and

Whereas, the discontinuance of this policy by order of the Forest Service, U.S.D.A., would inevitably result in discrimination, financial loss, community distress, and eventual loss of natural forage resources;

Be it resolved; that the Board of Directors of the Shoshone Valley Grazing Association support the petition of the North Dakota Grazing Ass'n requesting the Forest Service, U.S.D.A., to rescind its ownership policy as affects the permittees grazing on National Grasslands.

Be it further resolved: that this presentation be forwarded to the Forest Service, U.S.D.A., Wm. Evans, Supervisor, Billings, Montana; and that a copy thereof be forwarded to each of the N.D. delegation in the Congress of the U.S.A.

Signed by a special committee
of the Shoshone Valley Grazing Ass'n.

Irving J. Smith
(Signature)

McKenzie County Grazing Association

**Study/History
Of
Leasing**

HISTORY

An extensive search of past records reveals no mention of mandatory ownership of land or livestock to qualify for a grazing preference. On the contrary, all references to this qualification provide that commensurate property could be owned, leased or legally occupied or controlled as noted in the following excerpts.

Circular 1401 revised, USDI, April 30, 1937, quoting Section 15 of the act of June 28, 1934 (48 Stat. 1269), as amended by Section 5 of the act of June 26, 1936 (49 Stat. 1976); "I. APPLICATIONS FOR LEASE. (4) Owners, homesteaders, lessees, or any other lawful occupants of lands contiguous to those applied for shall have a preference right to a lease for so much of said lands as may be necessary to permit proper use of such contiguous lands, except that owners, homesteaders lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract applied for embracing 760 acres or less, shall have a preference right during a period of 90 days after such tract is offered for lease, to lease the whole of such tract upon the terms and conditions prescribed by the Secretary of the Interior."

North Dakota Sess. Laws, 1935, ch. 106, as amended by ch. 112, SL 1937 and ch. 116, SL 1941, 36-08-04. "MEMBERS
1. Any person may become a member of a cooperative grazing association if he is an owner or lessee of land within the proposed boundaries or resides on the border of the grazing area within or without the county."

Articles of Incorporation of McKenzie County Grazing Association dated June 30, 1937, Article IX: "Any person who is an owner or lessee of land within the proposed boundaries or residing on the border of the area within or without the county and have heretofore been dependent upon the land within the area of any Cooperative Grazing District, who is also engaged in the raising of livestock within the area, shall be entitled to become a member by paying the membership fee, by subscribing to the By-laws and by complying with the rules, regulations, and limitations determined by the Board of Directors thereof."

Grazing Agreement, Contract No. A-SC-375, LU-ND-1, dated September 1, 1938, Section 7 (1) "Each applicant shall have a Class A preference for that number of animal units for which his owned or leased property is commensurate and dependent, - - -"

STATE HISTORICAL SOCIETY OF ND
612 EAST BOULEVARD AVENUE
BISMARCK ND 58505-0830

15 March 2000
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Subsequent lease agreements with the Soil Conservation Service and the Forest Service contained the same provisions.

USDA Circular No. 829, 12/43, Loomer & Johnson, page 6: "Legal characteristics of Grazing Districts.. To be qualified for membership, applicants must be persons, partnerships, corporations, or associations engaged in the livestock business and owning or leasing land in or near the district.

Resettlement Administration LU Division. Form RA-7 LU 47 6/18/36. Farm and Ranch Survey. (Used to determine eligibility for membership and preference.) Section 2. "Legal description by type of tenure or land operated in 1935. a. owned b. leased c. not leased but used and protected from others."

Therefore, it is plainly evident that the original criteria for establishing memberships and preferences was not limited to deeded land. In all the cited legal and collateral references, recognition was made of control by leasing.

The Forest Service regulation relative to ownership of land and livestock apparently had its origin in about 1905. Since the LU program began in the 1930's, and the Department of Agriculture saw fit not to apply ownership regulations, it must have been for a reason. The reason probably was that ownership of land and livestock on these submarginal areas would have prevented many legitimate headquarters from the use of the lands. This is still true today.

Funds were made available to the Land Utilization Division of the Resettlement Administration to purchase submarginal lands. Most of the lands were voluntarily sold. However, in many instances, promises concerning future use of the land, as well as unusual pressures were brought to bear on individual land owners, in order to accomplish these so-called "voluntary" sales. Following are statements from individuals who sold land to the Government which verify that such conditions existed.

1. "When we were asked to sell a lot of these lands to set up this grazing arrangement, we were definitely told that these headquarters which would qualify would always have these rights with them. They tried to buy everything except 160 acres or less to be used for ranch headquarters, saying we would always be able to lease the additional amount necessary for commensurability and grazing season preference."
2. "When these pastures were set up, the Government encouraged the people to sell most of their land as they could lease it back cheaper than own it."
3. "After remembering the wheedling and cajoling of the high pressure appraisers and buyers sent out by the Government in the early 1930s, to sell all but 40 acres of their ranch holdings, it comes as a surprise to read of the new lease proposals of the Forest Service, to the Grazing Associations. Many good ranchers, in bad finances due to drouth and prices of cattle, did sell on the promises of far better ranching under government ownership of the land."
4. "I distinctly recall that when this land was originally purchased that the government buyers were recommending that the operators sell all but 40 acres on their headquarters."
5. "I do know that at the time this was set up, the men that came to see us asked us to sell all our land except the building sites and the government would furnish us with winter grazing and hay land."
6. "Why do they have to keep brainwashing us with new rules and regulations beats me. I was here when this set-up started and sold land to them. And will say, their ideas have certainly changed as to the way they would deal with the operators on this reserve."

7. "I have a private allocation and have been real satisfied with it. As it is the same land I have had fenced since 1930 and rented before that. I could have bought this land from the owners at the time the government started buying at the price the government was paying for it, as that was in my lease-I would have the first chance at buying it. But the parties that were buying up this land talked me out of it as they said I could run on it cheaper under Government control then if I owned it. They said all the land I needed was enough for my buildings."
8. "Kadelec & Bev Randolph come in there trying to buy the whole place and relocate owner. If you wouldn't sell, they would make offer to buy all except 40 acres buildings were on. Then you could lease the government land. One of my neighbors did, Jess Bonner, sell down to 40 acres and then he was out because he didn't have anyplace to raise feed."
9. "I didn't want to sell any land to the Government at any price but the promoters of this Government buying program as well as a few of the more influential ranchers kept pestering me and told me that they couldn't even set up a pasture unit unless I sold them a bunch of my land. So finally, to get rid of them, I sold and have been sorry ever since."

OWNERSHIP OF LIVESTOCK

SHARE CATTLE

This Association has knowledge of the appeal of the Cottonwood Grazing District of Edgemont, South Dakota, and the determination of the Chief, Forest Service, relative to the ownership of permitted livestock. We are not aware of the manner in which this District permitted livestock not owned by the permittee or the reasons for permitting them at all.

The members of the McKenzie County Grazing Association recognize that total ownership of livestock is desirable, and present rules and regulations place a limitation upon the length of time a given permittee may graze share cattle on Association controlled lands. It will be pointed out in this study that the grazing of share cattle, in most instances, is the only method by which a new permittee may acquire sufficient capital to become an owner.

Of the present membership of the McKenzie County Grazing Association, 75 members have, at some time, operated with share cattle. At the present time, only 10 members are permitted a total of 442 share cattle. (Ex. No. 6) This would indicate that 65 of our present members have benefited from this practice, and have become owners of their total permitted number.

A large majority of the membership is in favor of continuing permitted share cattle under existing rules and regulations. (Ex. No. 17) Our members agree that cattle grazed for a cash payment should not be permitted on Association controlled land.

Excerpts from comments of permittees:

1. "I do not think that running share cattle hurts anyone in the Association and a number of people that are now members used that method in getting a start in cattle. In our area, I know of no instance where it has been abused in any way."
2. "It is not possible for all permittees to own all their own cattle because running share cattle is the only way many can get a start in ranching. All are not financially able to purchase enough cows needed to stock a ranch and make it a paying proposition. Therefore, it is often necessary to operate on a share cattle basis."

3. "I feel that if share cattle are done away with, it could cause hardships on the membership. Young people starting out will have to either lease land or take share cows. Borrowing money at present rates to buy both would be pretty unsound."
4. "If you don't have the money to buy cattle, you have to do what you can to get them. Why try to put them out of business. It won't do the community any good."
5. "The place that I am starting on has cattle rights for 130 head. How could one find enough money to buy that many in times of such high prices. In my case, maybe share cattle for a couple of years would get me on my feet."
6. "Like myself, most of the ranchers in our area have gotten their start through leasing, share cattle, employee cattle arrangements, etc. These changes will make starting out in the cattle business almost impossible. If these means were once effective, there should be no reason why they aren't so good today."
7. "If this mandatory full ownership had been in effect ten years ago, I wouldn't be here today."

OWNERSHIP OF LIVESTOCK

FAMILY

It seems only reasonable that grazing livestock for children or relatives should be a democratic privilege of all ranch operators. All family members are included in every phase of a home based ranch operation. Nearly half of the headquarters in the Association rely on labor furnished entirely by the operator and his family. (Ex. No. 8) Ownership of a portion of the livestock by those providing the labor adds the necessary incentive to do the job efficiently and well. It also helps develop the necessary knowledge and interest in the total ranch operation so that the next generation may be better qualified as future members of the Association.

For the year 1966, 52 preference holders reported livestock owned by children, mothers, brothers, uncles, and wives as being on headquarters for a total of 828 units. These units may carry the brand of the preference holder, but actual ownership lies with others in the family group.

Excerpts from comments of permittees:

1. "Ranch headquarters are generally a family unit and operators should be able to share with others in the family who are helping to keep the place going. If the son or daughter are able to have a few head, naturally, they are more interested and willing."
2. "I surely do not go for 100% livestock ownership either. My boys each have some cattle and I intend to keep it that way. How can a boy be expected to have any interest in a ranch if he cannot be allowed to own a cow?"
3. "I think anyone of your immediate family should have the right to run on your headquarters if you so desire."
4. "I feel that the proposed Forest Service ownership requirement is unfair to the permittee. It would make it impossible for one's son to gradually take over a headquarters by going into business with his father until such time as he would be able to purchase a headquarters."

5. "I believe father-son arrangements should be permitted for how else can a young man get started in ranching."
6. "The idea of keeping the young men and women on the farm and ranch surely will not be encouraged by this program."
7. "Families should be able to share the preference. A son should be able to run on a father's preference."
8. "Or a son who is not yet ready to purchase the home ranch may find it necessary to run share stock until he is able to buy the ranch. This has been done ever since there were ranches and I think it is as much a part of ranching as borrowed money, blizzards, and cows, & is a tradition which should not be tampered with."
9. "No father or son arrangements. Wow. How would it be in business besides raising cattle if no father-son arrangements could be made. Our industry would be pretty well mixed up. This means then that a son could not take over his father's land. Or a son could not work for his father and take his share of calves for his work. This sounds very much out of line."
10. "Rule or no rule, cattle owned by members of the permittee's family will be run. This cannot and should not be prevented. The only effect of an unenforcible regulation would be to lower the regard of members for those rules which are necessary and desirable to both the Forest Service and the Association."

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OWNERSHIP OF LIVESTOCK

EMPLOYEE

Livestock grazing for an employee as part of his compensation is a program that would be prohibited if all the livestock grazed by the permittee would necessarily carry the personal brand of the permittee. Many employers would find it exceedingly difficult to retain the services of a full-time range manager without providing the additional incentive of some employee owned livestock.

At this time, twelve preference holders of the 201 who answered this query have employees who own cattle and run them on the preference. Ten recorded the number of employee livestock for a total of 288 AUs.

Extracts from comments of permittees:

1. "Share agreements between owners and their employees are also very helpful to older or disabled owners. This is about the only way an owner can get a reliable hired man."
2. "To use myself as an example. I've been in ranching all my adult life, starting by working for wages. I bought a few cattle. The owner of the ranch where I was employed let me run them, when I had reached the limit agreed upon, I was able to lease a place. Now days, it is hard to find a good ranch hand. If he were allowed to run a few head of cattle, it might be an incentive for him to take more interest and do a better job for you."
3. "Another change that the proposals would do away with is no employee cattle arrangements. Maybe when a rancher gets on in years he has to hire someone and his hired man has ten or more cows. This would only result in a benefit for both parties."
4. "My ranch manager has been with me 17 years and he is a good man. If I told him today that he could no longer graze any of his cattle on my permit, he would be gone tomorrow. I consider him most difficult to replace and much of the efficiency of my ranch operation would be lost."
5. "It is a common practice among employers in a city to offer their employees an annual bonus, share of profits or perhaps a commission as an incentive to do a better job."

6. "It is hard to hire good help and if some of us should get sick or hurt or to old to do the necessary work we could get better help with a share agreement."
7. "Share agreements between owners and their employees are also very helpful to older or disabled owners. This is about the only way an owner can get a reliable hired-man."
8. "I believe if you look back into the ranching history you will find that most of them get started by first working for a rancher or parent, then leasing or running on share before he could get started on his own."
9. "We all know that agriculture cannot compete with industrial and construction wages. Good help is hard to come by, and even at a minimum wage, the hand is prehaps making more money than the boss. If an operator has a big permit it may mean the difference between staying in business or quitting if he can let a hired man run some cows of his own."

SUMMARY

Using the figures reported by our membership, only 4% of the livestock on permit in 1966 represented share cattle, employee or family owned livestock. The program is well controlled and well documented, and has contributed only good to the members who found it necessary to avail themselves of the practice. Share livestock have created no management problems. Share cattle have not been permitted for cash lease so profiteering on public land has been prevented.

The categories of employee and family owned livestock do have value in that they permit the employing or retaining of a valuable employee, and do permit arrangements with landlords and estates. Further, they have given the incentive to family members to participate in ranch management, 4 H and Vocational Agriculture programs.

OWNERSHIP OF COMMENSURATE PROPERTY

It is our belief that a headquarters should be commensurate for 50% of its requirements when livestock are not on permit, and we are confident that every headquarters in this Association does presently meet this requirement. The distinction between the commensurability of the headquarters and the commensurability of the operator is the point of issue, and this distinction is the primary reason for objections to the ownership requirement. It is not the individual permittee who is commensurate, it is the headquarters, irregardless of who owns or operates it.

Leasing of headquarters has been possible under the governing rules of the Association, and practical in operation throughout the history of this Association. It has been a normal procedure of transferring property and preferences. It has already been proved that this type of land control was recognized at the time the Federal government authorized the purchase of submarginal areas, and subsequently initiated rules of operation. The rules and plan of management of the Association, since its inception in 1937, have acknowledged owned or leased property control with the cognizance of the administering agency of the Federal government.

Of those reporting, 78 of our members leased a headquarters before purchase. A total of 87 of the headquarters in this Association have been leased at some time. This is evidence that leasing is a method of transfer that is commonly accepted and practiced in this Association. (Ex. No. 11)

The number of headquarters leased per year from 1938 through 1966 varied from a low of 14 in 1938 to a high of 37 in 1964, 1965 and 1966. (Ex. No. 13) Twelve headquarters are leased by the operator from a parent; 8 are estates that are leased, not necessarily by a relative; 7 are leased by the operator from a relative other than a parent; and 10 operators lease from a landlord who is not a relative. (Ex. No. 12)

Only 12 members are in the 20 to 30 year age bracket. (Ex. No. 1) Of this number, 4 inherited their headquarters, 6 lease, 1 leased the headquarters and then purchased it after 4 years, and only 1 purchased a headquarters without a lease period. This purchase was possible because he had worked with his father on the family headquarters to build up a herd, and had the financial support or backing of his father. The purpose and use of the leasing privilege is well illustrated in that 7 of the 12 young members are or have been leasees.

Thirty-seven permittees reported leasing a headquarters which was later purchased by them. The average lease period was 7.11 years. From reported information, the history of leasing on 66 headquarters showed an average lease period of 6.69 years. The Association had already determined, as mentioned under the share cattle discussion, that 7 years was the maximum number of years that a permittee would be allowed to operate with share cattle. The close relationship of these lease periods, both for headquarters and cattle, indicate that under present conditions an operator without resources, could progress to the point where he might accumulate enough equity to be able to make arrangements to purchase both land and cattle in this length of time.

The total membership in the Association in 1966 was 210, so 17.62% of the membership were in this lease category. There are a total of 1002 men, women and children dependent on headquarters in this Association; 180 of these are dependent on leased headquarters. Elimination of the leasees and their dependents would immediately be reflected in a decreased demand for the goods and services offered by businesses in the areas. Repercussions from any decrease would be felt in all aspects of the local social and economic picture since the entire rural population of McKenzie County was 3724. (1964 US Census of Agriculture.)

The membership of the Association is strongly in favor of continuing leasing of headquarters. The stated opinions showed 186 in favor and 13 opposed. (Ex. No. 19) One hundred and fifteen of our reporting members are fifty years old and older. (Ex. No. 1) Within the next ten year period, it is predictable that age alone will force retirement for a large percentage of this group. In fact, since the survey was completed, three of this number have expired.

The financial situation at the present time precludes any change in attitude relating to leasing if a new generation is going to be able to carry on the industry in our area of operation. "Tight money," as well as the normal requirements for credit, make the sale of headquarters to an established operator difficult, and to a young man without resources, impossible.

There are many reasons for the leasing of property. Those of retirement age often have an intense pride of ownership. They may be financially able to live without the added income of their leased property, or they could manage on the proceeds of the sale of their property. However, they want to be able to maintain a tie with the place that has been their entire life. While this is strictly a social reason, it may well be the interest that gives them a reason for living. One existing example is a financially secure homesteader in the 70-80 age

group who was forced by health problems to leave his rather isolated headquarters and move to a town. He would not consider selling, but has given a young lessee the opportunity to operate the headquarters. The landowner has a few cattle on the place, and has the right to spend whatever time he desires there. The lease arrangement has been an ideal solution for both him and the young lessee.

When a headquarters becomes an estate, it is usual that a number of heirs are involved. If the headquarters were divided, the units would be of little value because of their diminished size. If the headquarters is continued in its original state, it can be of financial profit to all concerned, including the lessee responsible for the operation. Here, too, pride of ownership is a factor. Headquarters that were established in the homestead days and continued in the same family illustrates the protection of family origins. One hundred and thirty of the headquarters in the McKenzie County Grazing Association have remained in continuous family ownership since 1938. (Ex. No. 15)

One such headquarters was a combination of homesteads of the mother and father. The father died and the widow owns half the land and the four sons own the balance. The headquarters was kept together as a unit and operated by one of the sons. Now this operator has retired and his son has taken over. Not one of the owners will sell his or her share, and they all want to keep the headquarters in the family. There has been no change in the status of this preference since there has been no change in the original base property. What inter-family arrangements are made have no bearing on the preference as far as the Association is concerned as long as the commensurate property is the same and the operator adheres to the rules and regulations of the Association.

Another example of this situation is the headquarters where the original preference holder died. His estate was divided between his surviving widow and their son. The son died and his estate has not been settled. The third generation son is now operating the headquarters. He leases his grandmother's share of the headquarters from her and his father's share of that estate plus other land which his father acquired from his mother and three sisters. Again, the headquarters property is intact as a unit; the headquarters is operated in accordance with the rules and regulations. The headquarters has and is continuing to provide a livelihood and education for the grandparents, father and mother, the three sisters and the son and his wife. With the preference, this is of economic value to both the family and the community. The loss of the preference would make it an uneconomic operation.

One of the primary reasons why elderly people prefer to lease rather than sell is the inherent desire of all humans to own land. There is a feeling of security in land ownership; capital net worth increases through ownership; and the intrinsic value of land increases in proportion to the years of ownership.

Another consideration is financial. From the seller's standpoint, if the sale price is paid in a lump sum, income taxes become a major factor. Also, the life span of the seller could exceed the years of living that the principal from a sale could cover, while a lease payment would continue, year after year. For a widow with children, the proceeds of the headquarters sale, divided, are nothing. The headquarters under a lease would provide a livable income until such time as a minor child is mature enough to operate the headquarters.

Leasing has the additional benefit of allowing an operator to prove his capabilities. The human element is a consideration of every lending agency. Ownership of land is not a requirement of lending agencies. Credit institutions are not averse to lending to lessees on chattel security. If a borrower qualifies otherwise, the holding of a lease is not a detriment to this type of financing. However, if the prospective borrower has security making him eligible for credit, his capacity as an operator is an equally important recommendation as a credit risk. A few years as a lessee afford the potential borrower an opportunity to establish a reputation for the lending agency to adjudicate.

This trial period is also used in the family operation. As long as the father is in control, the son or relative does not have an opportunity, ordinarily to make any decisions or plan the long range management or handle finances. Under a lease, the father has a period of time to judge the management ability without the release of land ownership.

Under Association rules and regulations, there is no distinction between landowner or lessee. An operator is neither discriminated against because he is a lessee, nor does he have any extra privileges. He is required to pay the same fees; make the same equal pro rata contributions as far as developments are concerned; and equally participate in the management on the permitted lands. In addition his total operation must be maintained at the optimum level in order to secure the additional income necessary to make the lease payment.

Following are excerpts from letters that were written by operators familiar with landlord-tenant relationships.

1. "I leased a headquarters with Forest Service land attached in Nebraska for 8 years before accumulating enough to make a down payment on a place of my own. If for any reason I should ever quit or retire, I should not like to be denied the right to lease to one of my sons, or to a younger man. Getting a start in this business is harder now than ever before. Without inherited capital, or a windfall of some sort, leasing remains about the only way a start can be made.

If it is the Forest Service wish to eliminate "shoestring" operators, we might remind them that many of us who are not now renter are now, or have at some time or other operated on a shoestring, and it is a normal and not unusual thing in the cow business."

2. "For most who lease, leasing is the only way we can operate a ranch. I'm sure you know it is all but impossible to buy a ranch and cattle to stock it with real estate prices and interest rates as high as they are."
3. "Having leased and had share cattle at one time I can see why some must do this. However I don't feel it is the best situation and I believe after a certain period of time any operator should be thinking of ownership. At present prices, leasing or share cattle or both seems to be about the only way a person could get started in the cattle business, unless by inheritance. Even passing a ranch on to a son would be quite difficult if one was not in a position to give it to him. Either a lease or share would surely enter in."
4. "I agree that the rancher owner should own at least 50% of commensurate property, but not necessarily the permittee who may be a renter or a son leasing until they can buy. Then if the lessor decides not to buy, the ranch owner can go back into operation."

5. "No totally leased headquarters. Where does that put me. OUT! And many more with me. This is where I and many more young men are getting a start in ranching. Why can't we have a chance as people before us have had. That is how many ranchers and farmers got their start. After a few years of leasing, one could maybe save enough money to put down payment on a place of his own."
6. "I leased for eighteen years and built up our present herd of cattle. With this security I was able to buy the ranch we are now on. This is a general history of most of the ranchers in my acquaintance.

If you are not fortunate enough to inherit a ranch or money, I feel it is impossible to get started without running share cattle or leasing a ranch. By having either the cattle or the land you have security to borrow for the other. To buy cattle and land at the same time is almost impossible.

If a rancher were to become ill or disabled before his son was old enough to take over the operation, I think that individual should be able to lease for a few years until he can regain his health or a son take over or do as he thinks the most practicle and profitable for him."
7. "Like myself, most of the ranchers in our area have gotten their start through leasing, share cattle, employee cattle arrangements, etc. These changes will make starting out in the cattle business almost impossible. If these means were once effective in getting a start there should be no reason why they aren't as good today."
8. "I can't see if there's father-son agreements and lease agreements for gas stations, implement dealerships, and all other business, why it should be any different for agriculture."
9. "This new requirement would really affect our headquarters. My mother is a widow and there are three of us boys who are living and working on this headquarters at the present time. If these rules would be put into effect, our mother would be the only one who could own

cattle on the permit and operate the place and that would mean that the rest of us would be out."

10. "There are many people farming and ranching today, who now own their own places, who would not be in business if they had not had the opportunity to lease a place or run share cattle to get their start. If it hadn't been for the chance to lease a small place, I would not be in the cattle business now."
11. "I have been renting for the past 8 years and intend to until I am in financial position to purchase a headquarters. This is the only way I will ever be able to obtain my own ranch. If the association enters into an agreement with the Forest Service such as the one purposed by the Forest Service, it would eliminate me."
12. "I borrowed a lot of money to buy cows and some machinery to operate the place I leased with the option to buy. I'm in partnership with my folks and two brothers and we have been exchanging labor and machinery between the places. By leasing and being in a partnership I can build enough credit or capital to get started on a place big enough to make a good living on."

SUMMARY

Ownership of land was not a pre-requisite in the formative years of the Association; was not later determined to be necessary in the development of the Association; and no justifiable need has been advanced to date. Any change would undermine the very foundation of the Association and the purpose and intent of the establishment of the Association to stabilize economy perverted.

MANAGEMENT

BOARD POLICIES

The McKenzie County Grazing Association is proud of the management of the Grasslands under its control. Tremendous progress has been possible through the interest and participation of the permittees, led by the very capable Board of Directors. Our permittees, whether they lease or own a headquarters, are as interested in Grassland agriculture as the Forest Service, because it is their livelihood. Good management is the theory of our Association operation, and is producing tangible results. These results are a matter of record in the local Forest Service office.

The first consideration in this program of management is the protection and improvement of the range. To advance this protection and improvement, many diverse operations must be coordinated, implemented and financed. Administration, use of the range, fire suppression and control, development and maintenance of improvements must be planned, documented and consummated.

The Board of the Association, representing 15 pasture units, promulgates the general plan of operation; modernizes and up-dates rules and regulations as current problems and necessity dictates; and is ever watchful that the Association business is conducted in accordance with the established criteria. Recommendations of the Forest Service are conscientiously considered, and the Forest Service is consulted before any decisions are finalized.

The stocking of the common grazing allotments is of great concern to the Board. When recommended by the Forest Service, they have eliminated all temporary permits and determined that any difference in AUMs of grazing available and AUMs of stocking be left unpermitted and unused. Credit for removal of livestock from grazing areas for range protection has been authorized. This program of credit for late turn-on and early removal involves the time of the directors in checking these removals, as well as the cost of documentation. However, these innovations have proved their worth as a range management tool in the overall program of management.

Trespass is a matter of constant vigilance of the Board. A uniform season has been recommended in each allotment. The beginning day and ending day is the same for all permittees in each allotment, discouraging any temptation to cheat. The presence of any livestock out of season is made obvious. A mandatory winter count of all units on headquarters prior to April 1st of each year, and subsequent filing of proof of

disposal of units in excess of preference has proved most effective. Here, too, there is expenditure of time and money that has been amply justified by the added protection provided. Trespass regulations have been reviewed, procedure firmed up and penalties stiffened. These procedures, combined with the cooperation of the membership, have been most successful. Any problem of illegal overstocking has virtually been eliminated.

Fire suppression is a major responsibility that is seriously accepted by the Board. A fire control plan including an inventory of available equipment and communications, and delegation of authority on the fire line is kept current. Formal and informal agreements for service and remuneration with the various rural fire departments have been negotiated. Insurance coverage for volunteer fire fighters has been provided. The Board authorized the stocking of fire fighting hand tools to be sold to members and fire organizations at cost. However, our first line of defense is the immediate response of the members to any fire call. The cost of maintaining approximately 400 miles of fire guard trails for protections and access is financed through the association spread charge.

The Board is aware that an informed membership is essential to promote necessary changes and educate the members concerned to their purpose and worth. A diligent effort is made to consult all the permittees through meetings at a pasture level and through the media of a newsletter sent out as necessity dictates. Results indicate that the more knowledgeable the members become, the more interest is shown by attendance at meetings, less misunderstanding and friction, more attention to and respect for regulations, and greater progress is made in management. This progress is so evident that Forest Service officials who have visited the Association have expressed their favorable opinions of our operation.

To further encourage and facilitate range management, the Board has made available to the members, at a cost rate, heavy equipment of various types necessary for construction. This involves the employment of a full-time graduate civil engineer, a caterpillar operator and a season patrol operator.

The Board of Directors makes diligent effort to lease all grazing rights upon all lands located within the exterior boundaries of the District. To protect public land and insure uniform grassland management within the District, some of these leases are acquired at exorbitant costs.

MANAGEMENT

PERMITTEE

The statement that ownership of land and cattle will improve stability of operation cannot apply to our particular Association. Our permittees must be conservationists in order to survive in an industry that is presently returning a very small interest as compared to the investment. The pressures of finances alone force the operator to make every effort towards greater production.

The age factor, as well as environmental and economic conditions, influences the progress made. As the veteran cowboy is being replaced by his younger counterpart, the introduction of new ideas gains impetus. The ideas and plans of the operators have changed radically since the early days of the Association. The day that the cattle were pushed through the gate and forgotten until fall is long gone. All intensive management practices to protect and improve the resource are being used. These include better distribution of cattle by riding, use of salt and oilers, fencing of dams, development of stockwater, fencing, rotation grazing, mowing of unpalatable species, reseeding, and fertilizing.

The early cattleman's resistance to fences is fading in the face of experiments in fencing of smaller units to set up rotation pastures and to force concentrations of cattle for short periods. This rotation of pastures is an accepted practice on the headquarters in the Association. (Ex. No. 10) Wandering at will has many disadvantages when pounds of beef are the major target. The 200 lb. calf and the 70% calf crop of the past will not support the industry any longer. Closer supervision of the cattle is necessary to prevent this underproduction. This closer supervision reflects in better management of the range.

Many ranchers are presently utilizing fertilizer to increase early spring production, particularly on crested wheat grass. The merits of this type of pasture fertilization are fast being recognized. In the foreseeable future, this may become an accepted practice, both on headquarters and in common pastures.

The permittees have voluntarily made reduction in stocking, either by reducing numbers or by shortening the common grazing season when it is evident that this is the only means to afford needed relief to the range. The reduction of use of the common grazing area makes great demands on the headquarters. Originally, the plan of use was set for 8 months in the common areas. The average season in common areas is

now 6.9 months. This has necessitated improved management on headquarters in order to provide feed and forage for additional months on headquarters. It is interesting to note that commensurability requirements of forage being produced on the headquarters is not nearly the same as it was originally. An accepted wintering practice in this decade is the supplementation of livestock with less use of roughage. (Ex. No. 9)

Salt requirements vary greatly in the different localities within the boundaries. The program is highly organized. Allotments determine the annual needs, assess the permittees according to dependency, and purchase in quantity to effect price savings. The actual distribution is delegated and each has his turn in this responsibility.

The same method is applied to oilers. Where oilers are used extensively, it has been determined that the ratio should be one to every 50 animals. Oftentimes, these oilers are moved to the headquarters when the permitted season in the common pasture is ended.

The purpose of fencing dams is two-fold. Not only does the elimination of access force a change of location of livestock, but fencing also affords protection of the structure itself. A large reservoir makes possible and practical the installation of a pipe outlet into a tank. This provides cleaner water and accessible water after freeze-up.

The mowing of strips in old crested fields appears to be the solution of this problem of non-use. One allotment was able to utilize previously unmanageable divides by this method. This, in combination with fertilizing, gives additional animal days of forage that were unavailable for years.

The majority of the members eagerly cooperate with the objectives of the Association. They have an intense interest in the affairs of the Association. This is shown in the near perfect attendance at all meetings--Board meetings, pasture meetings, and annual meetings. The most outstanding example of this concern was the return of 210 replies to the questionnaire used in connection with this study.

Many permittees are experimenting on their own initiative, with management theories developed at both North Dakota and Montana Experiment Stations. They will be found in any group touring demonstrations or attending seminars or short courses sponsored by educational agencies. They test and retain the workable practices and abandon the unworkable. In time, these practices will be expanded from the headquarters to the common pastures.

MANAGEMENT

The permittees are well aware of the continuing need to develop additional water supplies as a part of the range management program. However, the limiting factor is the ability of members to finance them. Many feel that the Forest Service should make a greater contribution towards financing of improvements on the land they administer.

The history of range developments has been divided into the periods of administrative responsibility. (Exs. No. 20 through 24) The first period is the year 1938, when the developments were those that were already on the land when the purchasing program was generally completed, as well as improvements under various governmental agencies up to the time the Association was formed.

The second period is from 1938 through 1954, the last year under Soil Conservation supervision.

The third period, 1954 through 1961, covers the years that the Forest Service was the administering agency and the Association was responsible for all developmental work. During this time, the Association engineer was responsible for the supervision of dam and dugout construction and the attendant reporting to the FS.

The last period, from 1961 through 1966, is the period when the Forest Service was able, on a small scale, to contribute financially through cooperative agreements. When the Forest Service began to participate in the financing, the Board instituted measures to insure that this public money was not wasted or misused. To date, 12 allotments have entered into financial cooperative agreements with the Forest Service. This program, too, is necessarily limited by the funds available to the McKenzie Ranger District for this purpose.

These financial cooperative agreements are in no way curtailing the permittee contribution to development programs. In fact, through 1961, the yearly average permittee expenditure through pro rate was \$4,448.76. Expenditures in succeeding years were as follows:

1962	\$10,637.51	1964	\$17,805.88
1963	\$10,243.59	1965	\$ 6,177.67
	1966		\$12,680.95

In addition to these documented expenditures, the membership expends for development and maintenance, an estimated amount at least equal to the recorded figures.*

*Limited Functional Inspection, McKenzie County Grazing Asso.
5/17/67

FINANCIAL

SUMMARY

The Association has an excellent program of range management and control, and is fully capable of correcting any abuses that are brought to our attention. Under our existing rules and regulations, ownership of land and cattle have no bearing on the management. Leased headquarters and owned headquarters, share cattle and owned cattle are all subject to the same rules and regulations. Control of inventory status headquarters even regulates the number of livestock that may be kept at home during the entire year. The Board has assessed permittees for trespass for excess numbers on headquarters.

If the Association is delinquent in any way as far as management is concerned, it is because the problem has not been called to our attention; or the members are not financially able to invest the funds necessary to make the improvement; or they are not in accord with the premise that a detrimental condition exists. This judgment must be respected since most of the members have lived with these lands and observed them all their lives. There is no reason to believe the Association will be less diligent or conscientious, or less able to cope with the problems that occasionally arise, in the future.

CONCLUSION

The direct effects of a change in the rules regarding ownership of livestock could cause hardship for 10 permittees who presently have share cattle, 52 headquarters with family owned livestock, 12 whose employees share in the permitted number. The direct effects of a change in the rules regarding ownership of land in order to qualify as a preference holder would cause hardship to 37 lessees. The total number directly affected would be 111 of our 210 preference holders.

The present rules and regulations do afford necessary control to promote and enforce good management of the resource. The stability of the permittees has been proved. The need for continued leasing has been documented. The record of good management and permittee cooperation has been summarized. There is nothing in this study to indicate that management would be improved or ranch stability extended by application of ownership provisions. To the contrary, the obvious conclusion is that stability of present and future permittees would be jeopardized.

We feel Associations have primary responsibility for the determination of who shall have permits and for what number. Local people, who depend on the grasslands for their livelihood and who have an equal responsibility for protection and improvement of the source of this livelihood, are qualified by experience and observation to contribute materially in the realm of management.

What a particular grazing association is and does depends upon a number of different factors that may be unrelated to controlling factors in other areas. It should be recognized that administration of the National Grasslands by grazing associations is more or less unique, and that it is adapted to a peculiar combination of local circumstances. We feel our associations on the National Grasslands are operated so differently from the National Forests that many existing Forest Service regulations cannot be equitably applied, and, if applied, will not contribute to the economic security of the ranch headquarters.

For the reasons herein enumerated, we request that Forest Service regulation No. 2233.21 - Ownership (Ownership of both the livestock and commensurate ranch property will be required in order to qualify for a grazing preference), not be applied to the National Grasslands, or, more particularly, to the McKenzie County Grazing Association.

ATTACHMENT

4

**RESPONSE TO JULY 2003
FOREST SERVICE
CONCERNS/PERCEPTIONS**

Attachment #4

Answers to address the Forest Service Concerns/Perceptions dated July 17, 2003.

Stewardship

* Lessees do not share the same long term concern and care for the land, particularly if they have no opportunity or hope to purchase the base property they are leasing and acquire the grazing permit they are using.

Stewardship: Simple concept-DESTROY THE RESOURCE-DESTROY THE ECONOMIC BASE-LOSE THE RANCH! Even in leasing this applies. Abuse of the Resource means loss of grazing rights as administered by the Associations, and usually loss of the lease as owners don't tolerate abuse of their property which deprecates the value of their asset.

* POINT 2 -addressed later.

* Lessees are less inclined to make investments to improve or resolve resource concerns on the grazing allotments.

Improvements: On the Shyenenne improvements of 'cost' are charged back to the owner of the base property. When there are infractions the property is penalized on the Shyenenne, so the owner or next user will pay the penalty if the lease is dropped by the perpetrator of the violation.

* POINT 4 -addressed later.

* Leasing policies do nothing to assist with meeting other resource objectives such as tall structure, maintenance/improvement of woody draws, etc.

Leasing policies and contracts do not dictate Grazing Association resource management actions to meet resource objectives. Resource protection by the grazing associations is dictated by proper grassland stewardship, weather and rules of management.

**** Lack of flexibility in association policies pit the grazing associations against the Forest Service every time there is a need to address a resource concern besides livestock grazing.**

This statement is uncalled for as well as non-factual and reflects the exact thinking causing many of the relational problems between Grazing Associations and the USFS.

Capitalizing the value of the grazing permit associated with leased base property.

* Higher lease rates on leased base property than other private land due to the attached grazing permit.

Those who purchased land with attached permits paid for the permit because those 'RIGHTS' were assessed a value by Farmers Home Administration and others to both buyer and seller, to establish the true value of the property, thus these RIGHTS were attained.

The rate charged for rent is usually higher per AUM on private than on these mixed control ownership leases in most cases.

* Dis-incentive for "retired permittees" to sell base property when they can realize additional value from the attached grazing permit.

Retired ranchers have rights too! This is still a free country! If you are to tell us when to buy or sell does that power reciprocate to us deciding for you? This is outside the scope of resource management.

* Grazing permit becomes part of "401k retirement plan" for retired permittees.

There is no shame in an honestly earned "401 K retirement plan", whether it is money set aside or land paid for. Again this is outside the scope of grasslands species management.

* Leasing of base property and attached grazing permit becomes part of the estate when the permittee eventually passes on, and the heirs continue the practice of leasing because they are not interested in ranching or exercising the use of the grazing permit.

Many families are unwilling to sell, even tho they are not involved in ranching, simply because of the hardships, strife and family pride in surviving when the rest did not. They maintain a pride in owning what was Homesteaded by "Great-Grandpa". They wish to maintain ownership, yet they care enough about the land to insist upon GOOD GRASSLAND STEWARDSHIP by their renters. This management is assured as the unit is NEEDED by the neighbors to assure a positive cash flow. Neighbors leasing from neighbors sustains both the economic and ecological health of the area. This does not fall within the range of the Recourse Management allotted to USFS by the United States Department of Agriculture.

Leasing of base property, as currently being practiced, does not meet the objective of establishing new operator/permittees in the ranching business.

* Lessees are at a financial disadvantage because they must lease base property at a premium.

If a potential leasee does not see the possibility of financial gain it will be difficult to rent out a property. Again out of USFS management category. Leasing is the way many of our permittees get started, it works.

* Leasing of base property doesn't include any opportunity to purchase the leased base

property if the owner is only interested in leasing. & * Many of the lessees are currently owners/permittees. How does this establish or provide the opportunity for new owner/permittees?

There is no shame in leasing instead of purchase to cover the added expense of inflation, it works as the Ranchers 'cost of living' increase, just as the other wage earners receive in their paycheck. If the property must be sold and if a rancher buys it, the chances are that an established rancher will expand and the beginning rancher will lose all chances at it for many years. This is beyond USFS management prescriptions.

* Leasing of base property has seldom resulted in changes in ownership of the base property being leased.

Leasing has provided a venue to many starts on the Shenyenne. Just because the parcel of land leased is not the exact one bought by the lease does not remove its value as a tool as indicated in our accompanying data.

ADMINISTRATIVE CONCERNS:

On the Shenyenne the USFS is part of the lease review process-it has caused problems as well as prevented some.

"The old have to die, the young can go anytime." Alfred H. Wall, at 100 years old.

This is a fact of life, property will change hands, most families do not retain ownership once Dad and Mom are gone, if they are not already in the business. Again outside of the range of USFS management mandates.

* Leasing of base property is approaching or exceeding 50% with some grazing associations.

Can it be proven that the increase leasing has adversely affected the quality of management as a whole? There are good managers, bad managers, excellent managers, and terrible managers; in most cases 'work ethic', economic base, and necessity determine much more than ownership vs. leasing

In summary,

The management of the National Grasslands using an environmentally and economically sound set of practices are the dictates of the Grazing Associations and a viable Rancher/permittee should be the sole concern of the USFS. The alternative is Ecological disaster for the National Grasslands areas as has happened in many National Forest areas already where the habitats surrounding the USFS Administrated lands have been fragmented by subdivision. The impacts to the affected environment are grossly detrimental, meanwhile valuable resources are being spent addressing this issue.

The pursuit of forced sales of ranches due to the loss of the right to lease WILL force some subdivision where horses, dirt bikes, 4 wheelers and the associated impacts of high density population will further fragment and destroy the associated ecosystem.

The Sheyenne Grasslands Area's soils can not support high density human impact. People destroy much much more than cows do. When a federal agency makes a decision that has the potential to cause the deterioration of the ecosystem on both the Federal and surrounding lands there is something drastically wrong, even criminal.

FS FIX IDEAS-

All of the points listed are outside of the proper scope of USFS realm of authority.
There is no quantitative proof that the practice of leasing is detrimental to good grasslands management.

ATTACHMENT

5

**VARIOUS ASSOCIATION
RESPONSES TO
FOREST SERVICE REQUEST
ON LEASE/SHARE CATTLE
NUMBERS**

McKenzie County Grazing Association
P.O. Box 572
Watford City, ND 58854-0572
(701) 444-3384 – Telephone
(701) 444-6046 – Fax
mcga@ruggedwest.com

January 9, 2004

Sheila McNee
Range Program Leader
Dakota Prairie Grasslands
240 W. Century Ave
Bismarck, ND 58501

Dear Sheila,

In response to the letter dated December 10, 2003 from Dave Pieper, Grasslands Supervisor we have compiled the following information for you.

In regards to Issue #1, I spoke with Dave on January 6th stating that with the Christmas Holiday and New Year there was not ample time to have our Board of Directors and members respond to what is unique, or different about North and South Dakota and our grazing association, that makes leasing necessary to maintain viable ranching operations. We have stated our thoughts at several meetings with the Forest Service in the past but would like time to involve our board of directors on this response. We will supply these in the next couple of weeks as Dave and I agreed to in our previous conversation.

In regards to the questions requesting numbers here are our responses based on current leases on file at our office:

- Number of current members? At the current time our association has 168 members, but in the same regards we issue 214 permits annually.
- Number of current leases of base property? As of January 7, 2004 our association currently honors 65 leases.
- Number of total AUMs attached to leased base property? The total federal AUMs attached to the base property involved with these leases are 52,228.1855.
- Average number of AUMs involved in a base property lease? 803.5106

Page 2

- Number of leases that have existed less than 5 years? 56*
- Number of leases that have existed from 5 to 10 years? 5*
- Number of leases that have existed more than 10 years? 4*
- Number of share livestock agreements? 9

* As of January 9, 2004 this number is based on the current lease in effect. Some of these leases are for fractional interest of base property (Example: Estate settlements)

In regards to issue #2 questions, our response is as follows:

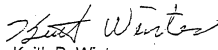
- Number of leases issued to new members at the time of the lease? 14*
- Number of leases issued to existing permittees at the time of the lease? 49*

* Again, as of January 9, 2004 this number is based on the current lease in effect. Some of these leases are for fractional interest of base property within a family (Example: Estate settlements), this will result in the number of members not equalling the number of leases.

MCGA does require all leases to have the following statement ensuring MCGA has control of the lessee. That the lessee will be subject to MCGA control of base property to assure that stocking rates and overall management maintains commensurability and provides for development and retention of healthy range conditions which demonstrate good grasslands agriculture. Lease agreements will make the lessee subject to all MCGA Rules and Regulations including the compliance with any approved allotment management plan and annual plan of use.

We will be supplying you with the other requested information in the near future and look forward to visiting with you on this issue.

Sincerely,


Keith D. Winter
President

*MEDORA GRAZING ASSOCIATION
P.O. BOX 108
MEDORA, ND 58645*

(701) 623-4336

January 9, 2004

Ms. Shelia McNee
Range Program Leader
US Forest Service
Dakota Prairie Grasslands
240 West Century Avenue
Bismarck, ND 58501

Dear Ms. McNee:

In response to the letter dated December 10, 2003 from Grasslands Supervisor Dave Pieper, we have compiled the following information for you:

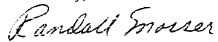
Number of Current Members	165
Number of Current Leases of Base Property	40
Number of Total Aums attached to Leased Base Property	35,351
Average Number of Aums Involved in a Base Property Lease	884
Number of leases that have existed for less than 5 years	7
Number of leases that have existed from 5 to 10 Years	14
Number of leases that have existed for more than 10 years	19
Number of share livestock agreements	3

Medora Grazing Association does require that the following paragraph be included in every lease that is submitted for approval to the Board of Directors:

Rules of Management: The parties acknowledge that the Medora Grazing Association grazing permit has historically been attached to the base property, and that the base property is under MGA control, to assure that stocking rates and overall management maintains commensurability and provides for development and retention of healthy range conditions which demonstrate good grassland agriculture.

As a Board, we will be supplying you with the other information that you requested in the near future, as agreed to by Mr. Pieper during a conversation with Keith Winter, Medora County Grazing on January 6, 2004.

Sincerely,



Randall Mosser
President



United States
Department of
Agriculture

Forest
Service

Dakota Prairie Grasslands

240 W. Century Ave.
Bismarck, ND 58503

File Code: 2230-3

Date: December 10, 2003

Nate Skojoldal, President

★ Grand River Grazing Association
18313 Rosebud Road
Lemmon, SD 57638

Dear Nate:

As you are aware, the Forest Service is in the process of reviewing the manual and handbook direction for administration of the Range Management Program. During June and July we had meetings with the Grazing Association leadership to discuss the portions of the manual and handbook that allow leasing and share livestock agreements. We also discussed the fact that the Dakota Prairie Grasslands is the only unit in the Forest Service that recognizes leasing and share livestock agreements as meeting qualification criteria for holding a grazing permit. To help the Forest Service evaluate the need for the continuance of leasing and share livestock agreements, we ask you to answer the following questions. Please provide your responses to Sheila McNee, Range Program Leader for the Dakota Prairie Grasslands, 240 West Century Avenue, Bismarck, North Dakota 58503, by **Friday January 9th, 2004**. Thank you for your assistance!

Issue #1 – The Dakota Prairie Grasslands is the *only* unit in the entire Forest Service system that allows base property leasing and share cattle. Every other unit of the Forest Service requires ownership of base property and livestock in order to qualify for a grazing permit.

Question – Please describe for us, what is unique, or different, about North and South Dakota and/or your grazing association, that makes leasing necessary to maintain viable ranching operations?

Question – Along that same line of thought, please answer the following questions, so we can better appreciate the significance of leasing and share livestock to your grazing association.

- Number of current members? 99
- Number of current leases of base property? 21
- Number of total AUMs attached to leased base property? 8,473
- Average number of AUMs involved in a base property lease? 403
- ★ • Number of leases that have existed less than 5 years? 10
- Number of leases that have existed from 5 to 10 years? 5
- Number of leases that have existed more than 10 years? 6
- Number of share livestock agreements? 0

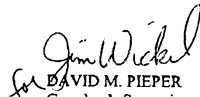


Issue #2 – The Forest Service's original intent in allowing leasing was to help young ranchers get into the livestock industry, build equity, and eventually own their own ranch.

- ★ • Number of leases issued to new members at the time of the lease? 3
- Number of leases issued to existing permittees at the time of the lease? 18

I would like to thank you up front for the cooperation in responding to the above questions. This information along with your previous comments will be carefully weighed as I make a recommendation for how these programs will be used in the future on the Dakota Prairie Grasslands. If you have questions please contact Sheila McNee or Jim Wickel of my staff at 701-250-4443.

Sincerely,


for DAVID M. PIEPER
Grasslands Supervisor

SHEYENNE VALLEY GRAZING ASSOCIATION

P.O. Box 63
15 Main
McLeod, ND 58057
701-439-2670 Telephone
701-439-2670 Fax

January 14, 2004

Ms. Sheila McNee
Dakota Prairie Grasslands
240 West Century Avenue
Bismarck, ND 58503

Dear Ms. McNee,

In response to the December 10, 2003 letter, I have included a response letter and the following statistics.

As per the second question involved in the first issue of your letter, we have:

- * 73 Current Members
- * 50 Current Leases of Base Property
 - * 12 being held between immediate family members
- * 23458.5 Total AUM's attached to Leased Base Property
 - * 9668.5 attached to immediate family leases
- * 4167 Total AU's attached to Leased Base Property
- * 469.2 Average AUM's involved in a Base Property Lease
- * All leases, with the exception of 3, are 3 year leases
- * 2 leases have existed for 5 to 10 years
- * 1 lease have existed for more than 10 years
- * We do not allow share cattle in our association

In response to the question of Issue #2, we have 20 new members as a result of leasing. We have 30 existing members that have added to their own base property through leasing.

Sincerely,
Sheyenne Valley Grazing Association

Bruce Hakanson- President



United States
Department of
Agriculture

Forest
Service

Dakota Prairie Grasslands

240 W. Century Ave.
Bismarck, ND 58503

File Code: 2230-3

Date: December 10, 2003

Dick Malcom, President
Horse Creek Grazing Association
HC 72, Box 6056
Baker, MT 59313

Dear Dick:

As you are aware, the Forest Service is in the process of reviewing the manual and handbook direction for administration of the Range Management Program. During June and July we had meetings with the Grazing Association leadership to discuss the portions of the manual and handbook that allow leasing and share livestock agreements. We also discussed the fact that the Dakota Prairie Grasslands is the only unit in the Forest Service that recognizes leasing and share livestock agreements as meeting qualification criteria for holding a grazing permit. To help the Forest Service evaluate the need for the continuance of leasing and share livestock agreements, we ask you to answer the following questions. Please provide your responses to Sheila McNee, Range Program Leader for the Dakota Prairie Grasslands, 240 West Century Avenue, Bismarck, North Dakota 58503, by **Friday January 9th, 2004**. Thank you for your assistance!

Issue #1 – The Dakota Prairie Grasslands is the *only* unit in the entire Forest Service system that allows base property leasing and share cattle. Every other unit of the Forest Service requires ownership of base property and livestock in order to qualify for a grazing permit.

Question – Please describe for us, what is unique, or different, about North and South Dakota and/or your grazing association, that makes leasing necessary to maintain viable ranching operations?

Question – Along that same line of thought, please answer the following questions, so we can better appreciate the significance of leasing and share livestock to your grazing association.

- Number of current members? *5*
- Number of current leases of base property? *none*
- Number of total AUMs attached to leased base property? *none*
- Average number of AUMs involved in a base property lease? *none*
- Number of leases that have existed less than 5 years? *none*
- Number of leases that have existed from 5 to 10 years? *none*
- Number of leases that have existed more than 10 years? *none*
- Number of share livestock agreements? *none*

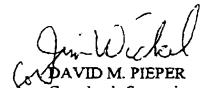


Issue #2 - The Forest Service's original intent in allowing leasing was to help young ranchers get into the livestock industry, build equity, and eventually own their own ranch.

- Number of leases issued to new members at the time of the lease? 11070
- Number of leases issued to existing permittees at the time of the lease? 11010

I would like to thank you up front for the cooperation in responding to the above questions. This information along with your previous comments will be carefully weighed as I make a recommendation for how these programs will be used in the future on the Dakota Prairie Grasslands. If you have questions please contact Sheila McNee or Jim Wickel of my staff at 701-250-4443.

Sincerely,


DAVID M. PIEPER
Grasslands Supervisor

Senator DORGAN. Congressman Pomeroy, thank you very much. Let me also point out that Senator Conrad has not been able to be with us this morning, but he has been a part of our communications to the Forest Service and has met with the Grazing Associations as well. And I believe it would be fair to say that he expresses the same concerns and interests that Congressman Pomeroy and I express today.

We're joined as a first set of witnesses, and I believe the only one who will make a presentation is Gail Kimbell, the Regional Forester for the Northern Region, which is in Montana, I believe.

She is joined by Janette Kaiser, Director of Rangeland Management, I believe from the Washington office, and Dave Pieper, the Grassland Supervisor from the Dakota Prairie Grasslands.

Ms. Kimbell, you have obviously heard an earful from us, and we appreciate your traveling to Bismarck today. As I indicated, we really want some straight answers from the Forest Service today.

Let me recognize you for any statement you wish to make. If you would pull the microphone close to you, I would appreciate it very much.

STATEMENT OF GAIL KIMBELL, REGIONAL FORESTER, NORTHERN REGION, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

ACCOMPANIED BY:

JANETTE KAISER, DIRECTOR, RANGELANDS, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

DAVE PIEPER, GRASSLANDS SUPERVISOR, DAKOTA PRAIRIE GRASSLANDS, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Ms. KIMBELL. Mr. Chairman and Representative Pomeroy, thank you for the opportunity to appear before you today. Yes, I am the Regional Forester for the Northern Region of the U.S. Forest Service. That includes national forest system lands in Northern Idaho, across the State of Montana and across the State of North Dakota with pieces of South Dakota and a tiny little piece of the State of Washington.

Let me quickly summarize the issue that brings us together today. On July 19, the Forest Service published some long anticipated revisions to 16 chapters of our manuals and handbooks regarding rangeland management.

One of those chapters contained a sentence that was most unfortunate in both its exact wording and the energy it created in its wake.

It is not the intent of the U.S. Forest Service to eliminate leasing of base property or of livestock as options in managing the Dakota Prairie Grasslands. We have taken to withdraw the offensive language, and today have posted two chapters—those two chapters, Chapters 10 and 20—on our Agency website with the corrected language, and we have submitted them to the Federal Register for publishing, again without that offensive language.

The Chief of the Forest Service has been very vocal about his concerns for open—

Senator DORGAN. Excuse me. Can you—I just want to have everyone understand what you're saying here. When you say, "that offending language," you started by saying there was one sentence.

Ms. KIMBELL. One sentence that appeared twice.

Senator DORGAN. So that's the offending language——

Ms. KIMBELL. The offensive language——

Senator DORGAN [continuing]. That you're speaking to now?

Ms. KIMBELL. Regarding leasing of base property.

Senator DORGAN. I just want everyone to understand what you're responding.

Ms. KIMBELL. The Chief of the Forest Service has been very vocal, very consistent in talking about the need for consideration of open space and working landscapes. This has been across forested landscapes, and rangeland landscapes.

The National Forest Systems do include a great deal of forest lands. They also include a great deal of rangelands, aside from the National Grasslands.

Keeping ranchers on the land is a critical part of that whole picture as the Chief envisions it and as we all envision the management of public lands.

We will continue to work with the people of North Dakota and the people of South Dakota to finalize the language regarding leasing of base property and leasing of livestock in the finalization of the language of those chapters that appeared today on the Forest Service website and will appear in the Federal Register here very shortly.

Dave Pieper and his staff have worked concertedly over the last several years with the grazing associations and with the individual permittees, and I would expect that as we work through this and some other issues, we will continue to work in that same collaborative way.

We do have side boards in the management of National Grasslands. They're managed as part of the national forest system permanently held by the Department of Agriculture for administration under the purposes of Title 3 of the Bankhead-Jones Farm Tenant Act.

However, it is important to note that Congress has not exempted the National Grasslands from other legislation such as the National Environmental Policy Act, the Endangered Species Act, the Forest and Rangeland Renewable Resources Planning Act of 1974 and the National Forest Planning Act of 1976.

The Dakota Prairie Grasslands, created as a separate National Forest System unit in 1998, administers the day-to-day activities of the National Grasslands in North and two National Grasslands in South Dakota.

Of the roughly 100 permanent employees, there are clearly 25 that are permanently involved or almost totally involved with the rangeland management programs, and of those, a great many are native North Dakotans and were educated here in North Dakota. Others come from other great universities around the United States.

The Forest Service recognizes and values the fact that its livestock grazing permittees contribute to the management of National Forest and Grasslands. We believe the proposed amendments to the Forest Service Rangeland Manual and Handbook meet both management and permittee needs.

PREPARED STATEMENT

However, it is our intent to make every effort to engage the public by providing information on the proposed directives and seeking comments from ranchers, Grazing Associations, State and local officials, tribal governments, and other stakeholders.

Mr. Chairman, we would be happy to answer any questions you might have.

[The statement follows:]

PREPARED STATEMENT OF GAIL KIMBELL

Mr. Chairman and Members of the Subcommittee: Thank you for the opportunity to appear before you today to discuss the proposed amendments to the U.S. Forest Service Directives for Rangeland Management. I have with me today Janette Kaiser, National Director of Rangeland Management and Dave Pieper, the Grassland Supervisor, Dakota Prairie National Grasslands.

BACKGROUND

The last major update to the Forest Service Rangeland Manual and Handbook occurred in 1985. Since 1985 new legislation (Rescissions Act of 1995, Omnibus Appropriations Act of 2003 and Consolidated Appropriations Act of 2005), case law (*Anchustegui v. USDA*), changing needs on the ground, the need for consistency between all Forest Service Regions, and the need to address local practices and customs have shaped the need to update and clarify existing policy. Over the years, the Forest Service has listened to stakeholders, including livestock industry representatives, across the country regarding policy issues and we believe the proposed revisions to the directives address many of their expressed concerns. Our goal is to assure our policies are up-to-date and meet both agency and stakeholder needs.

The Forest Service released amendments to its Rangeland Management Manual (FSM 2200) and to its Grazing Permit Administration Handbook (FSH 2209.13) on July 19, 2005. Concurrently, the agency issued Interim Directives to FSH 2209.13 for Chapters 10 and 20 which contained both clarifications to existing policy and some new direction which became immediately effective for up to 18 months. In response to public concerns about the implementation of the new directions, this part of the Interim Directives was withdrawn. On August 19, 2005, the Forest Service released for public comment those parts of Chapters 10 and 20 in FSH 2209.13 that contained new direction as proposed directives. Those portions of Chapters 10 and 20 of FSH 2209.13 that were not new direction were reissued as Interim Directives on August 16, 2005. The regulations governing rangeland management at 36 CFR 222 are not being changed. All clarifications and proposed new direction deal only with agency policy.

FSH 2209.13, Chapters 10 and 20 address the issuance and administration of term grazing permits and grazing agreements respectively. Chapter 10 describes the procedures to issue, modify, suspend and cancel term grazing permits. A term grazing permit may be obtained through prior permit use, acquisition of base property and/or permitted livestock, or grant authority. Chapter 20 describes procedures specifically for grazing agreements. A grazing agreement is issued to grazing associations similar to how a term grazing permit is issued to an individual.

Sections 24.11 and 24.12 of FSH 2209.13 deal with base property requirements and share livestock provisions which are applicable to national grasslands. It is the intention of the Forest Service to retain share livestock and lease base property options to allow permittees to qualify and to develop provisions to improve their effectiveness on the ground. These practices provide a valuable tool to keep ranchers on the land and encourage ranch ownership. Keeping ranchers on the land is an important objective consistent through all the agency's grazing policies.

To that end, the National Grasslands are managed as part of the National Forest System and permanently held by the Department of Agriculture for administration under the provisions and purposes of Title III of the Bankhead-Jones Farm Tenant Act (BJFTA). However, it is important to note that Congress has not exempted the national grasslands from other legislation such as the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) and the National Forest Management Act (NFMA). The RPA specifically includes the National Grasslands and land utilization projects administered under Title III of the BJFTA as part of the National Forest System.

The Dakota Prairie Grasslands, created as a separate National Forest System unit in 1998, administers the day-to-day activities of the National Grasslands in North Dakota and northwestern South Dakota. Of the roughly 100 permanent employees assigned to the unit to meet its mandated multiple use mission, there are over 25 natural resource management specialists and technicians administering the range program. Collectively, they have 200 plus years of grassland management experience. Of these employees, 18 have been educated in natural resource management programs at in-state institutions of higher learning, including North Dakota State University (NDSU) and Dickinson State University. Four previously held positions with NDSU's Agricultural Experiment Station.

The notice published in the Federal Register on August 19, 2005, allows for a 120-day public comment period on the Interim Directives and the proposed new direction. All of the directives, as well as the proposed new direction, are available to the public at <http://www.fs.fed.us/rangelands>.

PROPOSED NEW DIRECTION

Eight items have been identified as proposed new direction and are largely contained in Chapter 10, Term Grazing Permits and Chapter 20, Grazing Agreements referenced at FSH 2209.13. The items are as follows:

Term Grazing Permits, FSH 2209.13, Chapter 10, Section 16.3

This proposed provision explains the contents of a notice of non-compliance letter and when it should be issued. This direction was the result of a Ninth Circuit court order which was implemented several years ago. It was initially implemented through a letter of direction to the regions and forests with the anticipation of inclusion in the national handbook.

Term Grazing Permits, FSH 2209.13, Chapter 10, Section 16.4

This proposed provision would establish uniform guidelines for the suspension and cancellation of term grazing permits. These proposed guidelines are designed to provide consistency on administrative actions for non-compliance with the terms and conditions of the term grazing permit, promote compliance with the terms and conditions of the permit, and provide a fair approach to managing non-compliance. Currently, there is variation among Forest Service units in applying administrative actions in similar situations. These guidelines provide for the authorized officer to use discretion to address the varied conditions and circumstances that might be encountered in administering term grazing permits. The guidelines are a starting point for a Forest Service line officer to determine an appropriate course of action to resolve violations of a term grazing permit based on the facts and circumstances of the specific situation.

Term Grazing Permits, FSH 2209.13, Chapter 10, Section 17.1

This proposed provision would expand the maximum period of nonuse for personal convenience from 3 to 4 years and sets timeframes for the use of the personal convenience nonuse. Personal convenience nonuse may be used for up to 3 consecutive years and for no more than 4 years within a 10-year period. The Forest Service also provides for nonuse for resource protection. Nonuse for resource protection is not counted against nonuse for personal convenience.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 21.1

This proposed provision would establish a consistent process to waive a Forest Service term grazing permit in favor of a grazing association-issued term grazing permit. If a holder of a Forest Service-issued term grazing permit wants to join a grazing association and convert the Forest Service-issued permit to an association-issued term grazing permit, this section would provide a consistent process by which the action can occur.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 21.2

This proposed provision would establish a consistent process to waive a grazing association-issued term grazing permit in favor of a Forest Service-issued term grazing permit. If a member of a grazing association wants to leave a grazing association and convert the grazing association-issued term grazing permit to a Forest Service issued term grazing permit, this section would provide a consistent process.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 22

This proposed provision would establish a standard form for all grazing agreements on both National Grasslands (Exhibit 01) and National Forests (Exhibit 02). Grazing agreements are a type of term grazing permit. As such, the language in

the grazing agreement needs to be standardized to allow for consistent administration.

USDA-Forest Service EXHIBIT 1 FS-2200-135 (2/05)

GRAZING AGREEMENT FOR GRAZING ASSOCIATIONS OPERATING

ON NATIONAL GRASSLANDS

(REFERENCE FSH 2209.13, CH. 20)

PERMITTEE NUMBER

PERMIT NUMBER

UNITED STATES DEPARTMENT OF AGRICULTURE,

U.S. FOREST SERVICE

AND

_____ GRAZING ASSOCIATION OR GRAZING DISTRICT

GRAZING AGREEMENT # _____

THIS GRAZING AGREEMENT IS BETWEEN THE U.S. FOREST SERVICE, AN AGENCY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (HEREINAFTER "THE FOREST SERVICE"), AND THE _____ GRAZING ASSOCIATION OR GRAZING DISTRICT (HEREINAFTER "THE ASSOCIATION"), A GRAZING COOPERATIVE ESTABLISHED UNDER THE LAWS OF THE STATE OF _____.

THIS AGREEMENT IS FOR THE ANNUAL PERMITTED USE OF UP TO _____ ANIMAL UNIT MONTHS OF GRAZING ON THAT PORTION OF THE _____ NATIONAL GRASSLAND IN _____ COUNTY(IES) AS SET FORTH IN EXHIBITS A-F ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

A. DEFINITIONS.

1. *Administrative Costs.* A type of expenditure and land use practice that may be used to reduce the fee for grazing on national grasslands covered by this agreement. Administrative costs are those costs that would otherwise be borne by the Forest Service if it directly administered the grazing permits of association members, and may include routine administrative and clerical expenses incurred by the association related to activities like issuing grazing permits, collecting grazing fees, monitoring livestock use, enforcing permit terms and conditions, and keeping records. Administrative costs must be approved by the Forest Service authorized officer in advance and may include but are not limited to expenses incurred by the association for salaries and benefits, payroll taxes, postage, copying, depreciation, office space, utilities, legal and accountant fees, and directors' expenses related to administering the agreement.

2. *Allotment.* An area of land represented on a map, which is designated for livestock grazing and comprises a logical grazing management unit. An allotment can be comprised of both NFS lands and non-NFS lands. Permits are issued for allotments or portions of allotments.

3. *Allotment Management Plan.* A document that implements a decision through specifying the program of action designed to reach a given set of objectives for an allotment. It is prepared in consultation with the association and:

- i. Prescribes the manner in and extent to which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives as determined for the lands involved;
- ii. Describes the location, ownership, and general specifications for the range-land improvements in place, or to be installed and maintained, on the land to meet the livestock grazing and other objectives of land management; and
- iii. Contains such other provisions relating to livestock grazing and other objectives as may be prescribed by the authorized officer, consistent with applicable law.

3. *Animal Unit (AU)*. One mature (1,000 pounds) cow or the equivalent based upon average forage consumption of 26 pounds of dry matter per day. Five sheep or goats are the general equivalent of one cow.

4. *Animal Unit Month (AUM)*. The amount of feed or forage required by an animal unit for one month.

5. *Annual Operating Provisions (AOPs)*. Detailed Forest Service approved provisions developed by the association for livestock grazing administration to be implemented in a given year on a given allotment. AOPs are based on the AMP and may address the number of livestock permitted to graze, season of use, responsibilities for improvement construction or maintenance, and pasture rotation schedules.

6. *Association Administered Lands*. Lands administered by the association for livestock use including, but not limited to: private, State, other agency, and NFS lands.

7. *Association Controlled Lands*. Private or State lands leased, owned, or controlled by the association by a member or non-member for administration of grazing activities and management purposes.

8. *Association-Issued Temporary Grazing Permit*. A grazing permit issued by the association to a member or a non-member for a period not to exceed 1 year, and which has no priority for issuance upon expiration.

9. *Association-Issued Term Grazing Permit*. A grazing permit issued by the association to a member, authorizing livestock grazing on certain lands covered by this agreement for a specific period not to exceed ten years or the expiration date of the agreement, whichever is shorter. The holder has priority for receipt of a new permit upon expiration of the previous term permit provided the holder has fully complied with the expiring permit's terms and conditions.

10. *Cancellation*. The action taken to permanently invalidate a grazing permit in whole or in part.

11. *Conservation Practices*. The protection, planning, land treatment, and improvement measures necessary for proper use of NFS lands managed under the provisions of the Bankhead-Jones Farm Tenant Act (7 USC 1011), and required of the holder of a grazing agreement or grazing permit.

12. *Excess Livestock*. Any livestock owned or controlled by the holder of a grazing permit issued by the grazing association, but grazing on NFS lands in greater numbers, or at times or places other than that provided in the association-issued grazing permit, grazing agreement, or on the bill for collection.

13. *Forest Service Policies and Procedures*. Those policies and procedures established by the Chief of the Forest Service (and supplemented by the regional forester and forest/grassland supervisor) in the Forest Service Directive System for use, management, and protection of NFS lands. With respect to rangeland management and the administration of livestock grazing on NFS lands, Forest Service policies and procedures are set forth in Forest Service Manual (FSM) 2200, Rangeland Management and Forest Service Handbook (FSH) 2209.13, Grazing Permit Administration Handbook.

14. *Grazing Agreement*. A type of term grazing permit. It authorizes eligible associations organized under State law to graze livestock on NFS lands and includes provisions for the associations to issue association-issued grazing permits to association members and administer the permits in conformance with applicable law, regulation, LMP and AMP direction, the terms and conditions of the grazing agreement and the association's rules of management.

15. *Grazing Bill (Bill for Collection)*. The amount paid by the association to the forest in return for the privilege of grazing livestock on the national grasslands covered by the agreement. Determine the grazing fee by taking the grazing value and subtracting up to 75 percent of that value for expenses incurred by the association in connection with land use practices approved by the Forest Service.

16. *Grazing Fee*. The annual charge per head month for grazing use on NFS lands. Grazing fees are also the total amount paid by the association to the Forest Service for the privilege of grazing livestock on lands covered by the grazing agreement and is the amount shown on the bill for collection. The grazing fee is determined by taking the grazing value and subtracting up to 75 percent of that value for expenses incurred by the association in connection with land use practices approved by the Forest Service.

17. *Grazing Value*. The annual value of grazing use (total head months) against which land use practices may be applied on national grasslands and conservation practices on Eastern forests to determine the annual grazing fee.

18. *Head Month*. One month's use and occupancy of the rangeland by one weaned or adult cow (with or without calf), bull steer, heifer, horse, burro, mule, bison, ewe (with or without lambs), ram, or goat.

19. *Land Management Plan (LMP)*. Required by the National Forest Management Act of 1976, is developed for each unit of the NFS, and provides direction for the management of the lands and resources of that unit. The _____ LMP, adopted in _____, establishes the kind of management practices that may occur and the timing and location of these practices.

20. *Land Use Practices (LUPs)*. Those Forest Service approved administrative costs and conservation practices undertaken by the association as part of its management of the livestock grazing activities on the national grasslands covered by the agreement. Satisfactory completion of Forest Service approved LUPs will result in a reduction in the grazing fee owed by the association to the Forest Service.

21. *National Forest System (NFS) Lands*. Federally owned forest, range, and related lands and resources throughout the United States and its territories. NFS lands include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act (7 USC 1011), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system.

22. *National Grasslands*. Part of the NFS that refers to those lands acquired and administered by the United States under Title III of the Bankhead Jones Farm Tenant Act (7 USC 1011), other statutes, Executive Order 10046 (amended by Executive Order 10175 and Executive Order 10322 and revoked in part by Executive Order 10844) which are now permanently held and administered by the Forest Service.

23. *Rules of Management (ROM)*. The set of Forest Service approved policies, procedures, and practices developed by the association for their use in administering livestock grazing on the lands covered by this agreement.

24. *Suspension*. Temporary withholding of an agreement or permit privilege, in whole or in part.

25. *Termination*. Ending an agreement or permit without questioning whether the terms and conditions contained in the agreement or permit have been broken by either side.

26. *Unauthorized Livestock*. Any cattle, sheep, goat, hog, bison, or equine not defined as a wild free-roaming horse or burro, which is not provided by permit (or bill for collection). Noncommercial pack and saddle stock used by recreationists, travelers, other forest and grassland visitors for occasional trips, and livestock trailed over an established driveway when there is no overnight stop on NFS land do not fall under this definition.

27. *Unauthorized Use Rate*. The fee charged for excess or unauthorized livestock use.

B. PURPOSE

The purpose of this agreement is to:

1. Authorize the association to administer the permitted livestock grazing activities of its members on the lands covered by this agreement consistent with applicable Federal law, regulation, Forest Service policies and procedures, and direction in the LMP and AMPs.

2. Extend sound practices of rangeland resource management through demonstration and by working with other Federal, State, local, or private landowners to consistently administer livestock grazing activities across rangelands regardless of the ownerships involved.

C. THE PARTIES JOINTLY AGREE THAT

1. The principal objective of this agreement is to secure sound resource management on all lands covered by this agreement.

2. They will cooperate with each other and assist individuals, local, State, and Federal agencies to demonstrate sound and practical principles of land use and resource management on the lands covered by this agreement.

3. The vegetation resource will be developed to its reasonable sustainable potential to provide for all values and uses, which include, but are not limited to, livestock grazing.

4. Livestock grazing is one of the many recognized multiple uses that occur on the NFS lands covered by this agreement.

5. All of the multiple use activities occurring on the lands covered by this agreement must be carried out consistent with the applicable laws and regulations governing the occupancy and use of NFS lands.

6. The Forest Service's authority to permit other uses or activities besides livestock grazing on the lands covered by this agreement is not affected by this agreement.

7. The Forest Service is responsible for the authorization and administration of grazing on NFS lands in accordance with applicable Federal law, regulation, Forest Service policies and procedures, and LMP direction.

8. Through this agreement, the association agrees to administer livestock grazing activities for association-issued grazing permits on those NFS lands shown in exhibit A and described in exhibit B. Administration shall be in accordance with applicable Federal law, regulation, Forest Service policies and procedures, and LMP direction.

D. FOREST SERVICE RESPONSIBILITIES

The Forest Service will:

1. Make available to the association the NFS lands shown in exhibit A and described in exhibit B and the rangeland improvements described in exhibit D for livestock grazing purposes.

2. Determine permitted numbers and seasons of use for the NFS lands shown in exhibit A and described in exhibits B and F in accordance with Forest Service policies and procedures.

3. Assist the association with the determination of permitted numbers and seasons of use for the association controlled lands described in exhibit C.

4. Notify the association on or before the ____ day of ____ of each year of:

- a. Required LUPs for the upcoming season of use and how those LUPs will be considered in the establishment of the grazing fee.
- b. The estimated grazing fee to be paid for livestock use on the NFS lands shown in exhibit A and described in exhibit B for the upcoming season of use taking into account the estimated costs of Forest Service approved LUPs on the NFS lands described in exhibit B.
- c. Additional fees or credits accrued for the past grazing season was not reflected in the estimated grazing fee paid at the beginning of the season. Such unanticipated fees or credits may include adjustments in actual grazing use, where grazing was greater than or less than originally authorized (final Forest Service fee determination).

5. Prepare AMPs and AOPs in coordination with the association and the affected member(s).

6. Review and approve the ROM developed by the association if they are consistent with applicable law, regulation, Forest Service policies and procedures, LMP direction, and the terms and conditions of this agreement.

7. Perform improvement work not associated with livestock grazing that is related to management of other resources as deemed necessary or desirable on NFS lands other than those conservation practices that are the responsibility of the association under this agreement.

8. Reserve the right (but not the obligation) to take appropriate administrative action or to prosecute any act or omission involving violations of Federal law, regulation, or Forest Service policies or procedures pertaining to livestock grazing on NFS lands including, but not limited to, excess and unauthorized use or noncompliance with the terms and conditions of this agreement or the ROM.

9. Authorize reductions in the fee charged for grazing on national grasslands described in exhibit B by as much as 75 percent for Forest Service approved administrative costs, conservation practices, or a combination of the two in accordance with agency procedures set forth in chapters 20 and 80 of FSH 2209.13 (sec. 84).

10. Require the association to implement conservation practices on association administered lands as necessary to obtain proper livestock use and rangeland resource management.

11. Approve proposed conservation practices that are reasonably priced and will improve proper livestock use and are in accordance with LMP, the AMP, and resource management.

12. Furnish the association with appropriate technical assistance necessary for implementation of required conservation practices and provide updated specifications as they become available.

13. Comply with the Freedom of Information Act (FOIA) and other relevant laws and regulations when responding to requests from the public for information pertaining to grazing administered by the association on national grasslands lands covered by this agreement.

14. Audit the association's records at least once every 5 years to ensure that the association is in compliance with the terms and conditions of this agreement and the ROM.

15. Agree to review disputes between an association member and the association only after the affected parties have made a good faith effort to resolve the dispute between them.

16. Be responsible for any and all other activities related to the administration of livestock grazing and all other uses or activities on the national grasslands covered by this agreement except those specifically delegated to the association.

E. ASSOCIATION RESPONSIBILITIES

The association will:

1. Develop Rules of Management (ROM) to facilitate administration of the livestock grazing activities authorized by the Forest Service under this agreement.

2. Submit the ROM to the Forest Service for review and approval.

3. Issue association-issued term grazing permits for the lands covered by this agreement for a period not to exceed 10 years or the date of expiration of this agreement, whichever is shorter. Issue association-issued temporary grazing permits as provided for in the ROM. The current association members are listed in exhibit E.

4. Administer association issued grazing permits in conformance with applicable Federal law, regulation, policy and procedure, LMP and AMP direction, and the Forest Service approved ROM.

5. Provide input to the Forest Service regarding the development of AMPs and AOPs for the grazing activity covered by this agreement and implement the Forest Service approved AMPs.

6. Regularly monitor livestock grazing activities authorized by the Forest Service under this agreement to ensure they are consistent with direction in the LMP, AMPs, AOPs, and the ROM.

7. Strive to integrate and consolidate association controlled lands in order to create natural management units and demonstrate sound land management programs and practices.

8. Pay all fees due the United States under this agreement in a timely fashion. (Fees may be paid in two installments if provided in the ROM.)

9. Identify potential land use practices necessary to facilitate livestock grazing covered by this agreement and submit a list of such practices to the Forest Service for review and approval.

10. Implement required land use practices approved by the Forest Service in a timely fashion.

11. Maintain existing improvements listed in exhibit D in a timely manner so that they serve their intended purpose and last for their expected lifetime.

12. Submit to the Forest Service by the ____ day of ____ of each year, completed Certification of Costs of Required Conservation Practices and Actual Administrative Costs forms with supporting information as may be required by the Forest Service.

13. Cooperate in livestock counting, marking, or ear-tagging programs as deemed necessary.

14. Take all reasonable precautions to prevent unauthorized livestock use.

15. Cooperate with the Forest Service in the prosecution or defense of any action related to the administration of livestock grazing on the lands covered by this agreement.

16. Maintain and retain records for the administration of livestock grazing activities authorized by the Forest Service under this agreement as if the Forest Service were directly administering association-issued term grazing permits. Said records might include, but are not limited to: association member eligibility and qualification requirements, association-issued grazing permits, documents pertaining to the investigation and enforcement of association-issued grazing permit terms and conditions, bills for collection, actual use records, monitoring, administration of use, and land use practice costs.

17. Separate association records unrelated to the administration of livestock grazing authorized by the Forest Service under this agreement from those records described in # 16 above.

18. Make available to the Forest Service upon request the records identified in # 16 above for inspection and copying. There shall be no deletions or redactions in the records and they shall be provided to the Forest Service within the existing Forest Service approved administration costs. Should copying result in a significant, unanticipated cost to the association, the Forest Service shall allow additional administration costs or pay the association.

19. Fully cooperate with the Forest Service in the timely processing of Freedom of Information Act (FOIA) requests for agency records pertaining to the livestock grazing activities authorized by the Forest Service under this agreement that are in the possession of the association.

20. Promptly investigate allegations of violations of association-issued grazing permit terms and conditions by association members.

21. Report to the Forest Service all claims of alleged association-issued permit violations and the outcome of the association's investigation of those claims.

22. Where appropriate, take action, following the investigation of alleged permit violations, to suspend or cancel association-issued term grazing permits, in whole or in part. Where taken, permit action should be in cooperation with the Forest Service and be consistent with the policies set forth in section 16.

23. Attempt to resolve disputes between association members or between an association member and the association before requesting assistance from the Forest Service.

24. Provide for Forest Service entry on association controlled lands to determine whether the livestock grazing activities provided by association-issued grazing permits are being carried out in conformance with applicable Federal law, regulation, Forest Service policies and procedures, and the terms and conditions of this agreement.

25. Ensure all association members comply with qualifying base property and livestock ownership requirements in the ROM.

26. Prepare as necessary, with Forest Service assistance, an annual plan of work for each employee of the association.

F. ADDITIONAL REQUIREMENTS

1. Holders of association-issued term grazing permits must satisfy, at a minimum, the same eligibility and qualification requirements that apply to the holders of Forest Service term grazing permits, unless otherwise provided in this agreement and the attached Rules of Management.

2. This agreement shall be issued for ten years unless the national grasslands shown in exhibit A and described in exhibit B is pending disposal or will be devoted to a different public purpose that precludes livestock grazing prior to the end of 10 years, or if the Forest Service determines it will be in the best interest of sound land management to specify a shorter term.

3. Association-issued term grazing permits may be issued for up to ten years but may not extend beyond the expiration date of this agreement.

4. This agreement may be terminated immediately, or modified by the Forest Service if the national grasslands shown in exhibit A and described in exhibit B are required for military or national security purposes.

5. This agreement may be terminated by either party, with or without cause, six months after sending written notice to the other party; if the 6 month period expires between May 1 and November 30, the effective date of the termination will be February 28 of the following year.

6. This agreement may be amended at any time by the mutual consent of the parties.

7. This agreement may be amended by the Forest Service thirty (30) days after written notice to the association in order to bring the agreement into conformance with changes in law, regulation, policy, LMP direction, range improvement status, or grazing capacity associated with a change in the lands administered by the association.

8. Violation of any of the terms and conditions of this agreement may result in the suspension, cancellation or termination of this agreement.

9. Failure of the association to promptly inspect and enforce where necessary, alleged violations of this agreement or association-issued grazing permit terms and conditions may lead to action by the Forest Service to suspend, cancel, or terminate this agreement.

10. This agreement may not exceed 10 years in length and expires on the 28th day of February 20—, unless terminated as provided above or cancelled in accordance with applicable Federal law or regulations.

11. The permanent improvements on NFS lands identified in exhibit D are the property of the United States unless specifically designated otherwise or authorized by a Forest Service issued special use permit. In some cases, the improvements constructed by the grazing association may be entitled to compensation based on the extent of the association's financial contribution. However, no portion of the improvement funded by conservation practices shall be eligible for compensation (FSH 2209.13, chapter 70).

12. This agreement is subject to all rules and regulations of the Secretary of Agriculture and may be suspended or cancelled, in whole or in part, or terminated for noncompliance therewith.

13. Any disagreement between the association and the Forest Service regarding an interpretation of the Secretary's rules and regulations shall be resolved in favor of the Forest Service's interpretation.

14. If the association disagrees with a decision by the Forest Service authorized officer pertaining to the administration of grazing on the lands covered by this agreement, it can request further review of the decision by the Forest Service authorized officer. The association may present its case in writing, orally, or both. If the association remains dissatisfied after this review, it may file an administrative appeal or request mediation in accordance with 36 CFR part 251.

15. If an association member disagrees with an association decision, the member must first seek review of the decision by the association. Association members may not appeal association decisions related to the grazing use distributed under an association-issued permit pursuant to 36 CFR part 251. Review by a Forest Service authorized officer may be sought only seeking review by the association. Association members may not appeal Forest Service decisions related to the grazing authorized by the Forest Service under this agreement pursuant to 36 CFR part 251.

16. No member of, or delegate to, Congress shall be admitted to any share or part of this agreement or to any benefit that may arise, unless it be made with a corporation for its general benefit.

17. The association shall comply with the non-discrimination provisions of Title VI of the Civil Rights Act, applicable USDA regulations, and Executive Order 11246.

18. Exhibits to this agreement include:

Exhibit A. Map of All Lands Covered by this Agreement

Exhibit B. List of National Forest System Lands Covered by this Agreement

Exhibit C. List of State, Private, and Other Lands Covered by this Agreement

Exhibit D. List of Improvements Owned by the Forest Service

Exhibit E. Association Membership List

Exhibit F. List of Permitted AUMs for National Forest System, State, Private, and Other Lands on Allotments Covered by this Agreement

Signed this the ____ day of _____, 20 ____

President

Grazing Association
[MAILING ADDRESS]

Signed this the ____ day of _____, 20 ____

Forest/Grassland Supervisor

National Forest/National Grassland
[MAILING ADDRESS]

USDA-Forest Service EXHIBIT 2 FS-2200-136 (02/05)

GRAZING AGREEMENT FOR GRAZING ASSOCIATIONS OPERATING
ON NATIONAL FORESTS

(REFERENCE FSH 2209.13, CH. 20)

PERMITTEE NUMBER

PERMIT NUMBER

UNITED STATES DEPARTMENT OF AGRICULTURE,
U.S. FOREST SERVICE

AND

_____ GRAZING ASSOCIATION OR GRAZING DISTRICT

GRAZING AGREEMENT # _____

THIS GRAZING AGREEMENT IS BETWEEN THE U.S. FOREST SERVICE, AN AGENCY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (HEREINAFTER "THE FOREST SERVICE"), AND THE _____ GRAZING ASSOCIATION OR GRAZING DISTRICT (HEREINAFTER "THE ASSOCIATION"), A GRAZING COOPERATIVE ESTABLISHED UNDER THE LAWS OF THE STATE OF _____.

THIS AGREEMENT IS FOR THE ANNUAL PERMITTED USE OF _____ ANIMAL UNIT MONTHS OF GRAZING ON THAT PORTION OF THE _____ NATIONAL FOREST IN _____ COUNTY (IES) AS SET FORTH IN EXHIBITS A-F ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

A. DEFINITIONS

1. *Allotment*. An area of land represented on a map, which is designated for livestock grazing and comprises a logical grazing management unit. An allotment can be comprised of both NFS lands and non-NFS lands. Permits are issued for allotments or portions of allotments.

2. *Allotment Management Plan*. A document that implements a decision through specifying the program of action designed to reach a given set of objectives for an allotment. It is prepared in consultation with the association and:

- i. Prescribes the manner in and extent to which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives as determined for the lands involved;
- ii. Describes the location, ownership, and general specifications for the rangeland improvements in place, or to be installed and maintained, on the land to meet the livestock grazing and other objectives of land management; and
- iii. Contains such other provisions relating to livestock grazing and other objectives as may be prescribed by the authorized officer, consistent with applicable law.

3. *Animal Unit (AU)*. One mature (1,000 pounds) cow or the equivalent based upon average forage consumption of 26 pounds of dry matter per day. Five sheep or goats are the general equivalent of one cow.

4. *Animal Unit Month (AUM)*. The amount of feed or forage required by an animal unit for one month.

5. *Annual Operating Provisions (AOPs)*. Detailed Forest Service approved instructions developed by the association for livestock grazing administration to be implemented in a given year on a given allotment. AOPs are based on the AMP and may address the number of livestock permitted to graze, season of use, responsibilities for improvement construction or maintenance, and pasture rotation schedules.

6. *Association Administered Lands*. Lands administered by the association for livestock use including, but not limited to, private, State, other agency, and NFS lands.

7. *Association Controlled Lands.* Private or State lands leased, owned, or controlled by the association by a member or non-member for administration of grazing activities and management purposes.

8. *Association-Issued Temporary Grazing Permit.* A grazing permit issued by the association to a member or a non-member for a period not to exceed 1 year, and which has no priority for issuance upon expiration.

9. *Association-Issued Term Grazing Permit.* A grazing permit issued by the association to a member authorizing livestock grazing on certain lands covered by this agreement for a specific period not to exceed ten years or the expiration date of this agreement, whichever is shorter. The holder has priority for receipt of a new permit upon expiration of the previous term permit provided the holder has fully complied with the expiring permit's terms and conditions.

10. *Cancellation.* The action taken to permanently invalidate a grazing permit in whole or in part. The canceling party retains any remedy for breach.

11. *Excess Livestock.* Any livestock owned or controlled by the holder of a grazing permit issued by the grazing association, but grazing on NFS lands in greater numbers, or at times or places other than that provided in the association-issued grazing permit, grazing agreement, or on the bill for collection.

12. *Forest Service Policies and Procedures.* Those policies and procedures established by the Chief of the Forest Service (and supplemented by the regional forester and forest supervisor) in the Forest Service Directive System for use, management, and protection of NFS lands. With respect to rangeland management and the administration of livestock grazing on NFS lands, these policies and procedures are set forth in Forest Service Manual (FSM) 2200, Rangeland Management and Forest Service Handbook (FSH) 2209.13, Grazing Permit Administration Handbook.

13. *Grazing Agreement.* A type of term grazing permit. It authorizes eligible associations organized under State law to graze livestock on NFS lands and includes provisions for the associations to issue association-issued grazing permits to association members and administer the permits in conformance with applicable law, regulation, LMP and AMP direction, the terms and conditions of the grazing agreement and the association's rules of management.

14. *Grazing Fee* is the annual charge per head month for grazing use on NFS lands. It is also the total amount paid by the association to the Forest Service for the privilege of grazing livestock on lands covered by the grazing agreement and is the amount shown on the bill for collection.

15. *Head Month.* One month's use and occupancy of the rangeland by one weaned or adult cow (with or without calf), bull steer, heifer, horse, burro, mule, bison, ewe (with or without lambs), ram, or goat.

16. *Land Management Plan (LMP).* Required by the National Forest Management Act of 1976, is developed for each unit of the NFS, and provides direction for the management of the lands and resources of that unit. The _____ LMP, adopted in _____, establishes the kind of management practices that may occur and the timing and location of these practices.

17. *National Forest System (NFS) Lands.* Federally owned forest, range, and related lands and resources throughout the United States and its territories. NFS lands include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act, and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system.

18. *Rules of Management (ROM).* The set of Forest Service approved policies, procedures, and practices developed by the association for their use in administering livestock grazing on the lands covered by this agreement.

19. *Suspension.* Temporary withholding of an agreement or permit privilege, in whole or in part.

20. *Termination.* Ending an agreement or permit without questioning whether the terms and conditions contained in the agreement or permit have been broken by either side.

21. *Unauthorized Livestock.* Any cattle, sheep, goat, hog, bison, or equine not defined as a wild free-roaming horse or burro, which is not provided by permit (or bill for collection). Noncommercial pack and saddle stock used by recreationists, travelers, other forest and grassland visitors for occasional trips, and livestock trailed over an established driveway when there is no overnight stop on National Forest System land do not fall under this definition.

22. *Unauthorized Use Rate.* The fee charge for excess or unauthorized livestock use.

B. PURPOSE

The purpose of this agreement is to:

1. Authorize the association to administer the permitted livestock grazing activities of its members on the lands covered by this agreement consistent with applicable Federal law, regulation, Forest Service policies and procedures, and direction in the LMPs and AMPs.
2. Extend sound practices of rangeland resource management through demonstration and by working with other Federal, State, local, or private landowners to administer livestock grazing activities consistently across rangelands regardless of the ownerships involved.

C. THE PARTIES JOINTLY AGREE THAT

1. The principal objective of this agreement is to secure sound resource management on all lands covered by this agreement.
2. They will cooperate with each other and assist individuals, local, State, and Federal agencies to demonstrate sound and practical principles of land use and resource management on the lands covered by this agreement.
3. The vegetation resource will be developed to its reasonable sustainable potential to provide for all values and uses, which include but are not limited to, livestock grazing.
4. Livestock grazing is one of the many recognized multiple uses that occurs on the NFS lands covered by this agreement.
5. All of the multiple use activities occurring on the lands covered by this agreement must be carried out consistent with the applicable laws and regulations governing the occupancy and use of NFS lands.
6. The Forest Service's authority to permit other uses or activities besides livestock grazing on the lands covered by this agreement is not affected by this agreement.
7. The Forest Service is responsible for the authorization and administration of grazing on NFS lands in accordance with applicable Federal law, regulation, Forest Service policies and procedures, and LMP direction.
8. Through this agreement, the association agrees to administer livestock grazing activities for association-issued grazing permits on those NFS lands shown in exhibit A and described in exhibit B. Administration shall be in accordance with applicable Federal law, regulation, Forest Service policies and procedures, and LMP direction.

D. FOREST SERVICE RESPONSIBILITIES

The Forest Service will:

1. Make available to the association the NFS lands shown in exhibit A and described in exhibit B and the rangeland improvements described in exhibit D for livestock grazing purposes.
2. Determine permitted numbers and seasons of use for the NFS lands shown in exhibit A and described in exhibits B and F in accordance with Forest Service policies and procedures.
3. Assist the association in the determination of permitted numbers and seasons of use for the association controlled lands identified in exhibit C.
4. Notify the association on or before the _____ day of _____ of each year of the grazing fee to be paid for livestock use on the NFS lands identified in exhibit B planned for the upcoming season of use. Additional fees or credits accrued for the past grazing season is not reflected in the estimated grazing fee paid at the beginning of the season. Such unanticipated fees or credits may include adjustments in actual grazing use, where grazing was greater than or less than originally authorized (final Forest Service fee determination).
5. Prepare AMPs and AOPs, in consultation and coordination with the association and the affected members(s).
6. Review and approve the ROM developed by the association if they are consistent with applicable law, regulation, Forest Service policies and procedures, LMP direction, and the terms and conditions of this agreement.
7. Perform improvement work, as deemed necessary or desirable on NFS lands, other than those improvements that are the responsibility of the association under this agreement.
8. Reserve the right (but not the obligation) to take appropriate administrative action or to prosecute any act or omission involving violations of Federal law, regulation, or Forest Service policies or procedures pertaining to livestock grazing on

NFS lands including, but not limited to, excess and unauthorized use, or noncompliance with the terms and conditions of this agreement and the ROM.

9. Require the association to implement appropriate structural and non-structural rangeland improvements on association administered lands that are necessary to obtain proper livestock use and resource management.

10. Furnish the association with appropriate technical assistance necessary for implementation of required range improvements, and provide updated specifications as they become available.

11. Comply with the Freedom of Information Act (FOIA) and other relevant laws and regulations when responding to requests from the public for information pertaining to grazing administered by the association on NFS lands covered by this agreement.

12. Audit the association's records at least once every 5 years to ensure the association is in compliance with the terms and conditions of this agreement and the ROM.

13. Agree to review disputes between association members or between an association member and the association only after the affected parties have made a good faith effort to resolve the dispute between them.

14. Be responsible for any and all other activities related to the administration of livestock grazing and all other uses or activities on the NFS lands covered by this agreement except those specifically delegated to the association.

E. ASSOCIATION RESPONSIBILITIES

The association will:

1. Develop Rules of Management (ROM) to facilitate administration of the livestock grazing activities authorized by the Forest Service under this agreement.

2. Submit the ROM to the Forest Service for review and approval.

3. Issue association-issued term grazing permits on the lands covered by this agreement for a period not to exceed 10 years or the date of expiration of this agreement, whichever is shorter. Issue association-issued temporary grazing permits as provided for in the ROM. The current association members are listed in exhibit E.

4. Administer association-issued term grazing permits in conformance with applicable Federal law, regulation, policy and procedure, LMP and AMP direction, and the Forest Service approved ROM.

5. Provide input to the Forest Service regarding the development of AMPs and AOPs for the grazing activity covered by this agreement and implement the Forest Service approved AMPs and AOPs.

6. Regularly monitor livestock grazing activities authorized by the Forest Service under this agreement to ensure they are consistent with direction in the LMP, AMPs, AOPs, and the ROM.

7. Strive to integrate and consolidate association controlled lands in order to create natural management units and demonstrate sound land management programs and practices.

8. Pay all fees due the United States under this agreement in a timely fashion.

9. Identify potential land use practices necessary to facilitate livestock grazing covered by this agreement and submit a list of such practices to the Forest Service for review and approval.

10. Implement and construct the rangeland improvements required by the Forest Service in a timely fashion.

11. Maintain existing improvements listed in exhibit D in a timely manner so that they serve their intended purpose and last for their expected lifetime.

12. Submit to the Forest Service by the ___ day of ___ of each year, completed Certification of Costs of Required Conservation Practices form with supporting information as may be required by the Forest Service.

13. Cooperate in livestock counting, marking, or ear tagging programs as deemed necessary.

14. Take all reasonable precautions to prevent unauthorized livestock use. Cooperate with the Forest Service in the prosecution or defense of any action related to the administration of livestock grazing on the lands covered by this agreement, including charging for such use at the established unauthorized use rate.

15. Cooperate with the Forest Service in the prosecution or defense of any action related to the administration of livestock grazing on the lands covered by this agreement.

16. Maintain agency records related to the administration of livestock grazing activities authorized by the Forest Service under this agreement that would otherwise be retained by the Forest Service if it were directly administering livestock grazing through Forest Service term grazing permits. Said records might include, but are

not limited to: association member eligibility and qualification requirements, association-issued grazing permits, documents pertaining to the investigation and enforcement of association-issued grazing permit terms and conditions, bills for collection, and actual use records.

17. Separate association records unrelated to the administration of livestock grazing authorized by the Forest Service under this agreement from those records described in #16 above.

18. Make available to the Forest Service upon request, the records identified in #16 above for inspection and copying. There shall be no deletions or redactions in the records and they shall be provided to the Forest Service within the existing Forest Service approved administration costs. Should copying result in a significant, unanticipated cost to the association, the Forest Service shall allow additional administration costs or pay the association.

19. Fully cooperate with the Forest Service in the timely processing of Freedom of Information Act (FOIA) requests for agency records pertaining to livestock grazing activities permitted under this agreement that are in the possession of the association.

20. Promptly investigate allegations of violations of association-issued grazing permit terms and conditions by association members.

21. Report to the Forest Service all claims of alleged association-issued permit violations and the outcome of the association's investigation of those claims.

22. Where appropriate, take action, following the investigation of alleged permit violations, to suspend or cancel association-issued grazing permits, in whole or in part, resulting from permit violations. Where taken, permit action should be in cooperation with the Forest Service and be consistent with the policies set forth in FSH 2209.13, section 16.

23. Attempt to resolve disputes between association members or between an association member and the association before requesting assistance from the Forest Service.

24. Provide for Forest Service entry on association controlled lands to determine whether the livestock grazing activities provided by association-issued grazing permits are being carried out in conformance with applicable Federal law, regulation, Forest Service policies and procedures, and the terms and conditions of this agreement.

25. Take all reasonable precautions to prevent unauthorized livestock use. Cooperate with the Forest Service in the prosecution or defense of any action related to the administration of livestock grazing on the lands covered by this agreement, including charging for such use at the established unauthorized use rate.

26. Ensure all association members comply with qualifying base property and livestock ownership requirements as set forth in Forest Service regulations, policies, and procedures.

27. Prepare as necessary, with Forest Service assistance, an annual plan of work for each employee of the association.

F. ADDITIONAL REQUIREMENTS

1. Holders of association-issued term grazing permits must satisfy the same eligibility and qualification requirements that apply to the holders of Forest Service term grazing permits.

2. This agreement shall be issued for 10 years unless the NFS land shown in exhibit A and described in exhibit B is pending disposal or will be devoted to a public purpose that precludes livestock grazing prior to the end of 10 years, or if the Forest Service determines it will be in the best interest of sound land management to specify a shorter term.

3. Association-issued term grazing permits may be issued for up to 10 years, but may not extend beyond the expiration date of this agreement.

4. This agreement may be immediately terminated or modified by the Forest Service if the NFS land shown in exhibit A and described in exhibit B are required for military or national security purposes.

5. This agreement may be terminated by either party, with or without cause, 6 months after sending written notice to the other party; if the 6 month period expires between May 1 and October 31, the effective date of the termination will be December 31.

6. This agreement may be amended at any time by the mutual consent of the parties.

7. This agreement may be amended by the Forest Service 30 days after written notice to the association in order to bring the agreement into conformance with changes in law, regulation, policy, LMP direction, range improvement status, or

grazing capacity associated with a change in the lands administered by the association.

8. Violation of any of the terms and conditions of this agreement may result in the suspension, cancellation, or termination of this agreement.

9. Failure of the association to promptly inspect and enforce where necessary alleged violations of this agreement or association-issued grazing permit terms and conditions may lead to action by the Forest Service to suspend, cancel or terminate this agreement.

10. This agreement may not exceed 10 years in length and expires on the 31st day of December 20 —, unless terminated as provided for above or cancelled in accordance with applicable Federal law or regulations.

11. The permanent improvements on NFS lands identified in exhibit D are the property of the United States unless specifically designated otherwise or authorized by a Forest Service issued special use permit. In some cases, the improvements constructed by the grazing association may be entitled to compensation based on the extent of the association's financial contribution. However, no portion of the improvement funded by conservation practices shall be eligible for compensation (FSH 2209.13, ch. 70).

12. This agreement is subject to all rules and regulations of the Secretary of Agriculture and may be suspended or cancelled, in whole or in part, or terminated for noncompliance therewith.

13. Any disagreement between the association and the Forest Service regarding an interpretation of the Secretary's rules and regulations shall be resolved in favor of the Forest Service's interpretation.

14. If the association disagrees with a decision by the Forest Service authorized officer pertaining to the administration of grazing on the lands covered by this agreement, it can request further review of the decision by the Forest Service authorized officer. The association may present its case in writing, orally, or both. If the association remains dissatisfied after this review, it may file an administrative appeal or request mediation in accordance with 36 CFR part 251.

15. If an association member disagrees with an association decision, the member must first seek review of the decision by the association. Association members may not appeal association decisions related to the grazing use distributed under an association-issued permit pursuant to 36 CFR part 251. Review by a Forest Service authorized officer may be sought only seeking review by the association. Association members may not appeal Forest Service decisions related to the grazing authorized by the Forest Service under this agreement pursuant to 36 CFR part 251.

16. No member of, or delegate to, Congress shall be admitted to any share or part of this agreement or to any benefit that may arise, unless it be made with a corporation for its general benefit.

17. The association shall comply with the non-discrimination provisions of Title VI of the Civil Rights Act, applicable USDA regulations, and Executive Order 11246.

18. Exhibits to this agreement include:

- Exhibit A. Map of All Lands Covered by this Agreement
- Exhibit B. List of National Forest System Lands Covered by this Agreement
- Exhibit C. List of State, Private, and Other Lands Covered by this Agreement
- Exhibit D. List of Improvements Owned by the Forest Service
- Exhibit E. Association Membership List
- Exhibit F. List of Permitted AUMs for National Forest System, State, Private, and Other Lands on Allotments Covered by this Agreement

Signed this the ____ day of _____, 20____

President

Grazing Association/Grazing District
[MAILING ADDRESS]

Signed this the ____ day of _____, 20____

Forest/Grassland Supervisor

National Forest/National Grassland
[MAILING ADDRESS]

Grazing Agreements, FSH 2209.13, Chapter 20, Section 24.11

This proposed provision would establish a 7-year limit on leasing of property to satisfy base property ownership qualification requirements for association-issued term grazing permits on national grasslands. We propose that 7 years is a sufficient time to acquire ownership of necessary base property.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 24.12

This proposed provision would establish a 7-year limit on share livestock agreements to satisfy livestock ownership qualification requirements for association-issued term grazing permits on national grasslands. We propose that 7 years is sufficient time for the permittee to acquire full individual livestock ownership.

Proposed Sections 24.11 and 24.12 propose a 7-year limit on share livestock and leasing of base property. This limit is intended to ensure fair and consistent policy to all who qualify.

CONCLUSION

The Forest Service recognizes and values the benefits livestock grazing permittees contribute to the management of National Forests and Grasslands. We believe the proposed amendments to the Forest Service Rangeland Manual and Handbook meet both management and permittee needs. However it is our intent to make every effort to engage the public by providing information on the proposed directives and seeking comments from ranchers, grazing associations, state and local officials, Tribal governments and other stakeholders.

Mr. Chairman, this concludes my prepared statement. We would be happy to answer any questions you or other members of the subcommittee may have.

Senator DORGAN. Well, Ms. Kimbell, thank you very much. Let me begin a series of questions, some of which will come from testimony that will be submitted later today which I have read because it was submitted to the committee before this morning.

You talk about the offending language as one sentence that appears twice. I'm going to talk about that and more expansive views what is offending.

First of all let me ask, how did this happen? I mean, first of all, I appreciate the fact that you have withdrawn it at this point, but how does it happen that this gets through the process?

I assume you, Mr. Pieper and others, Ms. Kaiser, would know language that's going to effect something that's been going on for 70 years, the leasing policies that are so important to ranchers in North Dakota, the changing of that as you would propose would cause a fire storm of protest. So how did that happen?

Ms. KIMBELL. We've been working on the revision of, as I said, 16 chapters of the Forest Service manuals and handbooks for quite a number of years.

The Dakota Prairie personnel, the Forest Service personnel working on the Dakota Prairie Grasslands have held a number of meetings with different Grazing Associations, different organizations and actually taking comment, forwarding comment.

My office forwarded that comment, aggregated the comment that we have from all of our units that have grazing programs, and forwarded that to our national office. There is a tremendous amount of detail in those 16 chapters that were just recently released. And again, I apologize for the language that this one sentence has

brought us to today. And we have withdrawn it, and we will make it right.

Janette, do you want to add anything to that?

Ms. KAISER. I think your basic question is how did we make the mistake? The sentence basically has been interpreted to mean that we would withdraw the opportunity of leasing where it isn't in place at the current time. Remember a handbook is instruction to people in the field. It says: Here's how you go about doing business.

The intent was to remind them that subleasing or leasing—share livestock and leasing of base property is not a provision that we have the authority for outside of the National Grasslands. That was the intent of that language. How it got changed I can't tell you, but I can say we're sorry.

Senator DORGAN. Well, have you removed the proposed 7 year limit on leasing, or is the entire leasing proposal eliminated, or have you just eliminated the one sentence?

Ms. KIMBELL. We eliminated the sentence that stated that leasing would no longer be allowed. We've eliminated that.

Senator DORGAN. So if leasing is allowed, tell me about the 7 year limit that exists in your handbook.

Ms. KIMBELL. The 7 years that's there in the handbook is both with leasing of base property and leasing of livestock. It's a generally accepted time period in the industry that it takes 7 years to be able to build a herd when you're working with a leased herd.

Senator DORGAN. So that has not been changed?

Ms. KIMBELL. But it's not listed—it's not intended to be a 7 year limit. It's a 7 year agreement at a time so that a person may enter, and as you stated I believe, Senator, that you know, leases are often 3 years.

Leases do vary from 3 years to 7 years normally, and at the end of that period, there could be a new lease issue depending on the agreement—

Senator DORGAN. My point is you apparently have changed—you apparently are apologizing for including a sentence that says leasing shall not be permitted on base property.

Ms. KIMBELL. That's correct.

Senator DORGAN. But as you know, there are other things that attach to the leasing restrictions and changes that you are making.

Let me ask then, if nothing else has been removed, there still remains some changes with respect to leasing practices in this handbook. Why would the Forest Service have been considering, discussing and talking about these changes without consultation with the ranchers?

I know you say that there were some meetings. Do you think any ranchers came to a meeting here in North Dakota and came away from that meeting understanding that, you know, the Forest Service now is going to just change this whole leasing situation.

Do you think there's anybody here in this room that will say they went to a meeting and came away with that understanding?

Ms. KIMBELL. I don't believe any of Dave's employees would have implied that that was the intent, because certainly, it was not the intent. And yet, I don't argue that the language came out reading that way.

Senator DORGAN. Right. But you're talking about the sentence. I'm talking about the larger proposal on changes in leasing, one of which is the sentence which would prohibit, the others of which include the 7 year and other guidance.

My point is why was that such a surprise to ranchers? Was it because the Forest Service didn't alert anybody to this, because the Forest Service wasn't in consultation with the ranchers?

Mr. Pieper, did you know it?

Mr. PIEPER. No. I was not aware of the—excuse me. Thank you, first, for inviting me, Senator Dorgan and Congressman Pomeroy.

I met with the grazing associations about 2 years ago, with the presidents of the grazing associations to discuss the leasing situation, and I think what brought that about were a couple different issues.

First off, there was some direction from a forest supervisor from the Custer National Forest in 1987 that kind of stipulated what livestock grazing and leasing would be about. The basic premise there was that it was to get new ranchers into ranching. That was the basic premise.

From what I've discerned over the years is that probably prior to 1985 that was occurring quite frequently.

Senator DORGAN. Let me stop you there just for a moment. The premise was from someone in the Custer—who described this premise?

Mr. PIEPER. The then Forest Supervisor on the Custer National Forest, and at that time—

Senator DORGAN. Just his opinion that this was a 7 year practice to try to get young and new ranchers into the—

Mr. PIEPER. Well, I think the idea was, yes, to get new ranchers into the system and to use leasing and share cattle agreements.

That basically, we know that's been occurring in North Dakota probably since the 1930s. So rather than eliminating that policy or some kind of proposal like that, how do we work with it? So they were trying to put some side boards on it.

Senator DORGAN. This is more than side boards.

Mr. PIEPER. Well, now it's—you're absolutely right. So I met with the Grazing Association presidents about 2 years ago. We discussed this.

We came away with—and by that I mean myself and my staff—that we need to transition into some new program with leasing. We're going to keep leasing on the National Grasslands. It's important to the livestock grazers and it's important to us. But we didn't propose any time frames at that time.

Senator DORGAN. I want to take enough time so that I understand this because I still don't think I'm getting to the point I was trying to make.

You're making some changes with respect to leasing. You're just removing the language that says leasing of base property shall be—we're going to prohibit some of the leases base property from having grazing rights. But you eliminate that sentence, but there are other changes, other proposals that you have with respect to leasing; correct?

Mr. PIEPER. Correct. The 7 years is the proposal.

Senator DORGAN. That's right. Did you have a chance to—did the Forest Service decide we're going to talk to ranchers about that? We're going to fly that out there and see how that works and see how they react to that before we decide to put this in a handbook?

Mr. PIEPER. No, sir. I was not aware of the 7 year proposal.

Senator DORGAN. So how does that happen, Ms. Kimbell, that Mr. Pieper, who we fought for a long time to get a position here as the supervisor of the grasslands isn't aware of a proposal that's going to have, I think, can have a significant impact on the grasslands? How does it work that he's out of the line of understanding here?

Ms. KIMBELL. He shouldn't have been.

Senator DORGAN. So that's another mistake?

Ms. KIMBELL. When you're revising 16 chapters of Forest Service directives, there are a lot of different details that go into all of that.

No, normally Dave would have been very aware of something that was that significant in regulation or in policy for the implementation of regulation. Dave would have been aware. I would have been aware. This caught us both by surprise.

Senator DORGAN. So neither of you read the 16 chapters?

Ms. KIMBELL. We did about the same time you got them.

Senator DORGAN. What on earth is going on here? I mean, how is it that there's 16 chapters coming out of the Forest Service. You're the Regional Forester. Dave is in charge of North Dakota, and you haven't read them when they're published?

Who in the hell is publishing this without having people down in the Forest Service understanding what they're publishing and not having you read it?

Even more important, why are they publishing something without having meetings and giving ranchers an opportunity to understand what you're trying to do?

It's one thing to—I mean, I came here understanding that ranchers didn't know it was happening because the Forest Service didn't bother to tell them.

Now I hear an understanding that you didn't know it was happening because you hadn't read the 16 chapters that were published in the handbook. What on earth is going on in the Forest Service?

Ms. KIMBELL. We have made known our concerns, since receiving your letter, Senator Dorgan, but even before that, as our staffs were reviewing the materials that were provided to us raising this as a concern.

We have taken those steps to have those pieces of the published documents removed and set as a proposal so that we can have those discussions, so that we can work with ranchers and have those discussions at the local level, rather than have it come from the national office.

Senator DORGAN. The changes are not with respect to leasing. It's Forest Service entry on private lands.

We'll have testimony in a few minutes from Randy Mosser, Keith Winter, and Todd Anderson and they'll talk about definition differences and animal unit, a whole series of things. The Forest Service's ability to require conservation practices on private land.

So 16 chapters and a handbook is published. You are not aware—you have not read it. Mr. Pieper hasn't read it. So who is responsible for that?

Who is it in the national office that decided, you know what, we're going to throw 16 chapters out here, and we're not going to tell Ms. Kimbell, we're not going to tell Mr. Pieper what we're putting out? Who is responsible? Who do I look as accountable for this?

Not the Agency. The Agency is some morpheus big bureaucracy. I want to know who in the Agency decided to put out 16 chapters that will affect every rancher that has an allotment out here without giving you the opportunity to see the 16 chapters or Mr. Pieper, and especially without giving ranchers the opportunity.

But who is responsible in the Forest Service? Who made the decision to publish the 16 chapters?

Ms. KAISER. The Chief of the Forest Service is responsible.

Senator DORGAN. Now, I asked the Chief of the Forest Service to come here. It's Tuesday. He is at a conservation meeting of some type. Describe what that meeting is, if you would.

Ms. KAISER. It's a conference on collaboration with Secretary Johanns and a variety of individuals in interest groups, including the livestock industry, and seeking ways to better embrace collaboration with our partners throughout the USDA.

Senator DORGAN. This is a serious issue. I'm not trying to make fun of anybody, but the Forest Service has darn little experience in collaborating it seems to me, and now the Chief is off collaborating today.

I would have much sooner he'd have come to Bismarck to collaborate a little bit longer before these 16 pages were proposed, or 16 chapters I should say were proposed.

It is, Ms. Kimbell, you I think are saying that the one sentence that appears twice has been removed, does not reflect the intent of the Forest Service?

Ms. KIMBELL. Correct.

Senator DORGAN. That sentence is a sentence that would prohibit those who had leased base property to engage and to assume the grazing opportunities of the grasslands. So that is taken out.

But as I've just described, those 16 chapters have many other provisions that will have an impact on the grazing associations, the way the grazing associations operate. In fact, those 16 chapters include provisions that will give people individual permits, rather than through the association. I think have provisions that are in conflict with North Dakota Law in some areas.

So this is not just about one sentence, although that one sentence, I think, in many ways is a symptom of a deep and serious problem in the Forest Service about how they do things.

There are some people, and we'll—I'm not suggesting those who are going to testify today are among them. There are some people that you couldn't satisfy under any circumstance any day of the week. They're going to complain about everything, and if you're not going to listen, they're going to show up the next day to complain.

I understand that. I get a lot of letters who have a lot of complaints. I had one person that wrote 280 letters to me over 3 years complaining. You know, God bless him.

But the fact is there are some complaints that are very important and very legitimate, and I think North Dakota ranchers have a legitimate beef with the Forest Service because I think they've been mistreated here.

It's not just about the one sentence. Ms. Kimbell, if you think it's about one sentence, then we're not connecting.

Ms. KIMBELL. Not for a minute, Senator, do I think it's about the one sentence.

Senator DORGAN. So let's talk about the rest of it because we have 16 chapters that include a number of other provisions, which we'll hear about from future witnesses. It's about how the grazing associations interact with the Forest Service. That's one very important issue; right? I mean, there are a series of them.

So those 16 chapters were put out in effect—I'm not quite sure exactly what has been rescinded at this moment, and then my understanding is the Forest Service is now going to go through a comment period and is moving head long into doing the kinds of things they should have done before in order to make these policies the official policies of the Forest Service with respect to managing the grasslands. Is that the case?

Ms. KIMBELL. Senator, as part of those 16 chapters is as Representative Pomeroy talked about. It was to correct language that was in a 1985 version of our manual and handbook, was to correct language to update it to recognize enacted law that has been enacted since 1985.

It was also recognizing a great deal of case law that has been decided in those ensuing 20 years. So there's a lot of work that happened in those 16 chapters that was not—is not a matter of whether or not it's within the purview of the agency to make changes.

It's to identify those things that have been enacted and changed at a national level that need to be reflected in the instruments, the legal instruments by which grazing occurs on public lands and the policies for managing the grazing on public lands.

Senator DORGAN. I have no problem with that at all. The more routine, corrected measures that are necessary over time, I have no problem with that at all.

There's also a 1988 leasing agreement with the U.S. Forest Service, and that 1988 leasing agreement, the North Dakota Grazing Associations have a signed agreement with the Forest Service for the leasing of Base Property and Share Livestock Agreement since 1988. You have a copy of that document.

The Forest Service if it wished to somehow change that document it seems to me would have first gone to the ranchers, to the Grazing Associations, to others affected and said look, here's what we think. We're going to begin a process to effect a change. So you have open dialogue, open discussion, open debate, an open process. That's what should happen if one is going to go back and begin changes.

The 1988 agreement, especially with respect to leasing and shared livestock agreements would have, I thought, required you to begin that kind of collaboration.

Again, I asked the Chief of the Forest Service to come today. I don't have any idea how important this meeting is, but he's the person that I think is responsible for this and I—

My feeling is this: I think these policy changes that have been recommended in this handbook, the policy changes need to be suspended, all of them suspended, under suspension, and then you need to begin a clean process working with and collaborating with grazing associations and ranchers. And we're going to look over the shoulders of the Forest Service as that happens.

We may very well, and it may be in this subcommittee, we may very well take some actions that ties your hands here. We can do that. Senator Burns and I have talked about it on the telephone last week again.

Senator Burns—you know, I can't speak for my colleague from Montana, but let me do it anyway. And he will have no problem with it. He feels as I do that the Forest Service is ham-handed and heavy-handed, and you need to be more collaborative and need to be working with people better.

I think one of the problems here is you're all, you're a group with a title of "forest". We're dealing with grasslands, and the policies are very different, the needs are very different.

Let me just conclude with this: I perhaps have a couple of other questions after Congressman Pomeroy inquires. We have in the testimony that will follow you today, and I am expecting you'll be able to stay and listen to the testimony. I hope you can, because I think it will be beneficial.

We have testimony that will describe in some detail a range of policy changes. Not just leasing, but a range of changes, changes almost all of which have been put in this handbook without consultation with the grazing associations or the ranchers. That's unfair, and we're not going to let that happen.

One way or another whether it's through this subcommittee, Senator Burns and myself or someone through some other device, we will intercede unless we understand that the Forest Service is operating in good faith and collaborating and consulting with and working with these ranchers. That has not been the case at this point.

Let me ask Congressman Pomeroy to inquire, following up which I will ask a couple additional questions.

Mr. POMEROY. Thank you, Senator Dorgan, Mr. Chairman. Well, I assure you on the House side, the House Agriculture Committee, the authorizing committee for the Forest Service will also, I think, be deeply disturbed by the Agency practice as reflected in the conduct of the Forest Service to date.

Now, Ms. Kaiser, let me get this straight, are you the attorney with the Forest Service?

Ms. KAISER. No, sir. I'm the Director for Rangelands for the Forest Service.

Mr. POMEROY. Can you or Ms. Kimbell tell me whether the Forest Service as an Agency practice has increasingly used interim directives as opposed to regulatory changes under the Administrative Practices Act?

Ms. KAISER. I don't know—I don't have the statistics on how many ideas we've had or whether or not there are an increase, there have been an increase in the use of them.

But if I may, if I could explain the interim directive process and why we used it here, that may help.

When we go out with a proposed change just as we have done by pulling the new items, the changes in policies, we pulled those and put those in a proposed amendment and that has 120 day comment period.

When we put out an interim directive, what we're able to do, those are only good for 18 months. So it's akin to test driving a car.

Before you take 16 chapters and revise them, you put them out in an interim directive with—and I want to remind that we had no intent of limiting or removing leasing from our policy.

But it allows the internal audience and external audience ample time, 18 months, to be able to figure out does this work, and gives us the opportunity out at the end of that 18 months to change it.

Mr. POMEROY. May I just point out, what an extraordinary change in executive branch practice that is.

Senator DORGAN. Congressman Pomeroy, let me just interrupt for a moment. We've got a sound system problem. I want all of you to be able to hear.

I'm going to ask that we take one of the microphones there and you pass that around, and we will shut the portable ones off. It seems speaking directly into this might be better for all of you. Speak very closely.

Mr. POMEROY. I've never heard of the test-drive-a-car analogy relative to essentially new law. Here, taxpayers. Here's a new law. Let's test drive this one. See how you like these requirements. Let us know after you've been living under it for a while.

That is a very different matter than the Administrative Practices Act which has its very well defined rules about promulgating new requirements on citizens.

To suggest that you slap one set of rules on folks for 18 months and see how it goes, if it doesn't go very well, you change it around. Obviously that's no way to run a government, and I would urge that you reexamine entirely this whole interim directive business.

Now, it's also extraordinarily difficult, within the interim directive process, there's no formal opportunity for input. There are letters submitted and at this point in time, Mr. Chairman, I'd like to enter into the record this document.

Senator DORGAN. Without objection.

Mr. POMEROY. If you'd be so kind, Mr. Cameraman, hand it to the panel and just pass it down.

CAMERAMAN. You pay me well.

Mr. POMEROY. There's no requirement for feedback, no give and take. Suddenly the new requirements are upon you and published in a form without advanced notice that doesn't even distinguish the new from the old.

As my staff tried to tear this apart and try to find out what was new and what was old, we really had a very difficult time because it's not broken out.

To me, and I didn't know whether this was just kind of confusing or a deliberate attempt by a federal agency to obfuscate what they're doing. And I'm kind of inclined to believe the latter.

Now, if you're head of grasslands?

Ms. KAISER. Rangelands.

Mr. POMEROY. You're head of rangelands?

Ms. KAISER. Yes, sir.

Mr. POMEROY. Were you aware of the interim directives? We've heard that Ms. Kimbell and Mr. Pieper weren't.

Ms. KAISER. Yes, I was aware of them.

Mr. POMEROY. Had you read them and understood the application of them?

Ms. KAISER. I'd read them many times.

Mr. POMEROY. I'm surprised to know that there seemed to be a breakdown in communication, Ms. Kaiser, between Washington and the region between Washington and North Dakota within the Agency.

I will also tell you something I told Ms. Kimbell and Mr. Pieper earlier, and that is congressional delegation is routinely by agencies involved in the information loop as major issues are considered.

So you at your desk had considered these many times, had read them many times and thoroughly considered them. Did you think about communicating with those that would be asked to implement those rules; your regional and state staff?

Did you think about communicating with congressional delegation? Did you think about most importantly communicating with the people that were about to have to live under them?

Ms. KAISER. Yes, sir. We worked very closely with the regional program leads across the Nation. They coordinated with their internal and external audiences and we were——

Mr. POMEROY. On this particular one relative to grasslands, we've just heard the same Agency give a very different story.

Ms. Kimbell says she didn't know of it before it came down, and you say you worked very closely with—throughout the agency to make sure the public was thoroughly involved.

Ms. KAISER. We worked very closely internally with our folks to help——

Mr. POMEROY. Did you work with the region?

Ms. KAISER. Yes, sir.

Mr. POMEROY. Ms. Kimbell, were you worked with on these interim directives?

Ms. KIMBELL. Yes. I was very aware of these chapters——

Mr. POMEROY. How does that square with what you told us a few minutes ago——

Ms. KIMBELL. I was not aware of the one line that has been removed and of the proposed impacts to leasing as an option——

Mr. POMEROY. Ms. Kimbell, you describe this almost as a typo. I mean, this is a very substantive change. It's not just one line. It doesn't actually matter how many words it takes.

If you wipe out decades long practice of lease transfer, it could be several pages or one line. It doesn't matter. The thing was, it was very deliberate.

Are you suggesting it somehow an inadvertent change by the Forest Service?

Ms. KIMBELL. I'm suggesting that everyone in this room understands how serious a change that could have been, and that no one intended that that change actually—no one in this room proposed it and that somewhere in the process of finalizing this package there was a word changed, a word left out.

Yes, I'm suggesting that it was an inadvertent edit that was made that totally changed the meaning to beyond something that the Chief of the Forest Service ever intended.

Mr. POMEROY. Ms. Kimbell, I will just tell you I don't believe you.

Ms. KIMBELL. I'm sorry.

Mr. POMEROY. Ms. Kaiser, did you have an awareness of the lease transfer change?

Ms. KAISER. There was never any intent on our part to convey any kind of policy that would eliminate leasing. That was never a proposal.

Senator DORGAN. If I might, Earl. That was not his—nobody made that point about eliminating. The fact is it could not—Earl put it well.

This could not have been a typo or some inadvertent missing a word here because the minute it was out, there were people in the Forest Service defending it. There were people defending it.

Why? For the very reason Mr. Pieper described. Well, leasing really that's to get young people in and it wasn't working so well, so let's change it. So this could not have been some inadvertent word in or out.

It was, in my judgment, somebody decided to change the policy, Ms. Kimbell. You disagree with that?

Ms. KIMBELL. Yes, I do.

Senator DORGAN. Then why were they defending it?

Ms. KIMBELL. In any agency, in any organization with 35,000 people, you will find a range of opinions, and you'll probably find an opinion to support any different position.

Yes, it's been the Agency's position, it has been the Chief of the Forest Service's position to exercise his option in the regulation to allow leasing of livestock in North Dakota.

It's not a practice that we have throughout the National Forest System and not throughout the National Grasslands portion of the National Forest System. It is a practice that we have here in North Dakota.

Mr. POMEROY. Ms. Kimbell, when your people went out to discuss this with the Grazing Associations, they described its full impact. That means that at some point, either you or Mr. Pieper understood the impact of the words as published.

Now, if this is a huge surprise, an inadvertent mistake with a dramatically different impact, we're all shocked about it, I don't then send out my personnel to try and enforce it. But that's what the Forest Service did.

It's totally inconsistent with your suggestion that this is an inadvertent slip. You were trying to enforce it.

Now, explain that one, Mr. Pieper.

Mr. PIEPER. I don't believe I was trying to enforce it. When I got the language, when I read it, I knew we would probably be sitting here today. Probably that's the last thing I wanted to do.

I worked diligently to change the language. There was a communication gap in the Forest Service. That's what we're saying. My people worked with Grazing Association members and presidents. I did, too.

I came to the conclusion that we have to keep leasing in North Dakota. No doubt about that. That word obviously didn't get in to these changes at the Washington office. There was a gap in communications.

Mr. POMEROY. I will look forward to pursuing this with the personnel in the Washington office, as I know Senator Dorgan and Senator Conrad will.

There are a lot of other features in this whole matter though that brings a lot of concerns. I'll read you the sentence. It doesn't appear to be an inadvertent sentence.

It says, "If the Forest Service discerns a trend from Grazing Associated issue to determine grazing permits in favor of forest service termed grazing permits, Forest Service should reevaluate whether continuing grazing agreement represents an effective and efficient method of administering livestock grazing unaffected lands."

Now, that non-consequential language, perhaps in your mind, to Grazing Associations say there's an attempt to change issuance of permits for Grazing Associations, a long practice here, to the Forest Service.

There is a definition of animal unit. "One mature cow or the equivalent based on average forest consumption of 26 pounds of dry matter per day."

What are the—does this contemplate cow/calf or does it totally change the measure of animal unit, which is very basic and a substantive matter relative to all this?

There's the matter Senator Dorgan referenced earlier about access on private land. Now we have part of this withdrawn, and part of it implemented and it is a mangled mess.

What I believe, I want to echo Senator Dorgan's suggestion, strong suggestion to the Forest Service that all of this be pulled back. I mean, honestly sitting here, I don't know what's in. I don't know what's out. I don't know how we proceed given the considerable disarray the Forest Service now finds itself in relative to all this without pulling it all back, being very guarded about what is advanced by way of interim directive and doing whatever else you need to do open and above board so that we have a chance to talk to you while you're suggesting this.

Thank you, Mr. Chairman, for allowing me to participate.

Senator DORGAN. Congressman Pomeroy, thank you. Just one more question and then I want to get to the next panel.

Mr. Pieper, what you just said leads me to even better understand that this was not a mistake. You said that you worked diligently to change it. I assume what you mean by that, you previously said you hadn't read the 16 chapters prior to their—

Mr. PIEPER. I read the draft chapters.

Senator DORGAN. So in the draft chapters does that include the leasing provision?

Mr. PIEPER. No, it didn't.

Senator DORGAN. So what were you working diligently to change?

Mr. PIEPER. That language, sir.

Senator DORGAN. When?

Mr. PIEPER. After the final.

Senator DORGAN. After it was published?

Mr. PIEPER. Yes.

Senator DORGAN. All right. You know, I mean, at best this is sloppy work. It's bad policy I think slipped under a door someplace, and I think—I'm not surprised that ranchers came to us, Grazing Associations came to us upset with this.

I mean, there has to be consultation and there has not been. And I've been involved in the Forest Service issues for a long, long time through a good many chiefs, and there's plenty of reasons to criticize a big bureaucracy.

The Forest Service is a big old bureaucracy, but what I hear this morning bothers me a lot because I think there's something—I think, Ms. Kaiser, you said this is a big agency or maybe, Ms. Kimbell, you said this is a big agency different—a lot of people have different views, different opinions. Yeah, I know.

I also know there are some people there that don't think—they don't like grazing on the grasslands. They think ranchers are a nuisance, a pain. They don't want to deal with Grazing Associations. They'd like none of this. They'd just like to go look at some trees and deal with some procedures and policies on trees.

The fact is this is an important part of this State. A \$600 million part of our economy. Ranching is important, and I worry that there are very few people that understand where this land comes from.

These grasslands are different than most lands supervised by the Forest Service. Most lands supervised by the Forest Service have always been in public hands, never in private hands.

These lands, the grasslands of North Dakota largely were taken into public hands, owned by the Federal Government back in the Great Depression, and part of the Bankhead-Jones Act that accomplished that anticipated that they would still remain a part of agriculture in this State.

Yes, it's also multiple use, but a part of agriculture. Otherwise there would have been a huge problem here, because it's a significant part of our economy.

The very least we can expect from the managing Agency is good management and a partnership of good consultation. That certainly has not been the case here.

So let me just leave it with this thought: This is going to change. I mean, you say you've removed the offending sentence, but I can tell you this is going to change, because those of us in Congress that have the ability, whether it's an appropriations committee or other ways, to get the attention of the Chief of the Forest Service if he's not collaborating somewhere, in the country, we will get his attention. And we'll get the right way, and we will get these policies straight.

But in the meantime, I think all of you, the three of you and the Chief and everybody in the Forest Service, have a responsibility not to do this sort of thing.

If you need to make some changes from time to time that are thoughtful and sensible and well grounded and common sense, then meet with the ranchers and meet with the Grazing Associations. They understand common sense. This is where common sense originates. So meet with them and talk through these things.

But surprising them and us with bad policy is hardly an appropriate way for a Federal agency to be a good neighbor. So if you have additional comments, I will be happy to entertain them before we call the next set of witnesses.

Ms. KIMBELL. Senator and Representative Pomeroy, we appreciate the opportunity to be with you today.

Senator DORGAN. Oh, you don't appreciate this.

Ms. KIMBELL. We do.

Senator DORGAN. No, no. I know better than that. But you're here because we asked you to be here.

Ms. KIMBELL. We are here because you asked us to be here, but we're also very proud to be able to play a role in the management of the grasslands, working with the Grazing Associations in partnership.

The Chief of the Forest Service would have been here, the Under Secretary would have been here, but they are attending a White House conference that's been planned for many, many months being held this week in St. Louis, Missouri.

It's all of Government. It's not just with the U.S. Forest Service, but it's with all of Government and with many, many external partners and organizations, interest organizations from around the country. Otherwise they both would have chosen to be here.

We look forward to working with the grazing associations, working with individual permittees to further refine the language that appeared, and so that when it is published and final, we do have a working document that can work for all of us and that recognizes all the changes that have occurred since 1985 and recognize the need for language that we all understand and that we can all live with.

Senator DORGAN. Ms. Kimbell, are you able to make the commitment today on behalf of the Chief of the Forest Service that going forward you intend to sit down and consult with, meet with, discuss with the grazing associations and the ranchers all of the issues that you're considering?

Ms. KIMBELL. Absolutely.

Senator DORGAN. Thank you for being here.

Mr. POMEROY. One final question, Senator Dorgan, and that involves the status of this whole packet, the 16 chapters. Some of which have now been withdrawn, but you say some haven't. I honestly don't know where we're at.

The Senator and I have asked you to pull them all back and move them forward after a very thorough deliberation of what is appropriate interim directive and what is appropriate administrative practice material.

Ms. Kaiser or Ms. Kimbell, I want your response to our request.

Ms. KIMBELL. I think we'll need to consult with the Chief, in that many of those chapters are as I described earlier. They're clarifications that incorporate new statute and case law, and it's necessary to have some clarification to the field and a—

Mr. POMEROY. The issue is it's intermingled. We have seen the intermingling of case law changes. We've seen the intermingling of implementation of new statute, and we've seen the implementation of personal whim. It's all intermingled and we don't know what is what, nor do I know at this point in time what's in and what's out.

Now, how do you suggest clarifying the existing state of affairs, other than pulling them all back moving forward? Not to pull them all back and throw them all away. I understood there's things in there that need to move forward.

Ms. KIMBELL. We will absolutely provide both your offices and the other Senator's office with clarification on all those pieces.

For any members of the public who are interested, there is a piece of paper in the back on the table with the website, the correct website address for being able—for those who are computer savvy who would like to look at it that way. They can review those pieces specifically, but we will have that information to your office.

Mr. POMEROY. I will also mail out anything I receive to those that have signed in attendance here. But I want by way of drafting practice the new delineated from the former language so that we can read the thing intelligibly.

It does not make 16 pages—16 chapters of volume without what's new and what's not. I don't know what the changes are. I don't know where we're at. I want that delineated also in what you'll give us.

Ms. KIMBELL. I believe we can do that.

Mr. POMEROY. Thank you.

Ms. KIMBELL. Thank you.

Senator DORGAN. As I excuse you, let me ask that you tell the Forest Service Chief, and I will do so as well, that we would like for him to submit to the subcommittee by a week from this Friday, which would give him a week and a half, a written response to our request that the batch of chapters in that handbook be rescinded until we understand what is new, what is old, what are the impacts, what will the effect be.

I would like a formal response from the Chief of whether he is intending to do that or not based on our request. Thank you very much.

Next we will call Randall Mosser, President of the North Dakota Grazing Association; Keith Winter, President of McKenzie County Grazing Association; Tony Anderson, President of the Sheyenne Valley Grazing Association; Joe Milton, Junior and Tony Huseth, two ranchers, who will share their personal stories with us.

We thank all of you for being here. I regret that this is lasting as long as it is, but it's an important issue, and I know you have the patience to wait and hang in here and get the full story.

Your contribution to this is to give us your perspective about what has happened, and what impact it might have on our state, ranchers, Grazing Associations, and we appreciate your being here.

Can I call you Randy?

Mr. MOSSER. Yeah.

Senator DORGAN. Yeah, Randy. Randy Mosser. Thank you for being here. President of the North Dakota Grazing Association. Why don't you proceed.

STATEMENT OF RANDALL MOSSER, PRESIDENT, NORTH DAKOTA GRAZING ASSOCIATION

Mr. MOSSER. Thank you. Yes, I am President of the North Dakota Grazing Association. We represent all grazing associations in

North Dakota and the Grand River Grazing Association in South Dakota.

I'm accompanied by Keith Winter, President of McKenzie County Grazing Association, and Todd Anderson, President of the Sheyenne Valley Grazing Association.

We also have Doug Pope from the Little Missouri Grazing Associations. A lot of the stuff that you covered this morning was also part of my testimony. Did you want me to repeat all that?

Senator DORGAN. Just summarize it. I read your testimony prior to this hearing, and it was very helpful. But you all feel free to summarize in an extemporaneous way, and you don't need to go through it all, but make the important points.

Mr. MOSSER. Well, the one thing that kind of disturbed me a little bit is a key thing. They're not seeing new operators coming in and buying the places.

So I had our secretary pull our minutes for the last 15 years, and of the 165 committees that we've had, the ranches that we have in our Grazing Associations, 66 of them have changed hands in the last 15 years.

That seems to me that there is being a turnover taking place.

Senator DORGAN. In response to your question by the way, your statements will all be made a permanent part of the Committee record, as will the statements from the Forest Service.

Mr. MOSSER. I think another thing that really disturbs us is where they can create new base property. That base property was the original property that the permit was based on in 1937, and the number of livestock that you could run was the number you ran 7 years prior to 1937. That's how big of a permit you got.

But by being allowed to create new base property, you can take the most valuable portion of your ranch, sell it off and just buy some cheap land over on the side. It takes away the historical impact of the ranch; the intent that was originally made.

Another thing that the Forest Service wanted to have is us supply all of our records to them unredacted and could copy them. Well, as far as the McKenzie Grazing Association and the Medora Grazing Association, we have a settlement agreement with them from a Federal District Court. We think that that should be honored.

You also mentioned the new direct permitting requirements. We also note concern with new grazing agreement requirements, where it could possibly—you know, the grazing associations were there first. We did a lot of the maintenance work, a lot of the fixing up, a lot of getting started, getting grasslands back into shape, and we think we should have a right to be able to carry on doing that business in a partnership way with the Forest Service.

The U.S. Forest Service entry on private land really has us disturbed because we feel that that's the Grazing Associations' job. Also for us to administer the lands we lease, the State school lands, the private lands that are out there. That was the reason that the grazing associations were set up was to handle those lands that were non-Forest Service lands.

Also the Forest Service ability to be able to come onto private land and require range improvements on private land. To us, that's just a conservation easement.

PREPARED STATEMENT

I guess that kind of sums it up a little bit, but we also ask that you help us in requiring the Forest Service to withdraw all of this stuff. We don't think any of this stuff, or most of it fits the way we should have to operate.

With that I thank you very much.

[The statement follows:]

PREPARED STATEMENT OF RANDALL MOSSER AND KEITH WINTER

My name is Randall Mosser. I am President of the North Dakota Grazing Association, representing all of the Grazing Associations in North Dakota and the Grand River Grazing Association in South Dakota. I am accompanied by Keith Winter, President of the McKenzie County Grazing Association and Todd Anderson, President of the Shyenenne Valley Grazing Association. Little Missouri Grazing Association President, Doug Pope contributed and is in agreement with this testimony.

I would like to thank you and the committee for the opportunity to provide testimony on the USFS Handbook Revision. We feel these Revisions would have many negative effects in North Dakota and would remove many programs that were implemented and proved successful long before the U.S. Forest Service assumed administrative responsibility for the Land Utilization projects later renamed the National Grasslands.

All of the ranchers on the National Grasslands in North Dakota are members of these Grazing Associations because they own or lease ranches where all or some of the land was sold to the Federal Government to establish the Land Utilization projects during the Great Depression of the 1930's. One of the main purposes of the purchase program was to establish Grassland agriculture to benefit the local economy and to ensure a stable and viable agricultural community. This bold experiment succeeded and more than 65 years later stands as a testament to the vision of North Dakota local and state policy makers. We have raised the issue for many years, as to why the National Grasslands should be administered in the same manner as a National Forest. The National Forests evolved from a different history, public purpose and are forests, not Grasslands.

There are many issues we have identified in the U.S. Forest Service handbook Revisions that concern our associations. Some of these issues are as follows:

National Grasslands Meeting National Forest Regulations.—The Forest Service proposes in this handbook revision to make all National Forest rules and regulations apply to the National Grasslands. This ignores the facts that the National Grasslands are acquired land and have evolved through a series of agreements with the federal agencies that administered them—with the Forest Service being the latest Federal Agency.

Leasing of Base Property.—The USFS is proposing to prohibit the issuance of a grazing permit on federal land if the base property is leased. Leasing has always been an intricate part of the management of the National Grasslands. It is one of the tools for the present generation to hand a ranch down to the next generation. Almost all young operators have to lease for a period of years to build equity so they can eventually buy a ranch. If the resource is in good condition, it should be immaterial if it is leased or owned? There is no factual or legal basis to require ownership of base property or livestock. The Bureau of Land Management ("BLM") that administers the majority of federal land grazing in the United States does not require ownership of either the land or livestock. In 1994, it issued a proposed rule to require ownership in order "to be consistent with Forest Service policy." The public comments objecting to the change established that there was no federal benefit or improved management that would come from requiring ownership and BLM quickly dropped the proposed change. The Forest Service never addressed the question of why it continues to require ownership of land and livestock on National Forests. There are a number of reasons that a landowner may decide to lease a ranch instead of selling. In some cases, there are family estate issues, health reasons, financial problems, labor requirements, as well as tax consequences. No law or public policy supports forcing people to sell their land and business when it would cause them financial harm. Yet these guidelines would do exactly that. Experience over the last 10 years shows that the Forest Service's stated concern that ranches do not change hands is misplaced. Increased regulation of grazing on public lands and National Forests initiated in the mid-1990's has persuaded or forced an ever increasing percentage of ranchers to sell or to subdivide their private land. Instead of a ranch homestead, the Colorado, Utah, Montana, Wyoming, and Idaho mountains are now

dotted with 40-acre ranchettes used as second homes. These private lands are now closed to hunting and recreations users and the developments have had significant impacts on big game and wildlife, due to increased road density and conversion of land from range to home sites. This increased regulation has also concentrated federal grazing AUMs in the hands of just a few corporations, such as Ted Turner, who owns the largest number of federal AUMs. National environmental groups have also acquired ranches and rarely graze the federal lands or institute projects to improve vegetation and habitat. Neither development has benefited the local agricultural community, since the land and business is concentrated in the hands of a few and the environmental groups claim tax exempt status and do not graze the land. This process is not presently happening in North Dakota. The Handbook Revision would allow this process to develop.

Share Livestock Agreements.—This is another tool to assist people in getting started in the livestock business. Share livestock agreements have been in use since the beginning of the livestock industry on both private and federal lands.

1988 Leasing Agreement with the U.S. Forest Service.—The ND Grazing Associations currently have a signed agreement with the U.S. Forest Service on the requirements for leasing of base property and share livestock agreements since 1988. We have provided you with a copy of this document. The Forest Service should have lived up to this signed agreement and if they were going to revise it, it should have been in consultation with the effected parties.

Creating New Base Property.—It has always been an association requirement for a permittee to own or lease the original base property that was established in 1936. The Forest Service is proposing to allow a permittee to change base property. This would allow ranchers along the Little Missouri River to sell off scenic portions of their ranches and buy cheaper land within the vicinity of the boundaries of the Association, to become their new base property. The permit would then follow the livestock and not the land. Eliminating leasing and allowing permit holders to create new base property will encourage what the USFS says it doesn't want to happen: it will create ranchettes, hobby farms and a lot of small landowners wanting enough land for a second home or a gratis mule deer tag.

Court Settlement Violation.—The Forest Service wants to have all records made available to them upon their request, for inspection and copying, without any deletions or redactions. As for the McKenzie and Medora Grazing Associations, there is a Settlement Agreement made in Federal District Court that allows Grazing Associations to redact certain information in the records. This proposal is in direct violation of a Federal District Court Mediation Settlement.

New Direct Permit.—The Forest Service Handbook Revision would allow Grazing Association permittees to become direct permittees of the Forest Service which is in direct conflict with present Grazing Agreements and ND State Law. The Association permittee must request, in writing, to become a USFS direct permittee, and the Authorizing Officer will be the individual who determines if an Association permittee shall become a USFS direct permittee. This is just one more provision to weaken Association enforcement authority over its permittees and gives an uncooperative member a new option.

North Dakota Century Code Pertaining to Grazing Association Law.—The Grazing Associations in North Dakota were organized under North Dakota State Law, passed in 1936. It allows the Associations to lease lands from the Federal government, the State of North Dakota, private individuals and other agencies.

New Grazing Agreement Requirements

1. *New Recognition of Grazing Associations.*—The Grazing Association administered the federal land almost entirely on their own from 1937 to the late 1970's. From early 1980's to present we have been subjected to an ever increasing bureaucracy of Forest Service policies, rules and regulations to comply with. A large number of the early contributions to rehabilitating the land can be attributed to the Association's efforts, such as water development, fences, and the establishment of a carrying capacity to the lands (with preference numbers for each ranch based upon the number of head of livestock run seven (7) years prior to 1937, the amount of winter feed grown on the private lands, and the dependency of privately owned or leased property within the grazing area). Now the Forest Service wants to throw out all of these efforts and start over by determining new stocking rates on both the federal and private lands, determining what CP Projects are needed on both federal and private lands, and even determining if the Association should remain in effect.

Most Grazing Associations were organized in the 1930's and 1940's, and each has been given a lease agreement as per State Law. These Agreements with the Forest Service have been written for a 10-year period. The Associations were to organize and plan for the management and use of intermingled blocks of private, State, and

Federal lands. If our Grazing Agreement expires, are we going to be considered a "New Association" and have to apply for recognition by the U.S. Forest Service Authorizing Officer? By applying for recognition, the Authorizing Officer will determine if leasing to the Association is the most effective and efficient means of administering grazing on the National Grasslands.

2. *U.S. Forest Service Entry on Private Land.*—A new provision of the Handbook Revision for Grazing Associations is to allow the Forest Service entry on Association-controlled lands to determine whether the livestock grazing activities provided by Association-issued grazing permits are being carried out in conformance with applicable federal law, regulations, Forest Service policies and procedures, and the terms and conditions of the Grazing Agreements. Association-controlled lands are non-federal land, leased, owned or controlled by the Association for administration of grazing activities and management purposes. The Grazing Associations were created to manage these lands—now the U.S. Forest Service wants control over them.

3. *U.S. Forest Service's Ability to Require Conservation Practices on Private Land.*—This may require the Association to implement Conservation Practices on Association-administered lands as necessary to obtain proper livestock use and rangeland resource management. Association-administered lands are private, State, other agency and Non-USFS administered lands. The Forest Service wants control of the uses of these lands.

4. *Allotment Management Plans written by only the U.S. Forest Service.*—The present policy is for the AMP's to be developed jointly with the Forest Service and Grazing Association.

5. *Definition Differences in an Animal Unit.*—The Forest Service definition for an Animal Unit is a 1,000 pound cow without a calf. Our present agreement allows for a mature cow with a calf as an animal unit.

6. *Forest Service Stocking Rates.*—The Forest Service will determine the permitted numbers and season of use for livestock on NFS lands and assist the association in the determination of permitted numbers and season of use for the association controlled lands. This has already been done.

We ask for your help in requiring the U.S. Forest Service to withdraw these proposals from consideration in their entirety. The Forest Service should issue rules specific to the National Grasslands that capture the history and legal criteria unique to the National Grasslands in order to preserve the equal partnership model that has succeeded so admirably for 65 years.

Senator DORGAN. Mr. Mosser, thank you very much. Next we'll hear from Keith Winter, and Keith is the President of the McKenzie County Grazing Associations. Keith.

STATEMENT OF KEITH WINTER, PRESIDENT, MCKENZIE COUNTY GRAZING ASSOCIATION

Mr. WINTER. Well, thank you. It's a joint testimony from Randy and I. He covered most of the things, but I absolutely agree with your statement it's more than one sentence, these changes in the deal. We've articulated many of them.

Senator DORGAN. Would you pull that a little closer to you.

Mr. WINTER. Not all of them. The new grazing agreements are, I think there's 25 items, something like that. So it's way more than one sentence. I agree with that.

I have here individual letters from permittees, approximately 100 of them, from Little Missouri Grazing Association, McKenzie, Medora and Sheyenne, from individual ranchers and they articulate it probably better than we do here. And we'd like to submit them for the record.

Senator DORGAN. Without objection.

[The letters follow:]

I am Melvin Leland, president of the North Dakota Stockmen's Association and also a 39 year permittee in the McKenzie County Grazing Association.

My father homesteaded on our ranch in 1911, and my son, Todd, is now a partner and 3rd generation rancher.

We have been partial lease operators every year until 2005 when we were able to purchase one ranch we have leased for 20 years. Until 2004 an undivided 40% of our original ranch was held in an estate trust which we leased from the trust. We have now purchased the entire ranch.

My comments are on behalf of the North Dakota Stockmen's Association. I'll attempt to abbreviate these comments by categorizing them for clarity. I hope to reinforce the truth revealed about how the Forest Service has abused its authority in general concerning the management of the Dakota National Grasslands beyond the leasing issue. The New Forest Plan and the abrasive tactics used by the Forest Service to implement this flawed document impose restrictions on livestock permittees as well as local economies that conflict with the intent of the Bankhead Jones and Farm Tenant Act. The Forest Service claim that their intent was not to eliminate leasing is false. The Forest Service has been grumbling about the leasing policy for several years and more intently the past two or three years.

THE NEW FOREST PLAN

- * A flawed document that cost well over 20 million dollars---an abuse of funds.
- * The document uses measurement and monitoring strategies that are not accepted in the range science community.
- * Imposes standards and guidelines unattainable on short grass prairie under normal conditions.
- * Fails to be accountable when peer reviewed by range scientists.
- * Has negative economic impact on ranching communities and local economies.
- * Fails to acknowledge road and section line right of way laws that have existed since statehood in 1889.
- * Confusing and dictatorial language that doesn't honor cooperative agreement of multiple use.
- * Forest Service regulations impact intermingled private and state land.

- * Examples that conflict with common sense:
 - * Grouse Leks The Forest Service seeks to restrict grazing to a 3 ½ month season within a 1 mile radius of a grouse lek. Ranchers witness and understand that a grouse lek occurs in areas where there is very little vegetation because the male wants to be seen by the female and the grouse population at the lek needs to be able to see advancing predators even in this distracted state of activity. Grazing actually complements the quality of a lek.
 - * Forest Species Management Some vegetation like Crested Wheatgrass is best managed under early and more intense grazing. In the absence of intense grazing, Crested Wheatgrass develops “wolf plants” that invade and restrict vegetative diversity.
 - * Wildlife Management Used against grazing to promote the Plan. In truth, grazing and the management of private lands, water development, crop residue and conservation practices endorsed by permittees actually complements wildlife habitat.

SCIENTIFIC REVIEW TEAM

- * Established to monitor and review the effects of the New Forest Plan over a two year moratorium period with the promise of an unbiased scientific analysis. It didn't happen as promised.
- * SRT comments were not allowed the freedom of expression anticipated. After two years the SRT analysis was restricted to imposed generalizations by the Forest Service to interpret the results to fit an established agenda. Team members privately share how flawed the plan is but are not given the liberty as a group to expose this characteristic of the plan.

FOREST SERVICE COOPERATIVE MANAGEMENT

- * Forest Service employees at the local level attempt to work cooperatively with permittees until tenure and authority increase.
- * Many Forest Service range conservationists are pleasant and agreeable to work with and suddenly reverse their attitude. It is much like being used as a “Judas Goat” (a goat that is used to lead sheep into a slaughter house). They gain ranchers confidence and then turn against them to satisfy upper level Forest Service Authority.

TRUST

- * Frequent betrayals by the Forest Service have created an attitude of distrust among ranchers.
- * Subversive actions by the Forest Service are contrary to a government agency's responsibilities of existing for the benefit of the citizens. In private industry these actions would terminate employment!
- * The administrative level of the Forest Service seems to ignore accountability for their actions or consider themselves above reproach.
- * The Forest Service attitude and abuse of power suggests a significant infiltration of activist mentality and agenda that is contrary to the proper use and management of our National Grasslands.

As a permittee and spokesman for the North Dakota Stockmen's Association, I extend gratitude to Senator Dorgan, Senator Conrad and Congressman Pomeroy for aggressively challenging the Forest Service on their management of our National Grasslands and demanding accountability. You've kindled a renewed confidence and respect in the ranching communities dependent on our National Grasslands that extends beyond political affiliation. Thank You.

Melvin Leland, President
North Dakota Stockmen's Association

Little Missouri Grazing Association
201 Inman Street
Amidon, North Dakota 58620
lmga201@hotmail.com
701-879-6210

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

August 23, 2005

Dear Sir or Madam:

Our membership has made it clear that leasing has been essential to many members to get a start in the industry and has allowed ranchers to expand the size of their operations.

We can tell you that leasing and share livestock has indeed been integral to the ability of many of our members to get a start in the ranching industry. As far back as World War II, young men came home to our area and leased base property and operated under share agreements to succeed in ranching. Without resources to purchase a ranch and cattle these options were key. As they still are today.

It is because of the land ownership and fencing patterns on the Dakota Prairie Grasslands that leasing has been allowed here while it has not on other forest system lands. Federal, State, and Private acres are intermingled, this is what makes this area unique. A map of the LMGA will show this. What a map may not show is that most of the Federal land is not fenced separately, but is included in inventory permits where the cattle numbers on both private and public lands are controlled by the Forest Service.

Putting the same restrictions on intermingled land as on entire blocks of public land would have negative consequences on our rural communities. As our population ages the opportunity for family members and young people to get started in our ranching business is very important. To facilitate the transfer of ownership, lease and share agreements allow individuals to get started and not allow one or two bad years to knock them out of business. On the other end of this is the retiring ranchers on inventory permits. Leasing allows ranchers to keep living on their private property where they have raised families and lived for 30 years or more in some cases. Without leasing they would be left with two options, sell out and leave their homes or put in miles of fence to separate federal from private lands. This could result in many miles of fence being built that would change the characteristics of the badlands.

If we allow only those with the strong financial capability or wealth to own base property or cattle it would be counter productive to the rural areas and the communities that serve them. It is imperative that these agreements be allowed to exist. At this time Federal and State entities, hunting interests, conservation groups, and Realtors are all competing for the land and ranches. Existing ranches will need to expand to stay viable. Yet land prices are inflating too high for agriculture use. We do not believe that outside interests buying ranches will care about the resources the way our local ranchers have.

Splitting Federal acres from Private acres could result in poorly managed allotments. Individuals from out of the area could buy Federal grazing privileges for summer grazing, resulting in inefficient monitoring along with improper range science and management. Private acres adjacent to Federal acres could be parceled out and require access roads. Private acres may be grazed heavier as a result of no grazing association regulations.

The amount of investment that has been made on private and Federal land needs to be considered as a part of total resource management, water, fences, noxious weeds, trails and access, and wildlife. Private acres need Federal acres as Federal acres need private acres for resource management. People living in our local communities care about what happens on our permits. We need leasing options in this area. Without leasing we fear we could undo 60 years of work and substantial investment in the area by our local people and the Forest Service.

The Dakota Prairie Grasslands was created with different guidelines so that all resources could be managed properly. Grazing Associations help manage the grasslands by holding monthly and annual business meetings with Forest Service personnel present. Board members and Forest Service personnel work together to handle resource management practices on private and federal land.

It is our strong belief that leasing and share livestock agreements are essential, not just convenient, within LMGA. Our ranchers cannot withstand the fluctuations that come with drought and economic turbulence without these tools. Please continue with a well established tool proven over time to work well.

Sincerely,



Doug Pope
President
Little Missouri Grazing Association

cc Senator Dorgan

AUGUST 25, 2005

TO WHOM IT MAY CONCERN:

THE NEW FOREST SERVICE GRAZING HANDBOOK FOR 2006 AND BEYOND, AS WRITTEN, IS DETRIMENTAL TO MANAGEMENT BY PERMITTEES AND LOCAL GRAZING ASSOCIATIONS. IT WOULD MAKE IT DIFFICULT, IF NOT IMPOSSIBLE, FOR MY FAMILY, AGED 67 YEARS, TO PASS IT ON TO MY HEIRS. WITH CURRENT BANKING POLICIES, TAX LAWS, ESTATE PLANNING RULES TOGETHER WITH ~~BS~~ FS HANDBOOK RULES, AS WRITTEN, NO ONE IS WILLING TO TAKE THE RISK. YOUNG PEOPLE TRYING TO GET INTO RANCHING MUST GROW INTO IT GRADUALLY. THIS INCLUDES SHARE-OWNERSHIP WITHOUT THEIR NAMES ON THE ABSTRACT. IF MONEY IS BORROWED TO BUY LAND (AT FAIR MARKET VALUE) AND, ALSO BORROWED FOR STOCKING, IT WILL MEAN CERTAIN FORECLOSURE. RISKS ARE GREAT AND ~~TOGETHER~~ WITH HANDBOOK RULES THEIR WHOLE OPERATION WOULD TOPLE.

IT IS EVIDENT A SERIOUS REVIEW AND REVISION OF FS HANDBOOK RULES SHOULD BE TAKEN AS SOON AS POSSIBLE. LEASING AND SHARE-OWNERSHIP SHOULD BE ALLOWED. THE PENALTIES FOR LOCAL GRAZING ASSNS ARE TOO SEVERE. CHANGES MUST BE MADE FOR THE GOOD OF ALL.

RESPECTIVELY SUBMITTED BY



MERLE J. CLARK

16904 67TH ST SW

MARMARTH, ND. 58643

PERMIT NO. 15 LMSA

New England N.D.
 13607 56th SW
 58647

Dear Sir.

I Harvey Hewson is a
 Korean veteran. I served
 two years the army.
 But in the reserve for
 six years. I have a honorable
 discharge from service.

The U.S. does not want
 any cattle or ranches on
 the land. They set up
 day and night thanking
 off way they can take
 it from the ranches.
 They know not what they
 are doing.

They are destroying rural
 America inch by inch. Once
 you have destroyed rural
 America you have destroyed
 our country.

The losing board have
 very little to say but
 interpret U.S. policy.
 The board knows the land
 and the permit with there
 hand tied. Harvey Hewson

Rhame N.D.

Aug 24-2005

I feel leasing is very ~~can~~
important for the young
people.

We need some young people
in the industry and if they
can't lease none of them will
be there.

If we can't lease in a few
years the places will be
owned by big corporations and
that will not be good for
the area at all.

Jack Allen

Phone

No. Dak.

58651

After going through the new regulations given to our association, it's easy to understand what the Forest Service wants: Get rid of the association and then the ranches. The new rules could easily put me out of business. I have a neighbors place, and I also have share cattle. According to the new rules, my days would easily be numbered. My family has been here for three generations, but to think the favored one will be is unlikely.

When I listened to all the new stuff, it made me wonder what country I'm living in. What the new rules say and the way they were presented, ~~at~~ it could have been from an old →

collective farm in Russia. When you think that new stuff is wrote up by people paid with our own tax dollar, you have to wonder, how did things go so wrong. There are clearly people around who influence policy far more than the people who live and work here. I also feel we shouldn't be governed by the Forest Service, but by the state as grass lands. I hope common sense will be applied here, but ain't holding my breath.

Kenneth Donner

8-23-05

U.S. Forest Service
 Platte District Rangeland Management Staff.

We are early retirement age folk, out here on the Dakota Grasslands. We are looking forward to our sons and their families carrying on our family ranch business.

To say what the effect of the changes in FWS Handbook July 19, 2005 will have on our family ranch and fellow ranchers is indescribable.

Without federal FWS permits on leased land, our sons will not have enough to go on. They will be forced to leave a way of life they have worked hard to establish, for themselves, their families and our U.S. food tables.

We have many elderly ranchers and widows who depend on their lease money for a living. They will suffer stress and economic worries facing decisions they don't want, and should not have to. Their retirement plans are in place concerning the ranch.

Our elderly ranchers worked hard to

raise their families on the ranch. They are still a very vital part of our nation's young generation ranchers. By leasing their lease and F.S. land, they are ^{still} the Way and Means of beginning ranchers.

To even imagine or fathom the trickle down effect of not leasing to our small town business is sickening. Job loss, depression, financial failure etc. etc. Ranchers will not be the only ones to suffer.

Leasing of F.S. lands on the Dakota Grasslands is vital to our country's economy, and food obligation, as well as family living. The resource is there to continue these vital obligations. May we?

Sincerely,

Jenneth & Leonard Vernick

6709 158th Ave. S.W.

Edinboro, N.D.

58651

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250 -

August 25, 2005

To Whom It May Concern;

I am a third generation rancher on land my grandfather homesteaded. My family has leased Forest Service land for 40+ years and I feel that we have been good stewards of the land. At the present time I have someone running share cattle with mine. If we were unable to have share cattle, I would not have the number of animal units needed to continue my grazing permit. Without Forest Service land I would not have enough pasture to make a living. It would be to our benefit and numerous ranchers in the area if we could continue to have share cattle.

Sincerely yours,

Kim Howie

Kim Howie
5406 136th Ave Sw
Belfield, ND 58622
701-879-6354

August 24, 2005

The Honorable Byron Dorgan;

I am writing this letter to let you know how the recent changes to the North Dakota Grazing Association rules and regulations will affect my family and me. Losing the ability to lease pasture in Association controlled lands will cause me to sell off at least 120 cow-calf pairs which will incur tax problems in the short run and loss of valuable income in the long term. My only other resort would be to try to secure pasture for those cows outside Association control. As you can imagine, that type of pasture would not be inexpensive. At any rate, the impact to this ranch and to my family would be significant. We depend on the income from the cows pastured now on Federal land to bridge the gaps left by small grain farming.

With help and guidance from The Little Missouri Grazing Association, I am able to be a good steward to the land and cattle, provide for my family's needs and keep money moving in the economy. The existing program hurts no one, keeps the right kind of ranchers in business and protects the land from abuse. This program does not need fixing.

If I could see that the changes initiated by the United States Forest Service would be for the greater good, then I would feel somewhat better about having to implement major changes in my operation. However, all I can see in the changes to the USFS handbook are internal housekeeping measures to make life a little easier for government employees. This "house cleaning" puts unreasonable hardship on ranchers out on the land. We, as faithful taxpayers, deserve better from the people we employ.

I thank you for your time to read this letter and to hold hearings regarding these changes. Please help us maintain our livelihood.



Bart Fisher
8503 137th Ave SW
Bowman, ND 58623

701-275-8884

bfisher@ndsupernet.com

August 24, 2005

Dan Flor

Box 53

Marmarth, ND 58643

Dear Senator Dorgan:

I would like to take this opportunity to thank you for being a friend to the ranchers of western North Dakota.

The proposed rules in the new Forest Service manual come as no surprise to me. I know of no other government agency that has worked any harder than the forest service to put cattle ranchers out of bussiness.

New rules concerning share cattle, base property, stocking , non-use, or the forest service being able to declare non-use on watersheds are more of the same. Are these new rules nesserary? Let us look at the past land management policy's of the forest service. The prairie dog towns in the north unit of Roosevelt Park that have boubonic plague, the rampant Leafy Spurge, or the charred areas of the Black Hills or the Long Pines west of Camp Crook. Just to name a few.

We need to change the direction or else in the future the grasslands will be off limits to people. How many people are unable to visit areas that are roadless areas now?

Unless changes are made, beef now raised on federal lands will come from Canada, across the border, in boxes, along with the timber that used to come from our saw mills.

Sincerely:


Dan Flor

AUG-25-2005 12:57P FROM:GERMANN (701) 523-3193

TO:17018796216

P:1/1

August 25, 2005

To whom it may concern:

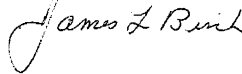
As sixty-one year old rancher, I have raised four children and made my living in North Dakota since I moved my family here in 1979 to run a small ranching operation with my father-in-law. On 2,000 acres we run cattle and farm, where the crops we produce all go to feed.

In November 1983 my wife and I bought 132 of my father-in-laws cows on contract from him and began paying rent on the place in 1984. Without the 800 animal units that are available to us in the East Marmarth common pasture, we could not have ever attempted to finance a household, purchase cows and rent the place.

The 800 animal units have allowed us to run 97 pairs and 3 bulls for eight months in a 'normal' year. We try maintaining a herd of 130 to 140 cows with approximately 100 grazing at East Marmarth, however over the last decade the cuts that were made due to drought, grass hoppers and 1200 plus acres of prairie dogs in East Marmarth have made it tough to sustain our operation where we have had our animal units cut between 15 to 30 percent in recent years.

Through living frugally, we had paid off our cows and began buying one-half of the ranch. Although it was financially difficult, we are proud to say that we now have our cattle and one-half of the ranch paid off. However, without the units available to us in that pasture it would be completely impossible for us to achieve that and keep our ranch a viable business.

Sincerely,



James L. Birch, Slope County Rancher
7510 163 Ave. SW
Rhome, ND 58651

August 25, 2005

To Whom this May Concern:

My mother has recently had the opportunity to purchase the family ranch. The ranch has been in the family for 77 years. My wife Heather and I have the opportunity to lease the ranch from my mother, which we intend to make ranching our lively hood. We do have a good portion of the cows needed to stock the ranch, but because of the high costs of adding additional cattle, the high costs of operation, and costs of moving it will become necessary to run cows on shares owned by my family until we are established and can fully stock the ranch.

Our ranch will be family owned and family stocked. We look forward to moving to the ranch and taking an active part in the community. Without the right to lease the ranch from my mother and run family share cattle the ranch operations would not be possible for us.

Your thought and consideration of these issues would be appreciated.

Sincerely,
Scott & Heather Weishaar

8-25-05

USDA Forest Service
Attention: Director of Rangeland Management Staff
Mailstop 1103
1400 Independence Ave. SW
Washington, DC 20250

Dear USDA Forest Service:

I am writing in regards to the new rangelands management plan. My name is Trudy Bradac. I am a 79 year old widow. I live in Marmarth, ND.

My daughter, Theresa Bradac Brewer, purchased part of my property and leases the other. If there are changes in base property, leasing, and permits, this will not only affect her livelihood, but mine as well. I need an income to pay for my basic living needs, as well as, my medications. If I cannot lease my land to my daughter, I have no income to live. I am too proud of a person to rely on the social services system to care for me when I have adequate means of supporting myself.

Please consider my comments when making your new plan. It affects not only me, but other elderly people the same way in this area. This could be a domino effect more than many may realize.

Sincerely,

A handwritten signature in cursive script that reads "Trudy Bradac". The ink is dark and the signature is fluid.

Trudy(Gertrude) Bradac

8-25-05

USDA Forest Service
Attention: Director of Rangeland Management Staff
Mailstop 1103
1400 Independence Ave. SW
Washington, D.C. 20250

Dear USDA Forest Service:

I am writing in regards to the new rangelands management plan. My name is Lee Kempenich. I am 42 years old. I live in Marmarth, ND. My ranch is north of Rhame, ND. I work for a rancher south of Marmarth.

I lease my land north of Rhame to a neighboring ranching family, Kurt & Kevin Heinrich, because I cannot afford to buy back cattle at this time. My future hopes are to save money and be back on the ranch someday.

Changes in the plan would not only hinder me, but my lessees too. I would not have an additional income and the two families that lease from me would not be able to sufficiently meet their needs and support their families.

When making changes in the new plan, please consider the effects that it will have on many families in this area.

Sincerely,

A handwritten signature in cursive script that reads "Lee Kempenich".

Lee Kempenich

8-25-05

USDA Forest Service
Mailstop 1103
1400 Independence Ave. SW
Washington, D.C. 20250
Attention: Director of Rangeland Management Staff

Dear USDA Forest Service,

I am writing in regards to the new national rangelands plan and how it would have adverse effects on my ranching operation in southwestern North Dakota.

First of all, I will give you a brief history on myself. My name is Theresa Bradac Brewer. I am 42 years old and a single mother of two. Three years ago I quit my job as a teacher to help my mother care for my dying father. When he passed on (at 92), I borrowed money to purchase part of the land from my mother. She was 76 years old at that time. She needed income to live on, as well as, we all do. I purchased what we call our north unit. I am leasing from my mother what we call our east unit. Our homes are on our east unit as well. We have private land intermingled with Forest Service land.

Next, I will try to explain to the best of my knowledge/interpretation how changes in this plan would affect me.

1. Leasing- In my allotment, I own part of the land and lease the other part from my mother. If the leasing rules change to where I could not lease from my mother, I could not operate at all. Therefore, my children and myself would have no income/livelihood, but neither would my elderly mother.
2. Base property-If there are changes in the base property to the effect that you must own all of the base property, then I could not manage to operate this ranch because I can not afford to purchase the rest of my mother's land at this time. If there are these types of changes in base property and leasing, then not only what would I do, but many others too. If there are base property/allotment changes how would this be feasible in our area-some of our land is not able to be fenced because we live in the badlands. Some of our land already is not fenced on section lines. It is fenced where you can fence.
3. Turn Out Dates- In the past, due to drought and no grass you could write to the LMGA (Little Missouri Grazing Association) and tell them what pasture you were turning out into if it was different than your scheduled date. Then they would pass this information on to the Forest Service. This year I have plenty of grass due to the large amount of rain we received. I could be able to stay in certain pastures longer than my scheduled turn out dates this year. In the past I could write to the LMGA and this would be acceptable. I feel allowing the ranchers to do this is good management practices. Our family has ranched in southwestern North Dakota for over a hundred years and we would not be here if we did not have good management practices. I feel as long as there is good communication between the ranchers, the associations (LMGA), and the forest service, then this should still be acceptable. If there are changes made to turn out dates, I feel it is not only detrimental to the ranchers, but to the land.
4. Permits to be stocked at 90%-If an allotment is out 30% one year, how are they expected to get back up to numbers the following year? I can do this, because I can put them on my brother's land-which is all private. Most people cannot, because of prices or other factors. I think there should be a little more leniency on this issue. Most ranchers are going to run the numbers they think is sufficient for that year or what they have. If they cannot buy back, some do cattle on shares. If there are changes there-how can they make it work?!

In closing, I am not only concerned for myself, but all the ranchers in southwest North Dakota. Most of the ranch families have lived and operated ranches here for a century. Changes that could affect our ranches would demolish what our families have worked so hard for-for many years. I am finally doing full time what I could only do part time in the past. Please consider my comments and feelings when finalizing your new plan.

Sincerely,


Theresa Bradac Brewer

August 25, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail top 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Sirs,

I'm a 52-year-old rancher, married, father of three married children, and grandfather of seven. My grandfather homesteaded in the early 1900's. My father built up a place after he served in WWII. My brother and I operated in the same area by leasing for 16 years until I built up enough equity to buy my own place in the late 1980's. Not truly understanding the Federal Land issues, I purchased the E Lazy T Ranch the winter of 1989-90. Because of the huge investment of this ranch, I have no retirement savings. All I have is invested into this ranch.

The reason I'm telling you this is that the directives that are in the new Forest Service handbook will harm me directly, at least in three ways. First, it will drastically affect the value of this ranch. If land that is presently rented has to be sold, it will flood the market and lower land values. If someone cannot run share cattle, that buyer will be eliminated. Because of the intermingling of the federal and deeded land, any changes in policies will affect me financially by lowering my estate value. Second, it will make it very hard for my children to continue as my father and I have. They do not have the equity to purchase a ranch worth a million dollars and purchase the cattle to stock it, so leasing and/or share cattle is their only option. Third, it will limit my options in my retirement. My main option was to lease the ranch to our children until they could afford to purchase or inherit it. To sell the ranch means our children cannot buy it.

We here in the Little Missouri Grazing Association have always tried to work well with the Forest Service and without a hint from anyone we work with; a bomb was dropped when the new handbook was revealed. It is hard to realize that our working relationship meant nothing and the policies in effect for 65 years can be changed overnight by strangers from Washington D.C. You must realize these changes affect our livelihood not just making it harder to operate, but hurt us severely financially.

Sincerely,

Mark Franklund

Mark Franklund
5806 141st. Ave. SW
Amdon, ND 58620

To: Director, Rangeland Management Staff 8/25/05

The Dakota Prairie Grasslands was created with different guidelines so all resources could be managed properly. We are unique because of intermingled private and Federal property. With the proper guidelines in place, the Forest Service working with Grazing Associations and permittees, this has been a success story for many years. With good guidance, the utilization of private land, federal land, and all our associated resources have rebounded and flourished since the 1990's. Consequently, our rural people and communities have remained viable and are continuing to exist.

Some of the Grazing Permit Administration regulations now being proposed will eventually severely cripple, not only our rural communities and ranching families, but will have a detrimental effect on all our resources into the future. Here is a short list of my concerns:

- ① Base Property should not in anyway be recreated or re configured.
- ② Leasing and Share Cattle - need to be allowed to protect the integrity of our family ranches.
- ③ Grazing Associations need to be a viable and working entity with Forest Service to protect our resources.

Please reconsider these new proposal regulations.
 Lauren Kluwin - Lauren Kluwin - Amidon, ND 58400

August 25, 2005


U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Sirs,

I am a 26-year-old rancher in Slope County. I started ranching 4 years ago. With my fathers help and guidance. Knowing that an operation must grow to prosper, I leased some pastureland from a retired neighboring rancher. A federal grazing permit for 98 animal unit months is attached to this leased land. With these additional grazing capabilities, I have been able to build my herd size. I need all the pastureland I currently have access to, to support my operation.

As I understand things the changes in the Forest Service handbook will make this impossible. Because I am just getting started, drastic changes in the rules may impede the possibilities of my future success as a rancher.

Sincerely,


Sam Juntunen
6205 145th Ave SW
Amidon, ND 58620

August 25, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Sirs,

My mom owns 1500 acres of deeded land with a permit to run 54 animal units for 4 months on federal land. Since my father passed away 1984, my mother has leased this out. My son is an active U.S. marine who will be retiring from the USMC in 9 years. He plans to purchase the ranch upon his retirement, from his grandmother. We feel the neighbors who are leasing have been good stewards in their care of both the private and the federal land.

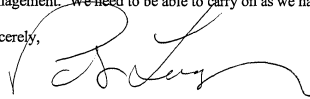
Making ownership changes that conform with the new handbook rules would jeopardize family ranch operations in passing on the ranch to future generations, as in our case.

This system is not broken and not in need of being fixed.

My grandparents homesteaded here in 1910. Our family has deep ties to this land, unlike the Forest Service.

I feel the Little Missouri Grazing Association has done a very good job of management. We need to be able to carry on as we have in the past.

Sincerely,



Pat Lorge
Slope County Sheriff
Amdion, ND

8-25-05

to whom it may concern

As a National Grassland permittee I am opposed to the rules changes proposed by the Forest Service concerning leasing and administration of National Grassland permits. Any act that reduces permit value, such as fee increases, reductions in stocking rates, limitations on leasing or other negative regulatory changes results in economic losses for permittees and their communities.

These National Grasslands were originally acquired by the Government through the Bankhead Forest Farm Tenant Act. To be leased to local ranches to promote farm home occupancy and should continue to be administered with this original objective in mind.

Again, any change that causes economic hardship and loss of permit value goes against the intent of the "Bankhead Forest Farm Tenant Act" which allowed these lands to be purchased originally.

Thank You
 Al Schaffer
 Permittee L M & A.

USDA Forest Service
ATTENTION: Director, Rangeland Management Staff
Mailstop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sirs:


My husband and I purchased land in the Deep Creek Watershed in the 1980's. With this purchase we received an allotment to run cattle on Federal Land under the guidance of the Little Missouri Grazing Association.

This association has been ably managed by a board of directors elected by the members. The board works well and is available for members needing assistance for whatever reason and responds within a short time frame.

We attended a meeting yesterday. As I interpret the information, the Forest Service is rewriting agreements and can cancel any agreement at any time. I believe there was something about both parties concurring but the bottom line was that the Forest Service (as I understand it) has the final say and doesn't really need the local board or association to concur.

I wonder about the regulations for leasing on permitted acres. We are getting older and thinking about helping some younger persons get started in ranching or farming. Now it seems that we can no longer allow another person to lease our acreage and run cattle with us or for us on our allotment. This seems unfair! It seems that our rights are being undermined and arbitrarily taken from us.

When a system or organization works well and has worked well for so many years – I think our grazing associations were begun in the 1920's or 1930's – it seems ridiculous that Federal organizations or officials must change it. I do know that change is sometimes necessary but I do not believe that change that does away with local control is good.


Lois J. Anderson
13910 97th St SW
Bowman, ND 58623
August 25, 2005

CC: Senator Byron Dorgan

USDA Forest Service

ATTN: Director, Rangeland Mgt. Staff
Mailstop 1103
1400 Independence Ave. SW
Washington, DC 20250

RE: Forest Service - U.S.

Lois + I are members of
the Little Missouri (Deep
Creek Watershed) grazing
Association

We understand the Forest
Service is attempting to
make many detrimental
changes to the Rules we
have operated on for many
years; these Rules do not
make sense and are very
dictatorial!

Perhaps the U.S. Forest
Service has outlived their
usefulness and should
be abolished!

Sincerely,
Warren + Lois Anderson

August 24 - 2005

CC: Sen. Byron Dorgan

U.S.D.A. Forest Service
 Attention: Director, Rangeland Management Staff
 Mail Stop 1103
 1400 Independence Avenue, SW
 Washington, D.C. 20250

14910-64th St SW.
 Arden N. D. 58620

To whom Concerned from some one with great
 concern.

The new list of many changes between
 Forest Service personal and our grazing Association
 personal which greatly affect myself and other
 permittees locally, & in North Dakota.

One concern & probably the largest changing
 the leasing or share cattle as we are always
 founded on how we can obtain cattle at a practical
 price to remain in the cattle business as they are
 always giving us a cut from our preference
 another question is being penalized for
 not stocking after a cut below 90% of our allowed
 members in our grazing practice.

Another concern by several are the prairie
 dog population on one less then a section of
 land increasing from none about 10 years to maybe
 up to 50 acres ruined for grazing and also around
 my one watering hole after for years trying to
 use watering holes to move cows over all grazing
 area. Our grass on this government land that
 was for grazing is in better shape by far then
 in early 1940's when program was set up to
 help the few people still here.

Thank You for listening

Bruce Lambourn
 Mary I. I.

Dear Mr. Dorgan,

We are members of the Little Missouri
Grazing Association at Amador, North Dakota.

Our farm/ranch has been in the
family for 60 years. There are three generations
living on this operation. I am leasing my
father's land which is in a trust, and at the
age of 88 he is still very much involved with
the day to day operation.

This past year my son and I leased
a portion of a neighbors land. Our land/land is
in his 90's. He and his wife still live on the
ranch and they are also involved in the operation.
We feel very fortunate that we are able to
lease this land because it is adjacent to our
land and fits into the operation nicely.

Without this leased land and the
grazing privileges of the Federal land that
are allocated to it, it would not be possible
or affordable for us to operate. Both my son
and I both maintain off-farm jobs.

Our family is very conservation
minded. We have used the Federal land
and treated it as if it were our own private land.

Sincerely,
Matt Lambourn
Larry Lambourn

Box 127
Rhome, ND 58651
August 24, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

To whom it may concern:

In regard to land leases:

I am a 66 year old rancher who has been involved with Forest Service land since 1967. Our daughter and her husband have been working with us for three years, and we plan to turn our place over to them. Because of the high prices of cattle, equipment and land there is no way they could purchase our place and be able to make payments. Our plan would be to lease the land to them for a period of time while they purchase equipment and livestock. Then we would sell them the land. If we could not lease them our private land with the government acres allotted to it, we could not keep the ranch in the family.

In regard to share cattle:

Taking into account the above situation, it would be the most feasible situation for our daughter and son-in-law to be able to run my cattle on shares until they get a herd established. Without the share cattle it would be a lot harder for them to get started.

In the likelihood that someone had a disaster and lost a large number of cattle, being able to run share cattle would make it possible for them to re-establish their herd.

In regard to base acres:

I am strongly in favor of keeping the historically-set base acres that are attached to the government land the same as they have been in the past. Allowing new base acres would surely open another can of worms.

Thank you for considering our position.

A concerned Little Missouri Grazing Association couple,

Eugene Fischer
Marilyn Fischer
Eugene and Marilyn Fischer

USDA Forest Service

We are a little concerned about this new plan that may take affect saying that there will be no more subleasing of Forest Service land. It is hurting our elderly farmers and ranchers by making them sell their land that they want to keep in their family for years to come. By allowing them to rent their land out, gives them the opportunity to keep their land and/or homestead and still retire. Most people who will be affected by this are at the age of retirement and are physically unable to work the land themselves and are forced to sell. We need to keep our right to sublease. Young families just can't afford to buy the land that goes along with the Forest Service land. These people are forced out of the agriculture industry because they can't make ends meet when they have to buy the land and support a health lifestyle. With people leaving our small communities our little schools, churches and towns are dying out. Every person in a small town is an asset to the community. We can't afford to loose anymore. This plan will have a drastic financial impact on all people with any ties to our livestock industry from start to finish. As young producers ourselves, it has been a very vital part of our ranching operation that we have had the opportunity to lease the land to grow as a business and support our family. Please consider that our livelihoods depend on your decision!

Thanks for your time,

Kurt and Katina Heinrich

August 24, 2005

Michael Schneider
Slope County Commissioner
7501 156th Ave. SW
Rhome, ND 58651

Dear U.S.D.A. Forest Service,

Attention: Director, Rangeland Management Staff

It has been brought to my attention that the U.S. Forest Service is purposing numerous changes within their new handbook. The one area that causes me much concern is the lease agreement change. I have the privilege of leasing base acres and have been a permittee with the Little Missouri Grazing Association. This additional land has offered me and my family an opportunity to live and work in this wonderful area. Without this lease agreement we would have been forced to seek employment elsewhere. Our son is now planning his future to include our livestock operation. Without the value added leased acres he simply will not be able to pursue this dream.

As a county commissioner, I believe this proposal would have a devastating impact upon our county. The out migration that this will cause is something we cannot afford to happen. It will displace not only more young people from the area but also those who have ranched these acres for generations. We need to stimulate growth not hamper it with new directives.

Sincerely,



Michael Schneider
Lessee and Slope County Commissioner

Cc: Senator Dorgan

USDA Forest Service
Attn. Director Rangeland Management Staff
Mail Stop 1103 1400 Independence Ave SW
Washington D.C. 20250

Dear Sir:

I am writing this letter in regards to the leasing of ranches with Forest Service permits. I wish you would reconsider the new ruling on leasing land. We own land that has a permit to run livestock. This ranch is not big enough to both make a good living and land payments. By allowing us to lease other ranches from people who do not have the means or financial funds to run their places at this time gives us time to build equity to, hopefully in time, buy these ranches after paying our own ranches off. In this area, as you know, the intermingled government and private land is all over, and if we want to continue ranching we must somehow have to deal with it and not be run off it. You do not realize the financial peril you will put a lot of us in if you force us to quit leasing, along with a lot of our banks, and main street businesses in this area, not to mention all of western North Dakota and eastern Montana. We realize that the leasing was set up to help people get started ranching, and it was a good deal, and still is the only way most of us could possibly get started, but with economics, inflated prices, interests rates, and so many more, it makes the debt of a ranch impossible. By being able to lease, it keeps the people here that want to stay here and stay in business much easier. We know that there are people and organizations that believe we are getting rich off of these permits and leased permits. Trust us, this is NOT the case. We are just trying to make a good living and stay economically viable, hopefully, with no fewer neighbors. We fear that by opening this up many ranches will be coming up for sale and be bought up by people that have no interest in ranching or our communities, thus killing our way of life and killing our business. We cannot stress enough the importance of repealing this new ruling. This will KILL off a lot of us, landowners and leases alike and kill off any chances of our sons and daughters to return home to take over to make a living. Is this REALLY the governments intent to run people off the land? Is it REALLY the governments intent to take away the good stewards of the land? Yes, everybody is welcome to come visit the lands, our small communities welcome the sight seers, but they are never here to stay. Why kill the ones off who are trying to stay here and utilize the land? It looks like to us that this policy is for the big to get bigger and the small to disappear. Is this what this government agency wants? It sure looks like it. PLEASE tell us, "No! It is Not."

You need to strongly reconsider this policy.

Sincerely,

Kevin Heinrich
Betty Heinrich

Kevin and Betty Heinrich

August 23, 2005

Janikowski
6808 160th Ave SW
Rhome, ND 58651
701-279-4313

United States Forest Service:

This letter is in regards to the changes made by your agency to the grazing handbook that went into effect July 19, 2005.

First we ask and express great concern as to why the Little Missouri Grazing Association Board was informed of these rule changes on August 2, 2005 after the changes were already in effect?

We are currently experiencing our first year in the cattle business in 2004/2005 and have recently moved to ranch in Slope County. The only way we were able to get a start in the agriculture business is by purchasing a small number of cattle and by having the opportunity to operate them on a share cattle and/or lease agreement with family members. Our family members are third generation permittees in the LMGA, which provides for the summer grazing for our cattle.

With the current prices in the agriculture industry it is impossible for young producers to buy livestock, machinery, operating expenses, and land all at the same time. Lease and/or share cattle agreements are an opportunity to build equity in livestock and machinery to someday be able to finance land and more livestock.

We ask that you reverse the drastic rule changes to the handbook that effect leasing, share cattle, base property, and names on permits. If we are not able to continue our share cattle/lease agreement and lose our summer grazing, our first year in the cattle business will be our last.

Thank you for your consideration,



Jerid Janikowski
Slope County Ranchers



Camie Janikowski

CC: Senator Kent Conrad
Senator Byron Dorgan
Congressman Earl Pomeroy

Aug. 22, 2005

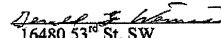
To: US Forest Service
Care of: Senator Byron Dorgan

I am concerned about the direction the Forest Service is taking when it comes to the communication between the permittees and the Forest Service.

It appears to me that the Forest Service would rather use individual direct permitting than to work with our local Grazing Associations. Local Grazing Associations are an important link between the Forest Service and me as a permittee. I depend on our Grazing Association to voice my concerns to the Forest Service.

Without these Associations it would be very difficult, as a permittee, to have our ideas, concerns, and problems addressed. We need to support our Grazing Associations and keep them as a strong part of our ranching industry.

Sincerely,
Permittee LMGA


16480 53rd St. SW
Golva, ND. 58632

Aug. 22, 2005

To: US Forest Service
Care of: Senator Byron Dorgan

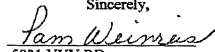
I am writing this letter in regards to the proposal made by the Forest Service to stop all leasing on Forest Service controlled lands. Leasing of deeded land and base property has been a very important tool for landowners in our area.

It allows flexibility for operators to maintain their ranching unit. If leasing is not allowed for producers, who are unable to operate their ranch, or who may be leasing until a family member is able to buy the land, this will prematurely force the sale of the land, forcing ranchers off the land.

I also believe it is important to keep the Forest Service Permits tied to base property. By doing this it will help keep people on the ranches and in turn this enables our smaller towns to keep their local stores. We all know if the people can stay on the ranch and make an adequate living our school and communities will thrive. This will help ensure a brighter future for our children.

Leasing and Base property should be kept as is to maintain a strong ranching community.

Sincerely,


5831 VVV RD.
Sentinel Butte, ND. 58654

Aug. 22, 2005

To: US Forest Service
Care of: Senator Byron Dorgan

Leasing

I am writing this letter in regards to the proposal made by the Forest Service to stop all leasing on Forest Service controlled lands. Leasing of deeded land and base property has been a very important tool for landowners in our area.

It allows flexibility for operators to maintain a viable ranching unit. If leasing is not allowed for the producers who are unable to operate their ranches, it will prematurely force the sale of the land and consequently force ranchers off the land.

Grazing Associations

It appears to me that the Forest Service would rather use individual direct permitting than to work with our local Grazing Associations. The local Grazing Associations are an important link between the Forest Service and me as a permittee. I depend on our Grazing Association to voice my concerns to the Forest Service.

Base Property

I also believe it is important to keep the Forest Service Permits tied to base property. By doing this it helps keeps people on the ranches and in turn this helps our local school and communities.

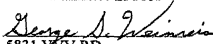
Share Cattle Agreements

Share Cattle Agreements have been used to keep ranching units together through hard times and other unexpected emergencies. It also allows ranchers the opportunity to rebuild their herd after a prolonged drought or financial hardship. The use of these Agreements allows landowners to keep control of their ranches without having to worry about being forced to sell their land.

Leasing, Grazing Associations, Base Property and Share Cattle Agreements should all remain in tack to help protect and maintain our ranching communities.

Sincerely,

Permittee LMGA


5831 VVV RD
Sentinel Butte, ND 58654

Aug.22 2005

To: US Forest Service
Care of: Senator Byron Dorgan

I am writing this letter in regards to the proposal made by the Forest Service to stop all leasing on Forest Service controlled lands. Leasing of deeded land and base property has been a very important tool for landowners in our area.

It allows flexibility for operators to maintain a viable ranching unit. If leasing is not allowed for producers who are unable to operate their ranches, it will prematurely force the sale of the land and consequently force ranchers off the land.

I also believe it is important to keep the Forest Service Permits tied to base property. By doing this it helps to keep people on the ranches and in turn this helps our local school and communities.

Leasing and Base property should be kept as is to help maintain a strong ranching community.

Sincerely,
Permittee LMGA


5880 VV RD.
Sentinel Butte, ND.58654

To Little Missouri Grazing Association
 Ombudsman, ND.
 August 25, 2005
 To whom it may concern:

I am writing about the proposed changes
 in the plan of management of the U.S. Forest Service.
 When the Grazing Association was formed many
 years ago under the Bocklund-Jones Farm, a
 ranch could be bought and paid for, for about
 the same price as a lease on the same ranch
 today. The original goal was to establish a
 stable and viable family ranch operation. It
 has been very successful so far. A recent story
 in the Bismarck Tribune speaks about a ranch that
 has been leased by the same party for twenty years.
 This in itself demonstrates the stability of the
 ranches in the Bismarck area.

If a change is made in the policy toward
 leasing of the Headquarters and Bismarck property of a member
 of the Grazing Association it will have a far
 reaching and detrimental effect on our community.

Thank you,
 Robert L. Hanson

ROBERT L. HANSON, MEMBER,
 LITTLE MISSOURI GRAZING ASSOCIATION

USDA Forest Service
 Attention: Director, Rangeland Management Staff
 Mail Stop 1103
 1400 Independence Avenue, SW
 Washington, D.C. 20250

August 23, 2005

To All Whom It May Concern:

I am writing to comment on the new Forest Service Handbook. My grandfather homesteaded in southwestern North Dakota before 1920. I have spent my entire 51 years of life on this ranch. I took over the ranching operation in 1985 and am the third generation on this land. My family takes great pride in our ranch, which we see as a deep seeded part of our heritage.

Our ranch, as well as my uncles, includes intermingled federally owned pastures, which we manage in the same way that we manage our privately owned land. We have been mindful to be good stewards of the land for many years now. We take great pride in our heritage and have passed this on to the next generation as well.

I am a member of the Little Missouri Grazing Association (LMGA) and have been for several years, I have served on the Board of Directors for this association, as did my grandfather and my uncle. I even accepted the responsibility of LMGA Board President from May 2003 to May of 2005. The Board of Directors has always taken the management of the federal grazing lands within our boundaries quite seriously. I do not believe that any of the changes in this Forest Service Handbook will do any better job managing the public land then the LMGA permitted users are doing today and have done in the past. These changes are senseless and promise to place undo hardships on the lives of my neighbors and myself.

My uncle, who had never married, ranched in Slope County until last year. He is now in his seventies and no longer able to keep up his place. My oldest son began leasing my uncle's ranch at the first of the year. My son, at the age of 25, was not able to obtain a loan to purchase the ranch, equipment, and cattle. The lease option worked very well for both my uncle and my son. In this way this ranch could be kept within our family, my uncle could move into town and have an income off of his property and my son could build up his cattle herd and credit working toward someday purchasing this land.

Because my wife and I had three sons this was a great plan so that at least two of them could, if they wished to do so after college, follow in the tradition of our family and become ranchers in SW North Dakota. Our future generations need every opportunity left open to them to be capable to continue in our customs and culture. With the continued rise in land values and operation costs it is increasingly difficult if not impossible for young people to purchase enough land to sustain a viable ranching facility. With so many of our young people leaving the area for better paying jobs and big city life

I feel it is of the utmost importance to do everything within our power to encourage and support those who choose to stay on and ranch in our area.

In June of this year I lost two of my sons in an automobile accident. My third son was severely injured. This leaves my uncles ranch in instability, as he is no longer physically able to manage it. My surviving son may not be physically capable of handling a ranch for some years. When he recovers enough to continue college that is his first goal.

Many families find themselves suddenly faced with such adverse conditions and must recover from devastating accidents. Life is full of uncertainties. I feel that keeping the ability to lease our base property with the federal animal units in tack and having the option to use the tools such as share cattle to be essential to our rural communities economic health.

I ask that the people within the Forest Service take another look at the restrictive rules placed in this new management handbook and realize that North Dakota and the National Grasslands are indeed unique in several ways. This part of America should not be expected to conform to other areas within the Forest Service jurisdiction. Please take a look at the way the grasslands have been managed by the ranchers who love this land. It should be clear that we have put our hearts and souls into the land and are not doing any harm.

Thank you for the opportunity to address these issues.



Loren (Shaky) Jacobson
5710 153 Avenue SW
Bowman, North Dakota 58623

cc Senator Dorgan

Byron Dorgan August, 21, 2005
 United States Senator
 713 Hart Senate Office Building
 Washington, DC 20510

Dear Sir,

My name is Gandon Seckler.
 I am 12 years old. My grandpa and
 I spent time on his ranch in
 the Badlands in western North Dakota.

He and I have visited about
 the changes being made - I don't
 get it. He gets ~~very~~ very upset when he
 explains it to me.

Do all of these things really
 need to happen to my grandfather
 and I? I want to make ranch some-
 day. Will my grandpa still be able to help
 me?

Grandpa always says God will look
 out for us.

Gandon Seckler
 ~ ~ ~ ~ ~

Mert Mitchell
Member of Little Missouri Grazing Association
August 23, 2005

I have operated our ranch and grazing permit for years on the National Grasslands. My wife and I both worked jobs off the ranch to try to make our operation work. We done this until our two children graduated from High School and went on to college. Then we decided we could not continue to work like this anymore. We decided to Lease the ranch and sell the cattle off. We ask what is the difference between us operating this land or someone else that is a member of the Grazing Association? We need the Income off the Ranch to help pay for the Ranch. We've worked hard to try to own this. We've always tried to take care of the Association land as good, if not better than our deeded land.

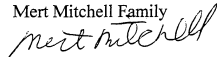
This part of Southwestern North Dakota has went through a lot of dry years, but the wildlife is as good as its probably ever been for years.

I think we as stewarts of the Association land have a right to lease or run share cattle. I remember when a lot of this land had very little water on it. In the 1970's the Grazing Association and permittees started putting in water wells and pipelines. We have a well and five tanks running off of this well to distribute the water. It helps the land by equal grazing and also benefits the wildlife.

I realize this Froest Service Land is public land, but the ranchers have taken care of this land and not the rest of the public for many years. I believe if someone was taken care of my land as we have tried to take care of the Association land then I would see no problems in helping that man whether it be he could lease or run share cattle on the property.

Thank you,

Mert Mitchell Family

A handwritten signature in cursive script that reads "Mert Mitchell".

8-21-06

Senator Byron Dorgan
Washington, D.C.

Dear Sir,

I believe that the way the lands of the Dakota Prairie rangelands, were acquired tell the complete story of all of the objections we ranchers try to express. Our lands were actually a failure with the purpose of agriculture and stabilizing the local economy. The Bondhead Jones Farm tenant act spell out all the details.

The management of national rangelands by national forest standards is not only wrong, but borders on the point of being unconstitutional. Leasing, share cattle, base property, local control, and stewardship of this great land are best left to be handled by those of us who know what we are doing.

SS11
~~SS11~~ 3 V's RD
Sentinel Butte N. Dak

Thank you -
Ray Clouse Rancher

8-19-05

US forest service:

I have a smaller ranch that runs around 160¢/c pairs for six months on pasture and six months on feed.

I lease land which has some federal animal units with it. Without these units I would be down to around 140¢/c pairs. Losing these units would make my place too small to be profitable.

Sincerely
Lawrence Fisher

August 24, 2005

U. S. Forest Service

It is with Great Concern that I write in protest against the drastic changes in the new Handbook that went into effect July 19, 2005.

In the past 50 plus years the rules and regulations of our Little Missouri Grazing Association have made operation for us possible from leasing and share cattle to base property owned.

We have survived but have no "nest egg" to retire on. In the near future we would be greatly affected if no longer a lease or share cattle could be used, be it with family member or neighbor. Your changes would surely change our net worth and our estate plan.

We only own 800 acres. No matter how diversified we operated the AUM's of our permit were greatly needed and more so needed with the economy of today.

Please do not make the change!!! Your Priority should be that the Young and beginning farmer ranchers need and should have the same opportunity needed to keep the operation in the family.

Little Missouri Grazing Association Permittees

Grace Janikowski and Ed Janikowski

6810 760th Ave SW

Rhame, ND 58651-9616

8-25-2005 9:05AM FROM

P. 1

August 24, 2005

To whom it may concern:

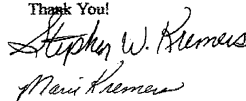
We bought a ranch in 1979 that was 2/3 Forest Service land and 1/3 deeded land. We worked very hard on this ranch and raised a family of four daughters who have all left the ranch to pursue jobs that would provide them with a living. We are now 55 and do all the ranch work ourselves. We will continue to make payments for another four years before our ranch is paid off. At that time we may want or need to sell or lease our ranch. However, due to all the changes in rules and regulations the Forest Service has been making every year, we feel it may be difficult to sell or lease our ranch to a new rancher who is unfamiliar with the Forest Services changing policies. We have a difficult time keeping up with the new changes ourselves and feel the increasing restrictions will scare away new young ranchers. Some of these new rules are not good common sense and seem counterproductive to managing the grazing lands.

Without our grazing associations guiding us through this massive amount of new rules and regulations, we would not be able to keep up with all the proposed changes. In the early years, the rules and regulations worked well but as the years go by it seem like special interest groups are of more importance to the Forest Service than the ranchers. The ranchers have been very good stewards of the land because our livelihood has depended on responsible ranching.

We do hope to sell our ranch some day so we can retire but with some of the proposed rules, we will not be able to sell our ranch for the money we paid for it 25 years ago and who will want to buy it with the cumbersome rules and regulations. We wonder at times if that may be an underlying goal of the Forest Service-to eliminate ranching on forest service land.

Do the ranchers have a future with the Forest Service or are we being put on the endangered list!!

Thank You!

Handwritten signatures of Stephen W. Kernen and Mari Kernen.

John Brown
Slope County, ND Rancher

About 10 years ago I was approached by a neighbor who didn't feel he could still operate his ranch but didn't want to leave his home. I leased his place as I have a couple of boys that I felt might be interested in ranching and our place would not have been big enough for all of us. Five years ago when my neighbor got lung cancer he decided to sell to us. My oldest son now lives with his wife on that place that we could never have acquired without first leasing for a few years to gradually build up our cattle herd and our savings. Leasing is critical to allow young people a chance to get into ranching.

I have been extensively involved in groups such as the Grasslands Stewardship Initiative for several years. During that time I have always heard that the Forest Service wants to work cooperatively with ranchers. Coordinated Resource Management groups have been set up to allow a diversity of interests to express their views about the management of the grasslands. Now the Forest Service comes out with a handbook that says Allotment Management Plans will be written by the Forest Service where previously they were written with the cooperation of the permittee and the grazing associations. The appeal process set up in this handbook is especially interesting—if there is disagreement all decisions will be made in favor of the Forest Service. What happened to the cooperation and coordination I have been hearing about for so many years from the Forest Service? The heavy-handed approach in this handbook must be reviewed by some system of checks and balances. This handbook should be scrapped in its entirety and written with some consultation and comment from those who are affected by it.

If you look at a map of Slope County you will see that the land is intermingled. Most of the property boundaries within the Little Missouri Grazing Association do not have fences on them. One of the things I hear over and over from people concerned with grassland management is that we need to retain the wide open spaces. If this handbook is kept you are going to see miles of new fence in the grasslands and new water sources will have to be made. People that have spent their lifetimes here are not going to give up their private land just because the Forest Service tells them they could lose their lease. Consequently a lot of the property lines you see in Slope County would have to be fenced. Who would gain from that? The only people it would help are those who would like to subdivide their private land intermingled with the Forest Service land.

I would like to thank Senator Dorgan for his prompt attention to this matter and ask him to please try to scrap this handbook and have it written by someone who cares about the people who live in this area and the effect it would have on western North Dakota.

Sincerely,

John M. Brown
Brown Ranch LLLP

Nicalaine Brown
Slope County Rancher

Without leasing we could not have brought our son back to ranching and our neighbor could not have died in his home—his last wish in life. Now our son and his wife are partners with my husband and I and our youngest son can come back to the ranch, too.

Sincerely,

Nicalaine Brown

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

August 25, 2005

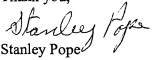
To Whom It May Concern:

The Pope Family has been highly involved in the Little Missouri Grazing Association from the association beginning. I have been on the Board of Directors several years and served as Board President for one term. At this time I am semi retired.

Several of my neighbors lease base property with federal units attached. There are many reasons for people to lease out their land. Being able to lease property and run on the attached federal land makes good since for both parties involved for economic reasons.

I want to ask the Forest Service to stop looking to enforce the overly restrictive rules in their new handbook. The rules of management the Little Missouri Grazing Association has been running under for the last 64 years are still working well and the land is in good condition.

Thank you,


Stanley Pope
Box 1037
Bowman, North Dakota 58623

cc Senator Dorgan

Am writing in regards to the
proposed efferages. Currently we
are on a Share Cattle agreement.
This works out for us because
I have a bad hip and have to
cut back on some of the demands
that it takes to run a ranch.
This works for us, and we
hope to continue this practice.

Thanks you
Donald Heinrich

U.S.D.A. Forest Service
ATTN: Director, Rangeland Management Staff

We are Ranchers who currently have
a share cattle agreement. This
practice is working for us now.
We would like to continue this
agreement with a good sound
Forest Service plan.

Thank you
Connie Hennrich

Fax to: Little Missouri Grazing Assn.
701-879-6216
From: Gene Weinreis
701-872-3622

August 25, 2005


To: U.S. Forest Service
Senator Byron Dorgan

I am sending this letter to express my concerns of the proposals by the Forest Service that will take all authority away from our local grazing board and force them to go through the Authorized Officer for approval of every management decision.

The proposal by the Forest Service that they will no longer allow the Federal grazing permit to remain with a ranch that is leased to another person is especially disturbing because our government is using its authority and power to force people to sell their private land since it will no longer be a viable operation without the Federal Grazing permit.

The leasing of base properties and private land should continue to be allowed. I urge you to seriously consider the consequences of this proposal. Thank you for your time.

Sincerely,
Permittee LMGA


Gene Weinreis
16420 53rd St. SW
Gulva, ND 58632

24 Aug 05

To Whom It May Concern:

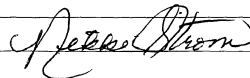
I'm a 57 year old Rancher in the Little Missouri Grasslands. Hopefully my Sons will be the 4th Generation.

As I think about the future of my Ranch, and our Community I have some concerns and fears.

My biggest concern is my sons and other young men not being able to lease ranches, and run some share cattle, it will be next to impossible for them to purchase land, cattle, and make payments and still be able to support and provide for their families.

My fear is, if these proposals take place, this will discourage, these young men to engage in the ranching industry, which will in effect hurt our already diminishing community.

We need these young people to live in our communities, to raise their families, who will learn good work ethics, discipline and respect. And to maintain the good stewardship of our land as it has been for the last 60 plus years.



Aug 24, 2005

To Whom it may concern

I am 55 years old, been working on ranches all my life except for two years in the army. When I had the opportunity to lease a place from people with health problems. It turned out to be good for both of us. Since then I leased the neighbors ranch that has forest service land included for summer grazing. My goal is to be a good steward of this land and protect it for future generations. If I can not lease this it would be impossible to provide a living for my family. I will have to find employment probably out side of agriculture. Your concern for me, my neighbors, and other small businesses in the area rest in your hands. Hopefully we are needed in our community for everything to work as it should.

P.S.
Leasing is my option
only financial

Thank You!
Gene Quattri
Rhome N.D.

Star X Ranch Inc.

801 #2 Ollie Rd
Baker, Mt 59313
406-588-3591

To Whom It May Concern:

August 25, 2005

We operate a family ranch whose summer grazing is in North Dakota, and has a national grasslands permit. This permit is in the Little Missouri Grazing Association. These permits are attached to our personal property, known as base property. This was done to make ranches economically viable and to help sustain local communities.

We are very concerned about the wording and direction of the new Forest Service Grazing Permit Administration Handbook. We have some concerns with:

- 1) Forest Service's ability to make new base property;
- 2) The 90% mandatory stocking rate that must be met within 10 days of the date indicated on the permit;
- 3) The wording regarding access to private property associated with Forest Service property;
- 4) Property and livestock ownership compliance, as it applies to family ownership; and,
- 5) The possibility that all disputes between the Forest Service and the associations will be settled in favor of the Forest Service.

We and our neighbors have been here for generations and have been good stewards of the land and environment while supporting our communities and country. However, the direction of this handbook gives us no reason to trust this government agency. We are also unsure who, or what policy, is mandating these new regulations and directions.

We are asking those of you in power to help us protect our personal property rights, our ability to manage our ranches with those lands that are attached to deeded property in a manner that keeps the ranch viable and allows us to eventually pass on our ranches to our families in a timely and reasonable fashion. Furthermore, we ask that you protect our ability to manage risk in a volatile livestock market and unpredictable climate by allowing stocking rates and time frames that are flexible. Lastly, help us to protect our rights to defend ourselves in disputes with the Forest Service so that there is not a predetermined outcome.

In closing, thank you for listening to our comments and concerns. Please help us to continue to be good stewards of the land as well as sustaining members of our community.

Sincerely,



Vern Stark

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

To Who It Concerns:

We are a family oriented farm/ranch operation. We are trying to include a third generation in so we can continue with the operation. Granted we own enough to provide for two families, but for the third party it was sure convenient when our 90 year old neighbor from across the fence came with the answer. They still want to be involved with cattle and farming but age hinders the labor chores which we can provide. They thoroughly enjoy checking cattle.

Another questionable part is several permittees do not have a deed of ownership on them. Some of these places are still being paid for. Our place is under a trust from dad who is still involved in the operation at age 88. This puts us in a bind where ownership of land has to be the same as the permittee.

We have another situation in our community. The grandson of an elderly couple wants to take over the operation. Being able to lease gives him a much better opportunity to make the purchase of the home place feasible. He can help build some collateral and not get buried with interest payments which can be the downfall of an operation.

Sincerely,

Jerry Lambourn

August 25, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Director,

We would like to address why leasing is important to us. At an early age both of our parents were killed in an automobile accident. This tragic event has shaped the way in which our land is operated. At an early age my brother and I became joint owners of the land. Due to joint ownership our land will always be leased regardless of whether we lease to others or lease to one another. This would also apply to our children. This means that the revision of the USFS guidelines will impair our ability to lease to our own family and make it hard to keep the ranch in the Seymanski family.

Additionally, we have made a commitment to use the land for grazing only as generations of our family have in the past. We have always been active participants in the operation of our land. We have developed water to improve the vegetation and habitat. We are dedicated to keeping the grasslands healthy and vital for the future.

Sincerely,

A handwritten signature in cursive script that reads "Dakota Seymanski". The signature is written in dark ink and is positioned above the typed name.

Todd and Dakota Seymanski
cc: Senator Dorgan

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

August 25, 2005

To Whom It May Concern:


I have been involved in the Partners for Grassland Stewardship for four years and the Coordinated Resource Management group on Deep Creek for about eighteen months. One of the most important things to make either of these groups successful is trust. Trust does not come quickly or effortlessly it must be earned. The manner in which this new Forest Service Handbook was written and implemented without the input or knowledge of the people who it affects the most breaks my trust of the Forest Service. I am sure that my neighbors and fellow public lands ranchers feel the same way.

The Dakota Prairie Grasslands was created due to the unique ownership pattern of intermingled land so that it could be managed as grazing land and not under the same rules as the timber and mining industries.

In many cases a quarter section of federal land is surrounded by and relying on water sources from privately owned land. The more restrictive regulations applied on the intermingled land the more fences are going to be built in the future. If leases and share cattle agreements are no longer available tools to the public land rancher he may decide to fence his private land completely separate leaving much of the federally owned land with no water source.

I cannot see that these changes in the Forest Service Handbook are going to facilitate the desired effect on the Dakota Prairie Grasslands. Please take another look and reconsider the direction this handbook may take us.

Thank you,



Wayne Gerbig
5903 146th Ave. SW
Amidon, ND 58620

cc Senator Dorgan

August 25, 2005

U. S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, D.C. 20250

To Whom It May Concern, and Senator Byron Dorgan:

My husband and I are cattle ranchers in South Western North Dakota, and we are members of the Little Missouri Grazing Association. We are on the family ranch which was homesteaded by my husband's grandfather and then run by his father and now us. We have worked this ranch by ourselves for the last 35 years and are now considering leasing it out to our son or son-in-law, or possibly a neighbor. It is to our understanding that with the new USDA Forest Service plan we will not be able to lease our ranch which has intermingled Forest Service land on it to our family as they do not own the base property, or their name is not on the permit. Please reconsider these new laws and help us to keep the family farms and ranches going as they should.

We also have young neighbors who lease their land to others and young couples who are trying their best to be good ranchers but they need to lease from their grandparents or others to make a go of it. To many, actual buying the land is not an option as they are not financially capable of coming up with large amounts of money, or the original owners are not ready to sell their places. As we are getting older and will no longer be able to do the hard ranch work, we need to help out these young people who want to ranch and make it easier for them to do so..... Not impossible for them to do so.

We need to keep being able to lease out our land to others including the Forest Service land, and we need to be able to keep running share cattle. Please do not let these new laws pass.

Truly concerned US citizens,

Brenda J. Davis



Gene D. Davis



Carbon copy to Senator Byron Dorgan

8-25-05

(1)

To who it may concern
regarding the recent rule
changes for permittees.

I am a young, beginning,
small farmer & rancher in
Slope county, North Dakota.
I 3 year term - lease half
of my folk's farm through a
trust. Consisting of approx-
imately 275 acres hay, 155 acres
crop & 110 acres pasture of
which 400 acres of these are
considered base property.
Along with this private lease,
I lease 3 quarters of intermingled
federal land allocated to this
farm for grazing purposes
through the J. M. C. A. of
Amidon. My leasing of the
federal land is how I am
able to sustain my cow herd
currently. I do not own
any land at all and due
to circumstances involved
find leasing at this time
most suitable and economical
until I can build up & pay
for my beef cow herd before
tackling the purchase of land.

(2)

Last Spring of 2004 I got started in ranching. I obtained a chattel loan through F&A to purchase the majority of my present cows. To this date I am progressing with my F&A cattle loan and even though I do not own them yet, F&A has their name on the cows too. F&A encourages me to lease on 3 or more year terms to be able to make my cattle loan work best with them. Both F&A & L.M.G.A. are aware of my goals of wanting to purchase and take over the 3rd generation family farm. In my opinion taking over the family farm is a step by step process b/c of the cost involved. My 1st goal is to build my herd cows to full capacity and get them paid off while being sole lessee of my parents farm. Though as of right now my herd is at half capacity, isn't all paid for, and I only lease half the farm.

(3)

I am very concerned with the recent rule changes made by the U.S.D.A. Forest Service which apply to me as a current permittee. These new rules are going to affect me in a devastating way and I may never even get past my 1st goal or be able to take over the family farm.

Let me explain on one rule that was changed. The Forest Service now wants the names on all permits to be the same as the names on the recorded deed to the base property to which the federal grazing land is attached to.

Well to me that means you only can get a grazing permit to lease federal land only if you are owner or part owner of base property.

This in turn affects me b/c I am not an owner but a lessee. Therefore I would not qualify for a grazing permit and would not be allowed to graze on federal land that is right next

(4)

to my folk's private land!

This will end up forcing me to ~~down size~~ my current herd or look elsewhere for private lease grazing, which can be hard to come by.

Also furthermore making building a herd and taking over the family farm more difficult.

I think this new rule change regarding names on permits to coincide with names on deeds to base acres is asking for too much. It is unfair & impossible for

any leasee to obtain a federal lease. Some ~~do~~ leasees do not even own any land yet b/c we are just starting out.

I'd like to see this new rule ~~erased~~ as it poses a negative impact to my operation.

Sincerely, Myron Hewson

The new proposal by the Forest Service will not affect me immediately, but it could sure affect my son and family in the future. How can people plan their future when the Forest Service has the power to do anything they want at any time? I always felt the word "rancher" was something decent, but it appears the greens and Forest Service consider it a dirty word, something to get rid of.

Dale Schep

**Paul Wisness
3862 Highway 23
Keene, ND 58847-8822**

September 12, 2005

Senator Byron Dorgan
322 Hart Senate Building
Washington, DC 20510

Representative Earl Pomeroy
1501 Longworth House Office Bldg.
Washington, DC 20515

Dear Senator Dorgan and Representative Pomeroy,

Thank you for giving me the opportunity to put my comments into your records at the Field Hearing in Bismarck on August 30, 2005. I think we have been treated unfairly by the US Forest Service. We as renters of the grasslands have rights as other people have the rights to as when renting a house or car, etc. As a matter of fact, I think we have primitive rights as the government has made promises to us, such as the Bankhead-Jones Act in the 1930's. We should have more say in the decisions rather than the comments from outsider organizations and people.

Our input in the decisions should have more influence than has been allowed in the past. As has been stated many times, the decisions should be made with consultation, cooperation, and collaboration with the grazing associations. The Forest Service has made the decisions behind closed doors that dramatically influence us.

It was not the intent of the government for us to be lorded over by and unscrupulous government agency. We were to be partners in the management of these government lands. When decisions are made there should be binding arbitrations between the Forest Service and the ranchers.

We appreciate your time and efforts, and hope you can help in our situation, trying to make a living ranching under these circumstances.

Yours truly,

Paul Wisness

Ms. Sydney Hegge
4455 West River Road
Medora, North Dakota 58645-0366

August 29, 2005

U.S. Senator Byron Dorgan
322 Hart Senate Office Building
Washington, DC 20510

Re: Forest Service Grazing Permit Administration

Dear Honorable Senator Dorgan:

Thank you for conducting the field hearing concerning new grazing permit directives issued by the Forest Service. Thank you for your concern for the rural people and local economy of North Dakota.

Administration of the new grazing permit regulations will deeply affect my family. My father, who is 96 years old, depends on the lease of his ranch for his support. Obviously he cannot run it himself, so his only support is from leasing.

The ranch will be passed to me, his daughter, then to his granddaughters, then to his great-granddaughters. All have had the fortune of living on the ranch although we all have had to make our living working in town as the ranch only supports one family. I do not have the physical ability to operate it myself. We are trying to save it for the great-grandchildren who will have the physical ability to operate it when they are old enough.

The ranch has had five generations living on it. If we cannot hold it together with leasing or share cattle we will have to sell parcels. A beginning rancher can not make a living if he has to pay what the land is selling for at this time. We do have a significant amount of private land.

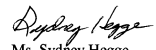
Decisions should be made in the state and locally. How can Washington, D.C. know what is out here or how it should be managed? The rules and regulations are made using comments by people far removed from the area with no idea of what is on the ground.

The grasslands are very resistant and recover from drought in a very short time; as has been seen this year when rains ended the drought. The Forest Service personnel who make the decisions are never from the area involved and cannot understand how Mother Nature works in this unique environment. Only local residents who have been here for generations understand the resilience of the grasslands.

The rules are changed without any notice to the people affected. When the area now called the National Grasslands was obtained by the government, grazing associations were formed with local knowledgeable people to manage the land and resources.

Again, thank you for hearing us and addressing our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sydney Hegge".

Ms. Sydney Hegge
4455 West River Road
Medora, North Dakota 58645-0366

George Hegge
PO Box 366
Medora, North Dakota 58645-0366

August 30, 2005

U.S. Senator Byron Dorgan
322 Hart Senate Office Building
Washington, DC 20510

Dear Honorable Senator Dorgan:

I thank you for holding this hearing concerning the Forest Service Grazing Permit Directives.

I lease and operate a ranch owned by my wife's father in trust to his daughter and his grandchildren and great-grandchildren.

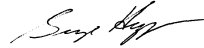
I have the choice of operating it seven more years until I am 80 years old or selling my cows and letting someone else lease it for the seven years per U. S. Forest Service's grazing term permits as of July 19, 2005. Then, we are back to square one.

At that point, if the grandchildren do not have the financial ability to operate it, we would be forced to drop the Forest Service grazing rights. The ranch would not be an economical unit; not to mention the intermingled U. S. and private lands.

I believe this to be an outright infringement of private property rights and one more step in eliminating agriculturists from producing food and fiber for North Dakota and the U. S. economy.

Thank you for fighting against NAFTA and CAFTA which are not good for farmers and ranchers and another nail in our coffins.

Sincerely,



George Hegge

ON LEASING GRAZING PERMITS

Leasing is a valuable tool in transferring a ranch from one generation to the next, I know, for without this option I would not be here ranching today. And many of my neighbors can say the same. As a young man just getting started, I could not obtain financing enough to buy cattle and land. Through leasing for five years and building equity in my cows, I was then able to get financed to buy a ranch. A ten-year lease would have been better, but probably seven or eight years should be allowed for this transfer process to happen.

It is for this reason that leasing has been a part of our by-laws since our grazing associations were formed. This option is just as necessary today as it was back then to keep viable family ranches.

If there are some who abuse this leasing process (and we all know that there are a few), then they should be dealt with individually. To punish all permittees for the misdeeds of a few is not the solution. We must keep the option of leasing with the intent of eventually selling to that

p-2

lessee. One other situation also comes in to play, that being the need to grow larger to stay viable. Some of the smaller ranches were once family units, but no longer can stand alone. These are usually added on to a neighboring ranch that also needs to grow larger to survive, often by leasing. These are honest, benefited reason to lease and should be honored.

Maybe it is the owner who no longer wishes to ranch, yet does not want to sell that causes the problem lease. To sell or not is their choice, however using the grazing permit allotted to their land as an incentive for a lease well above grazing fees should not be allowed. This can not perpetuate the family ranching unit.

Leasing needs to be kept, any abusers need to be dealt with.

Jim Downay
Fairfield, ND

JOHN IRWIN

2602 150th Ave. NW
Alexander, ND 58831

701-828-3089

August 26, 2005

To Whom It May Concern:

I am writing this letter in regards to the recent decision of the Forest Service to discontinue allowing the leasing of land and the running of share cattle.

My wife and I were born and raised on family farms and ranches in North Dakota. We attended college in North Dakota. Shortly after college we left North Dakota to pursue better job markets out of state due to the fact our family ranches could not support everyone. I have managed large ranches and my wife has worked in the field of education for the past seventeen years. We have worked hard to establish enough capital to return to North Dakota with our four children and pursue our dream of owning our own ranch.

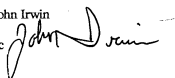
Our dream became a reality in January 2005 when we purchased our ranch from a family member with the intent of someday passing this ranch on to our children. In this process we leased a small head quarter that has some grazing rights and a large feed base. The land that we lease is vital to our ranching operation. We have also taken in share cattle from a family member to help us increase our cattle numbers and build our herd. Without either of these options our ranching operation could not survive.

The staggering capital requirements necessary to purchase, stock and operate a small self supportive ranch today is pushing the million dollar figure. Without family help, leases and share cattle arrangement the future of the family ranch is grim. Only the wealthy and absentee owners will likely prevail. This will surely destroy our struggling rural schools and economy. The lifestyle in which North Dakotans pride ourselves and other states envy will be in jeopardy.

We truly hope the Forest Service will reconsider their decision pertaining to this matter and act in a responsible manner. In the future allowing public input and open dialogue on such issues is of grave importance. With our states agricultural economy sputtering this decision could be devastating to rural North Dakotan's. It could be particularly devastating to young North Dakotan's, forcing even more of our most valuable resources elsewhere.

Sincerely,

John Irwin

cc 

August 25, 2005

Gary Tescher
102 ND Hwy 16 S
Sidney, MT 59270

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington DC 20250

Dear Sir:

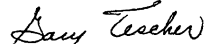
I am responding to possible Forest Service changes to leasing on the grazing lands. This is frustrating to me because it's my opinion that this is just another attempt by the Forest Service to push us off the grazing lands. Economically it would be disastrous for a lot of ranchers.

Thirty years ago a 200 head ranch was a decent sized ranch that a family could make a living on. Now it takes at least 350 head, maybe more. Leasing in many cases allows people to run enough cattle.

In some cases the ranch owner has inherited his ranch, has not interest in ranching, but wants to continue to own it. Also in my case, leasing has enabled me to increase my herd size by more than 100 head so that my chance of owning a bigger or another ranch in the future is considerably better.

I realize that some times what is best for the range, the community and the country is not a top priority for the Forest Service, but I hope that now and in the future it will be.

Sincerely,



Gary Tescher

CC: Senator Byron Dorgan

August 26, 2005

Ned Hermanson
2834 150th Ave NW
Alexander, ND 58831

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sir:

In regards to recent changes concerning grazing permit administration in the US Forest Handbook, specifically changes in the leasing of base property and share cattle agreements.

I am 48 years old with two sons, ages 18 and 20. I have leased 5 different ranches within the McKenzie County Grazing Association over the last 25 years. At times when I've needed to, ran some share cattle. My goal has always been to someday purchase a ranch. Twice I've come pretty close. I am still hopeful.

Starting out in 1980 at the age of 23 with a pair of spurs and a bridle inherited from my dad, I borrowed the banks money to buy 25 cows, put together a share cattle deal with a MCGA rancher and eventually leased the entire ranch. (150 AU) I have since built up a herd of 250 cows along with some saddle horses and other necessary tools required to properly manage a grassland ranch. It's been a long, hard trail, but I feel lucky to have made it this far.

I was taught as a youngster growing up out on the land, that you have to "try to give back more than you take from the land." This responsibility instilled in me may be one of the reasons I haven't been able to purchase a ranch. So be it. My banker keeps telling me, "The land owes us a living." He's wrong. We owe the land our lives.

If my sons are willing to accept the responsibilities and make the commitments and sacrifices that come with good land stewardship and ranching, I want to help them get started. My 25 years of leasing provided my sons with the "ultimate classroom." If the next generations stay out on the land, leasing or owning, irregardless, the land wins.

The changes in the US Forest Service Handbook concerning leasing and share cattle will limit who will qualify for the grazing permits to stewards on the grasslands. Why should your agency care if the base property is owned or leased? Do you have documentation or

records showing that owners are better stewards than lessees? Stewardship should be the only legitimate reason your agency uses for making your handbook changes.

Changes require reasons. Are they legitimate reasons or is your agency playing politics again? I sincerely hope this is not what's going on. In my experience, whenever your agency starts playing politics, the land loses.

Lessee & grassland steward.

A handwritten signature in cursive script, appearing to read "Ned Hermanson".

Ned Hermanson

CC: Senator Byron Dorgan

Ron Boltz
12942 Beicégel Creek Road
Grassy Butte, ND 58634

August 23, 2005

Byron Dorgan
Washington, DC

Senator Dorgan:

We're writing in regard to the proposed leasing changes of ranches with Federal grazing permits.

As ranch owners with a permit and lessee of a neighboring ranch with a permit we would ask that you consider leaving the present management plan as is.

We have four sons who all want to ranch so we leased the neighboring ranch with the intentions of working our sons and their families into the operation gradually as they can afford it. That is the only economically feasible way for them to get a start. Without the present plan, they will be forced to seek employment elsewhere, possibly out of state, which would hurt the local economy.

From the lessors perspective, part of these ranches have been in the family for many generations so these people that can no longer operate a ranch because of their age or whatever the case may be would like to continue their present lifestyle, without being forced to move away.


Please consider the alternatives very carefully.

Thank you.

Sincerely,

Ron Boltz

Barb Boltz

The block contains two handwritten signatures in cursive. The signature on the left is 'Ron Boltz' and the signature on the right is 'Barb Boltz'. Both are written in dark ink.

CC Forest Service
US Department of Agriculture

August 26, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Everett and Mary Johnson
751 E. Bennie Peer Ck. Rd.
Sidney, MT 59270
(McKenzie County, ND)
701-565-2243

Dear Sirs,

Changes to the grazing permit rules that limit or abolish permits for those leasing base property as well as share cattle agreements will be very damaging. Removing these options takes away valuable management tools for base property owners, especially the elderly and disabled, and will make it very difficult for young ranchers in our area to get started in the business.

When my parents got too old to work their ranch, a lease and share cattle agreement with a young man allowed them to stay in their home of fifty years in a community full of family and lifelong friends. Here they could still earn a living while slowly getting out of the cow business. It also allowed the younger fellow an affordable "in" to the business. I can see how leased base property permitting and share agreements could save a rancher with a long term disability too. In some cases, these practices allow children or grandchildren to finish college or military commitments, and still have a family ranch to come home to.

About 10 years ago, my husband and I bought 10 old tired cows, fenced our 15 acre back yard and hayed the road ditches. It was so much fun that the next year we got a few more cows and fenced in an old vacant homestead down the road that we rented. But we were surrounded by oceans of wheat with no room for cowboys to grow and no money to buy a ranch. Then we got the opportunity to lease a ranch with ties to the National Grasslands, which is about the only kind of ranch there is in our area. Between a good deal on the lease and taking share cattle from the ranch owner, we have been able to grow our herd and accumulated the machinery necessary to run a ranch. We feel we now have a prayer of buying our own land one day, but without leasing and share cattle to get our operation built up, there would have been no way to tackle land payments.

I hope you reconsider these rule changes and allow our family and neighbors to actually use the property they own and have right to as they see fit and allow more young people the chance to get a start in the ranching business.

Sincerely,
Mary Johnson
cc Senator Dorgan

Jeff & Eva Hepper
3522 105th Ave. NW
Keene, ND 58847

8-25-05

USDA Forest Service
Attn: Director Rangeland Management Staff
Mail Stop 1103
Washington, DC 20250

Dear Rangeland Management Staff:

My family & I purchased a ranch in northeastern McKenzie County in November of 2003. We've been actively involved in ranching since 1989 where we co-owned and operated a ranch in South Dakota for fourteen years. We owned some equipment and had enough capital to make a loan to buy land of our own in North Dakota our dream come true. We became members of McKenzie County Grazing Association and obtained our grazing permit through them with the purchase of the base property of the Keogh Ranch we believe we not only obtained grazing privileges, but a grazing right under Bankhead-Jones.

With the increase in land values and the price of cattle the last few years the only way possible for us to make a go of owning a ranch is by running share cattle for a few years. The place we had in South Dakota was also started with a share cattle agreement that lasted seven years. Without that share agreement we would not have had a start, and would not currently own land. With the current land values, equipment cost, price of fuel, taxes and all the other expense that go with ranching it is absolutely impossible for a beginning rancher to buy base property and livestock with borrowed money and make it work.

Ranching is the life we have chosen and love, this ranch is great places to raise our kids having them grow up around livestock, learning to care for the livestock as well as the land. We hope to be here for many years and have something to leave to our kids, something they have helped build and improve. For us to make that happen we have to rely on running cattle on a share bases for a few more years. This enables us to hold some replacement cattle to build our herd until a more favorable time in the cattle cycle, when we can buy more cattle to develop our own herd.

The management of cattle is the same if we own them or have them on a share agreement. It should make no difference to the forest service as long as we abide by the many other regulations they have in place.

If share cattle agreements, and base property leases are eliminated then so will the beginning rancher be eliminated. I strongly urge the forest service to reconsider these changes to the handbook. Thank you for your time in this very important matter.

Sincerely,

Jeff & Eva Hepper

cc: North Dakota Senator Bryan Dorgan

August 26, 2005

USDA Forest Service
ATTN: Rangeland Management Staff
Mail stock 1103
1400 Independence Ave. SW
Washington D.C.
20240

Dear Sirs,

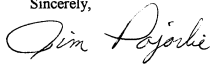
I am a rancher from Grassy Butte, ND and strongly oppose the new Grazing Handbook. This appears to me to be another government take over attempting to eliminate an association that has been in service to the Forest Service for 70 years. The grazing associations have enforced strict grazing policies and allotments that are reviewed and need approval of the Forest Service. The Forest Service is at all grazing association meetings concerning allotments, fences, weed control and fire suppression.

I currently lease a ranch with a grazing permit and abide by all rules and regulations pertaining to the permit. The land is owned by a widow and has been placed in a trust. Her children have their own careers and are not interested in agriculture at this time. They are glad to see that the land is being well cared for and stocked with the appropriate number of cattle. They have chosen to keep the land in a family trust and would hate to see the government take away their grazing rights due to a ridiculous Forest Service ruling.

I am just one instance of many young ranchers trying to make a living ranching and do not have the funding to purchase ranches so it works well for them to sublease from local people that want to see ranching continued on their property. I don't know what is wrong with subleasing when everything has to be reviewed and approved by the Forest Service.

I ask that you reconsider your policies on subleasing and allowing the grazing associations to continue to be of service to the Forest Service.

Sincerely,



Jim Pojorlie
PO Box 127
Grassy Butte, ND 58634

cc: Senator Dorgan

August 24, 2005

Milton T. Madison
1691 146th Ave NW
Alexander, ND 58831

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sir:

This letter is in regards to the leasing of ranches that are tied to the National Grasslands under the guidelines of the McKenzie County Grazing Association.

At this time I lease two ranches. One ranch is owned by two brothers and a sister. They tried running yearling heifers and selling them as bred heifers for several years. They had to hire all their farming and haying done as they have no machinery. They are paying on a note that is against the ranch and after making that payment, paying for machine hire, grazing bills, operating costs and repaying the purchase price and interest on heifers, there was no money left. They leased the ranch to us hoping to get the note against the ranch paid down to where they can operate it again some day at a profit.

The second ranch I lease was purchased by a middle aged couple with three sons from an aunt and uncle. He has worked in the coal mines in Montana for many years and probably has five to ten years to go until he can retire. His wife stayed down here and ran the ranch for several years. By the time they commuted, just to see each other once in a while, there was no money left to make payments. The three sons are either in college or have oil field or construction jobs making good money. They have no desire to come back to the ranch and put in the hours it takes to operate a ranch and basically do it for nothing when other opportunities are out there.

These ranches cannot be left unattended or they just deteriorate. The fences and buildings fall down and weeds take over. Once the fences go and the weeds take over, the neighbors start to get irate as it affects their ranches.

My wife and I farm and ranch on three sections south of Alexander. We farm 700 acres and run 75 cows. We are buying the place from my wife's two sisters. We cannot make enough money to make ranch payments, operating costs, machinery payments and livestock payments and family living on that size ranch. By leasing these two ranches in addition to what we are buying we can spread some of the expenses over enough acres and livestock to make the payments.

My daughter and son-in-law have been looking at some acreages to buy. She is the head of an NRCS office and he works several jobs. They have talked to banks and checked on beginning farmer loans and can't come up with down money to make it work. Their only option is to try and lease something until they have enough collateral accumulated to mortgage to try and purchase some land.

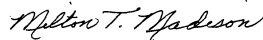
One ranch we lease we run yearlings so it is a continual turn over of livestock. On the second ranch we run a cow/calf operation. We couldn't cash flow buying enough cows to stock the ranch so we have been running cows on shares. We have built our own herd by a few head but with operating costs so high and the continual turn over in cows, it is impossible to build numbers very fast. Our hope would be to some day own enough cows to stock this ranch, but let me tell you it's a slow process.

The people that own these ranches purchased them from heirs who lived in this country and helped build it and the towns around them. Their heritage means a lot to them and they would like to preserve it by keeping these ranches in the family. Their hope is to some day operate these ranches as their heirs did. Until that time, leasing is the only way to keep them in operation.

Also, to keep our communities and towns vibrant we need young people to get a start by leasing farms and ranches and running cows on shares. It is impossible for them to borrow enough money to start out farming or ranching. The cash out lay for land, livestock and machinery is astronomical.

Money from out of state drives the prices on these ranches to such an inflated value that they will not cash flow. Most can not handle the financial burden.

Sincerely,



Milton T. Madison

CC: Senator Byron Dorgan

August 24, 2005

Donald & Betty Boehm
4581 115th Ave NW
Watford City, ND 58854

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sir:

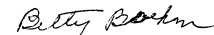
I'm writing in regards to leasing our ranch. I have been a member of the grazing association for 44 years and just recently leased my ranch to a younger couple.

This arrangement has allowed me to be semi-retire from the ranching business, yet help a younger couple get their start in the ranching business and it keeps people on the land for a year round operation. It also allows me to stay on my place without selling it and possibly pass my ranch on to a younger generation.

Should leasing not be allowed, I would be forced to sell my place and not be allowed to live on it. By leasing I do not have to move and can enjoy my retirement in my home that I have worked all these years to keep.

I really hope that you will reconsider not allowing leasing on the National Grasslands. Leasing is important to everyone involved and it is important to the community because it keeps young people here.

Sincerely,



Donald & Betty Boehm
cc: Senator Dorgan

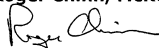
Personal Story on Leasing Base Property with a Grazing Permit

Our family consisting of myself, my wife and two small children moved from Iowa to western N.D. in 1968. Our very limited resources would not allow us to purchase a ranch, however we were able to secure a five-year lease on base property with a grazing permit from an original preference permit holder whose health required him to retire from agriculture. This lease along with a Farmer's Home Administration Loan for livestock enabled our family an opportunity to start in ranching in western N.D. At the expiration of the lease we had built enough equity to allow us to qualify for a Farmer's Home Administration Loan to purchase the ranch. As the years progressed we were able to purchase another small headquarters that has a grazing permit and some other farmland to create a more stable unit.

Presently, my wife and I are semi-retired with our son and family leasing our base properties and grazing permits. It is our intention to continue to reside on this ranch and supplement our retirement income by leasing our base property and grazing permits.

We are working on estate planning to allow for an orderly transition from our generation to the next to allow our grandchildren or our great grandchildren if they choose, to be involved in agriculture on this ranch. It is very obvious to us if the proposed new grazing policy handbook would have been in place in 1968, our family would not have had an opportunity to acquire base property with a grazing permit in western ND.

Roger Chinn, McKenzie County Commissioner



Gail Chinn



August 23, 2005

Cecil & Georgine Murray
PO Box 185
Grassy Butte, ND 58634-0185

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sir:

In regard to the issue of leasing our ranch it has come to our attention that there is opposition by the Forest Service. As a rancher I am in favor of leasing.


Our ranch is leased at the present time to our neighbor as my health no longer permits us to operate the ranch. My grandfather settled on this ranch in the early 1900's. My father was one of the original permittees when the Forest Service took over.

The grazing association and the Forest Service in the past have worked together to keep people on the land. I am the 3rd generation on this ranch and would like to some day pass this ranch on to my two sons.

We will be forced to sell our ranch, which we do not want to do, without having the privilege of leasing. Leasing our ranch to our neighbor works well for him and also for us.

Hopefully this will help you understand the importance of leasing.

Sincerely,


Cecil & Georgine Murray

CC: Senator Dorgan

August 25, 2005

Donald & Sandie Sivertson
11702 34th St NW
Watford City, ND 58854

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sir:

Through much hard work and many personal sacrifices we have achieved our lifetime dream. Our ranch purchased in 1969 has been the center and main focus of our lives, as well as our livelihood and also our home.

Due to age (Don 68, Sandie 62) and health problems we have had to lease our ranch out. As this is our home of 35 years, we want to continue to live here at home on our ranch which provides our livelihood.

We also have 2 grandchildren who show a great interest in the ranch life. Our hope is for them to take over, thus keeping our place in the family.

Therefore it boils down to the fact that we need to retain our place and continue to lease it out for a few years until our grand children take over.

Sincerely,



Donald & Sandie Sivertson

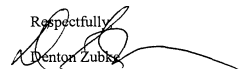
CC: Senator Byron Dorgan

USDA-Forest Service
ATTN: Director-Rangeland Staff
Mail Stop 1103
1400 Independence Ave SW
Washington, DC 20250

Re: Leasing forest service rangeland

Dear Director,

We are in favor of leasing of rangeland and would be opposed to any change in the current system. The proposed rule would not allow my mother to lease her farm and would force her to sell it. This ranch has been in my family for several generations and will be used for grazing one way or another. What is the point of not allowing it to be leased? My mother relies on this income to meet her monthly expenses and though it does not provide enough to live on, is a very necessary supplement to her income.

Respectfully,

Denton Zubko

cc: Senator Byron Dorgan

1782 125th Ave NW
Watford City, ND 58854
August 25, 2005


USDA FS
Attention: Director rangeland Management Staff
Mail Stop 1103
1400 Independence Ave SW
Washington DC 20250

Dear Sirs:

This letter is to voice our opposition to the new Forest Service policy which eliminates the transfer of the grazing permit on leased property. In our immediate neighborhood there is only one ranch that would not be affected negatively by this proposal. These new rules would negatively affect the ranch economy, us, and our neighbors in all stages of life.

1. THE NEW RULES WILL MAKE IT HARDER FOR YOUNG RANCHERS TO GET ESTABLISHED. In 1979, we moved from eastern North Dakota to the Badlands of western North Dakota. We leased a ranch with a grazing permit in Billings county, borrowed money to buy cattle and old machinery, and began ranching. If we wouldn't have been able to use the Forest Service grazing permit, there wouldn't have been nearly enough grass to graze our cattle, and we wouldn't have been able to get started and our landlord, who was retirement age, wouldn't have been able to lease out his place to his benefit.
2. THE NEW RULES WILL MAKE IT HARDER FOR RANCHERS TO CONTINUE THEIR OPERATIONS. After leasing the Billings County ranch for five years, we moved and leased a ranch in the McKenzie County area from people who temporarily wanted to discontinue their involvement. This arrangement allowed us to continue ranching and the owners were able to retain their interests. Later, we were also able to lease a neighbor's ranch with a Forest Service permit. This allowed them to stay on their place for the eight years we leased from them. As the years have passed we have been able to purchase two small ranches that have forest service permits. We also lease another small ranch in order to make it work.
3. THE NEW RULES WILL MAKE IT HARDER FOR OLDER PEOPLE TO LEASE OUT THEIR PROPERTY. As we are getting older and thinking about slowing down, these rules will make it harder for us to lease out our place.

The land in western North Dakota is very unique and the situations here are very unique. The grazing permits that accompany these leased ranches are a vital part of our livelihood. Without them, the landowners and the leasers would be at a definite disadvantage.

Sincerely,

Perry and Sandy Eckert
1782 125th Ave NW
Watford City, ND 58854

CC: Senator Dorgan

August 22, 2005

Paul Wisness
3862 Highway 23
Keene, ND 58847-8822

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, DC 20250

Dear Sir:

As a rancher, I am concerned about the changes in the leasing and share cattle agreement. The present rules have been working and are being followed. The change would only hurt the MCGA members and is not necessary at all. The changes that are being proposed would eliminate a lot of ranches.

The older ranchers that want to pass the ranch to the next generation would be severely hampered by the changes you propose.

My question is after all this time, why does the Forest Service wants to micro-manage the grazing associations as far as leases and share cattle are concerned? The grazing associations have been managing the grasslands with leases and share cattle for 65 plus years having maintained good land resources in the process and will continue to do so.

The Forest Service's main concern should be with the management of the resources, not micro-managing the grazing associations and eliminating of leasing and share cattle. As long as the resources are not being damaged, there is not a need for such drastic changes in policy.

Sincerely,

Paul Wisness

CC: Senator Bryon Dorgan

Wade & Dana Wold
4491 HWY 1806 W
Watford City, ND 58854-9660

August 25, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Sir,

As young ranchers in our thirties operating on the National Grasslands we feel that leasing in a valuable tool.


A couple of years ago we purchased our ranch from my husbands father, there is a small grazing permit attached to this property. My husband and I both worked in town full time trying to ranch in the evenings and weekends. Needless to say that is a lot of work for anybody.

We were then approached by a neighbor looking to retire. He also had a grazing permit attached to his property. We were able to work a deal with him to lease his base property and to apply for the grazing permit. Increasing our herd size and the amount of land we operate, has allowed my husband to stop working in town and apply his full attention on our ranch operation.

Someday we hope to purchase more land and build our operation. We believe that without leasing we will not be able to achieve this. If the option to lease is taken away from us, my husband will have to return to work in town or we will have to sell and move on. Both of us were born and raised in this area and do not wish to leave.

Leasing has been allowed on these grasslands for many years and to put a sudden stop to it would have an enormous impact on the local community. Please consider the young rancher, the local economy and most of all the future of these grasslands when you make your decision.

Sincerely,


Wade & Dana Wold

Cc: Senator Byron Dorgan

Cargo Stock Farm

1332 141st Ave NW
Arnegard N.D. 58835

August 24, 2005

US Forest Service

To Whom It May Concern:

My name is Seth Cargo and I am 28 years old. My wife and I run 100 head of cattle on leased herd quarters. This has given us a great opportunity to start out on our dream of owning our own Ranch some day in the future.

The leasing of ranch head quarters and forest service grazing gives us the opportunity to build a herd of cattle and in the future will lead to owning our own land. With out the ability to lease this type of land and grazing we would not be able to be in the Agriculture business.

If the rules change to strictly ownership grazing on forest service land we will be forced to leave the Agriculture business all together. Do to the challenges of financial start up in the agriculture business and rising land prices.

Thank you for your time,

Cargo Stock Farm



Seth A. Cargo

August 24, 2005

James & Gladys Gudmunsen
1441 138th Ave NW
Arnegard, ND 58835

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

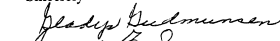
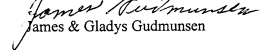
Dear Sir:

I'm writing in regards to leasing on the National Grasslands. As a rancher, I am in favor of it.

Currently, the ranch I lease is not for the purpose of getting started, but to enhance my current operation. Without leasing this ranch, my place would be too small to make a living on. I would not be able to support my family.

Personally I don't feel the Forest Service should get involved with telling land owners how to manage their private property. Under the rules and regulations of the grazing association, it shouldn't matter who is operating the property as long as the resources are being cared for.

Sincerely



James & Gladys Gudmunsen

CC: Senator Byron Dorgan

August 25, 2005

Gene Pojorlie
652 128th Ave NW
Grassy Butte, ND 58634

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue SW
Washington, DC 20250

Dear Sir:

I am a 50 year old rancher from the Grassy Butte area. I own my headquarters and lease my uncle's place which is next to mine.

My uncle's place was put into a trust to keep it in their family, but the kids were working out of state and not in agriculture. When I leased the place I expanded my operation and helped their income. Without the lease we could both be hurt financially.

Please keep the leasing option available in our grazing agreement.

Sincerely,


Gene Pojorlie

CC: Senator Dorgan

Aug 23, 2005

I would like to see leasing and share cattle continue on the Federal lands.

It is a way for the young ranchers to get started in ranching and for the older ranchers to get out of the business.

The Grazing Associations are doing a good job of managing the leases and should continue to do it.

Sincerely

Roger Flathead

8-25-05

To: Forest Service

Dear Sir:

I lease the Paul Rider allotment which has a 72 hd permit in the S-4E pasture of the McKinzie County Grazing as.

By leasing this allotment allows me to be in the livestock industry and adds to making my operation a more viable one.

With the recent and continued increase in fuel, feed and other commodities that affect my operation, I need the extra animal units to continue to survive.

Past history and studies have shown that livestock on grasslands help enhance the stands of grass if monitored properly.

I feel the recent Forest Service ruling is wrong and detrimental to both the range-land and livestock industry.

cc: Byron Dorgan

Sincerely
Douglas Mauer

To Whom it may concern

We are opposed to some of the changes in the U.S Forest Service Handbook dealing with the grazing permits.

Our livelihood and our next generation will be greatly affected.

When the government originally bought homestead land it was with the agreement that we had the right to run cattle on this land. Our area was originally farmland that was broke up and later reseeded to grass.

A verbal agreement was made to my grandfather, Jorgen Tjelds, he would have the opportunity to buy this land back. This was their selling pitch.

We feel by accepting the new provision it will take away rights of the grazing association and give the Forest Service more opportunity to take away the rights of the individual, both past and present. We feel as an association we have a stronger opportunity to be heard.

These changes could negatively affect 50% of our base income.

The majority of our community is a farm and ranch population. By accepting the proposal it would negatively affect our base income.

In conclusion we strongly disagree with the proposed changes made to the U.S. Forest Service Handbook. We look forward to the opportunity to review this matter further.

If you have any questions, please feel free to call me at any time. Thank you for your attention to this VERY IMPORTANT MATTER!

Sincerely

Dale Tjelde

Lee Tjelde

Carol Tjelde

Lee Tjelde

Dale Tjelde

3581 157th Ave NW

Carterwright, ND 58838

C.C. Byron Dorgen

August 26, 2005

USDA Forest Service
Director Rangeland Staff Mgmt.
Mail Stop 1103
1400 Independence Ave SW
Washington DC 20250

Attn: Director Rangeland Staff Mgmt.

Five years ago my wife and I sold our cattle as we were getting older. It worked out good to be able to leave our cattle units to younger people.

The cattle have been in their pastures for at least 50-60 years. I believe it has helped the wild life (deer, antelope), birds (grain, terns etc) and butterflies to live with the cattle. They all seem to be doing well in their environment.

The McKenzie County Grazing Association (MCGA) has been doing a good job in listening and helping us out, so we appreciate them living there for us.

I also like to see a medium between the Forest Service and each individual permittee. The MCGA is doing a good job for us.

Sincerely
Alan Adams

cc: Byron Darga

From: Mark Huseth
Vice President, Sheyenne Valley Grazing Association.
McLeod, ND
To: Senator Bryon Dorgan and Forest Service

My concern is with the revision of Chapter 10 and 20 to the Forest Service handbook.

My first concern is if these revisions become part of our grazing agreements between Forest Service and Grazing Associations they must be cooperative agreements. The present directive or rule change was not handled in that manor. I feel that by implementing as a directive prior to a comment period is one sided and manipulative.

Another concern is the attempt to end leasing of base property, which has worked successfully for decades. In my opinion this is another attempt by the Forest Service to reduce the number of cows grazed and therefore achieve the goal of the proposed Forest Plan. If retiring ranchers were forced to sell their base property, which has term permit privileges, they would lose that privilege. The Forest Service would then cancel the permit, and the numbers of A.U.s would become a permanent reduction in grazing numbers.

Leasing is a mechanism which allows young and middle-aged operators who want to ranch the opportunity to build equity to purchase property. It also allows owners to work with the leaser to be confident that the management and stewardship of their land will continue. Forcing owners to operate or sell base property to retain the grazing privileges is not right.

The Forest Service talks of cooperation in managing our grasslands but on site they take the dictator approach. This is not consistent with our grazing agreement. The Forest Service offering direct permits is a move to offer individual permittees special management treatment. The divide and conquer approach. This move would lead to the end of our Grazing Associations. Maybe it's time Congress, that governs The Forest Service finances and management, slows this train down before the working relationship between Forest Service and Grazing Associations deteriorate more.

Thank you for you time.


Mark Huseth

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Sir:

Our ranch has been utilizing the National Grasslands through the Shyenenne Valley Grazing Association since its inception in 1939. In over sixty years, the practice of this system has been a stabilizing factor in the operation of the ranch.

After retirement from the ranching business, it was either to sell the ranch or lease. After looking around the community, we could see the need for young ranchers to increase their operation and become more efficient. Young ranchers could probably not get financing to buy the ranch, but financing seems to be readily available for leasing.

So we think elimination of leasing would have a detrimental effect on young ranchers' operations and economic stability of the community.

Over the years we have witnessed abuses of the leasing system, but with tighter regulations, they could be eliminated.

As retired ranchers, we feel the leasing system should be kept in place.

Sincerely,

Gordon Solhjem
Audrey Solhjem

August 29, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Director:

Being part of a section of a government that is purported to be of, by and for the people I would like to address your directives in the new handbook concerning leasing of Base Property with a term permit to graze livestock on Forest Service Lands.

First the retiree or one contemplating retirement:

At one time I worked in Civil Service. Basically all I had invested was my time and very little risk. Part of the employment package included a very nice retirement, and I would not have to sell my home to receive it.

I chose not to remain in Civil Service, and have since become involved in ranching with a term permit for Forest Service Land grazing. With commodity prices stagnant up until the last couple of years and expenses continually skyrocketing coupled with the risk of death loss (anthrax, etc.) the money that should have been earmarked for retirement has of necessity been reinvested in the operations of people. It was always viewed as worth it as leasing out the operation would be the retirement. Why should the ranchers have to sell their homes in order to receive their retirements when they have given so much for so many years?

Second the young person wishing to get into ranching:

The debt load required for someone getting into agriculture today is very high. The money spent when purchasing land is after tax dollars. Couple that with the requirements of debt for livestock, machinery and operating, and the load becomes virtually unbearable. For most beginning young ranchers leasing is the only viable route to a sustainable operation. It also provides a way to pass an operation to the next generation without jeopardizing the retirement aspect.

The alternative is, of course, to sell to the highest bidder. This would probably mean giving up the permit and splitting the ranch up into small ranchettes. I don't think either you or I want to see that happening any more than it already is.

Leasing in its present form has worked well. Please, for the above reasons reconsider your directives, and I thank you very much for that consideration.

Sincerely,
Darell Evanson



JANNA LEEDAHL

15380 Co Rd. 2
Leonard, ND 58052
701-645-2257 Telephone
Barnmom_B@msn.com

August 29, 2005

U.S.D.A. Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Director,

As the secretary for and a permittee of the Sheween Valley Grazing Association (SVGA), my attentions have recently been centered on the new USDA Forest Service directives; specifically Chapters 10 & 20.

I would like to address two points which have concerned me most, leasing and direct permit. Please understand that I look at these issues not only as work related but also personally.

Leasing is a tool that young people of our community can use to get a start on the lives that they have dreamed of. My husband, who got his start leasing the family ranch, and I have 8 children ages ranging from 5 years to 24 years old. Several of our children show an interest in ranching. At the going rate of property in our area, none of them will have the opportunity to get started. This is where leasing becomes a viable tool for building equity and a hands on education [the old teaching the young]. The retired ranchers, whom I feel have been good stewards of the land and deserve to live out their lives on their land, are rich with experience to pass down to the younger generation. If we force them off the land they know and love, where will they be when the younger generations have questions? If leasing is eliminated, many ranchers young and old will be hurt. My children won't have the chance to pursue a life they now know and love.

Direct permit is another concern I have. It seems to be a subtle tactic to eliminate grazing associations. I think of the old saying "The grass always looks greener on the other side". Permittees will go to the place they think they are getting a better deal. This is going to lead to a breakdown in communication and management between the forest service and associations. It is easier to eliminate an individual than a group.

In conclusion, I am the third generation in my family to be ranching. I would like to see the fourth generation get a start and leasing property is the only way I can see this happening.

Sincerely,


Janna Leedah

McLeod 7, 11
8-28-05

To - Director - Range Management Staff,

My Comments are about the leasing
part of the Range Handbook.

I feel leasing ~~is~~ needed for the young
ranchers ~~to~~ stay in business today.
Leasing all or part of base property and
the lessee has use of the permit is all
that is needed. I do not feel ~~the~~
headquarter has to be included. Many or
all have a headquarter to work from.

Fogging out leasing would cause a real
burden on young ranchers. The cost of
operating and having to buy base property
would be impossible at today's prices. They
would have to compete with city investors
and speculators. We would lose our young
people to other jobs and states.

The impact on local schools - churches
and towns and communities would be tragic.

I do not feel we should be forced to sell
our property and leave our homes until we
choose to only to ~~protect~~ the permit. Who would
get the permit? Speculators?

We have worked hard to own our property.

Respectfully

Herbert Hurd
McLeod 7, 11

I am responding to Forest Service's new regulations that came out about leasing & share cattle.

I disagree with the Forest Service. We need leasing & share cattle so the young ranchers can get into ranching the life style they enjoy.

You take away the leasing & share cattle you will devastate the community. There is no way a young guy & girl can go out to buy a ranch with the prices of land & cows, and with the high rate of interest.

We can't afford to lose the leasors. When you do that you will break up the grazing herd & who will be out there to take care of the land. It is the ass. that has been ahead of Forest Service of doing the spraying the noxious weeds, the fences & water works. The forest proce has done a very poor job at taking care of the public lands & plus the ass. has for many years put a lot of money into the spraying program.

The two county weed board (Harrison & Richland Counties) had to go to Senator Dorgan's Office for help. Mr Dorgan did help & we call it Dorgan money.

I don't think it is wrong for the older ranchers to retire. That is there retirement that they have worked so hard for, we should be happy that they are willing to

lease the ranches out to our young people.

So please reconsider what Forest Service is doing don't try to fix something that isn't broke.

Forest Service can't get better partners to work with then the ranchers & the grazing ass.

Marty Ziegen
Milnor N. Dak

58060

To: Senator Porgan

We need leasing!

We run a 550 stock cow operation. Of this 220 head come off of leased base property, another 90 head produce what we bought in 1979 for \$375 per acre with 1/2 being tillable and 1/2 being pasture. This land today would easily bring twice that amount. We are having one hell of a time cash flowing at 1979 prices, much less today's prices.

We are strictly a family operation, doing all the work our selves. We definitely have enough work for hired ~~help~~ help but there is no extra money to pay for it. There is definitely no extra to be buying base property, especially with no guarantee from Forest Service or what the ^{cattle} numbers would be in the future ~~at~~ that we can even run.

The other big problem in buying the base property is that we are bidding against people that don't have to cash flow the land. The base property that we rent is along the Shoshone River. There was a 4.5 acre tract of land that sold across the road from what we rent that brought \$19,500, \$433³³ an acre. They to make that work in the cow business.

The Shoshone River lands was originally set up to give stability to the local communities. Right now our most unstable factor we have is Forest Service not ~~knowing~~ knowing what they have planned for us next.

I would also like you to look into the salaries that our local 75 people are getting paid. Rumors are that they are ~~getting~~ getting \$90,000 for the top range and \$60,000 for the second range. Also that they are in a \$90,000 rented building. These are pretty wild numbers for Lisbon W.D.

People making these kind of salaries for a 40 hour
work week don't understand what it is to struggle
with cash flow plan.

Please let us know if these figures are
correct.

Thank you
Randy Brown

8/29/2005

USDA Forest Service
Attention: Director, Rangeland Management Staff
Mail Stop 1103
1400 Independence Avenue, SW
Washington, DC 20250

This letter is in regards to proposed USFS changes to Chapter 10 which would eliminate leasing of base property and the applicable grazing permit. The purported logic behind this proposed change does not have merit.

My brother and I purchased a ranch with a grazing permit in 1980. Our father cosigned the mortgage and mortgaged his ranch to help us. Eventually he gifted his ranch to the two of us. The dry years and high interest rates in the 1980's were a challenge and it was realized that we had to generate more income, so place cows on a share agreement with a landowner in South Dakota for 5 years, after which we were able to lease a ranch with a permit close to home. This lease has been in place for 7 years and has helped greatly in meeting annual mortgage payments. 25 years later now we are close to paying off the mortgage. This year a neighbor family asked us to lease their ranch with a permit. It appeared to be the right thing to do since livestock numbers were reduced in 2004 due to drought conditions. This would allow us to graze the other three places lighter allowing the grass to regain its vigor. It would also ensure that we would not have to look elsewhere for pasture if the 2005 growing season was poor. We wintered a substantial number of cows in southeastern North Dakota due to the drought of 2004 and poor feed supplies.

Without the ability to lease ranches with permits in the neighborhood it would have been difficult to pay for the ranch with a permit that we purchased in 1980. We are both in our upper fifties and are finally close to paying the mortgage. I worked a full-time job off the ranches until this year and my brother's wife has worked a full-time job off the ranch for the duration.

Permits that were established in the late 1930's are not economically viable in this day and age on many units. These ranches are also a family heirloom of which they are proud to maintain ownership. A neighboring ranch sold this spring and the private land is in the process of being subdivided. This will be the future if the proposed changes take effect.

Sincerely,



Brian Gerbig



Gordon Gerbig

cc. Senator Byron Dorgan

The Honorable Byron Dorgan
713 Hart
Senate Office Building
Washington, D.C. 20510

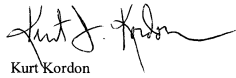
Dear Senator Dorgan:

I am writing to you to express my opinion on the Forest Service new rule on leasing. It isn't designed to help young ranchers; instead it will put them out of the picture altogether. Leasing helps them build collateral so eventually they can purchase the land. I myself, who have been ranching for 25 years, lease to this day so I can improve the ranch I am on, and to expand.

There isn't one bank I know that would lend a young person with no collateral a million plus dollars to get started. Furthermore, I feel no one should force people, my mother in particular, to sell or else. She worked all her life on this ranch and I think she earned the right to lease to survive. The lease money she gets from me is the only income she has. Maybe her plan is to pass this ranch on to us when she is gone. My daughter wants to ranch here when she is old enough. But this new policy won't let us keep the family farm in the family. If the land has to be sold, we would undoubtedly be outbid by someone with more money who may, or may not, want to ranch.

Thank you for hearing me out on this issue.

Sincerely,


Kurt Kordon

August 26, 2005

The Honorable Senator Dorgan
US Senate
2nd and C Streets, NE
Washington, DC 20510

Dear Senator Dorgan:

I want to thank this opportunity to thank you for holding the field hearing in Bismarck, ND, concerning the US Forest Service's revisions to the USFS Handbook and Manual. This is a wonderful opportunity for those who will be directly affected by these revisions to express their thoughts.

I am not directly involved in the ranching industry, however, I am currently the Secretary/Treasurer of the Medora Grazing Association. I have held this position for the past twelve years.

I take exception to the US Forest Service making the statement that "these ranches don't change hands". Yes, they do! In fact, 66 ranches have changed hands within our Association in the past 15 years – all by sale, not by lease.

From what I have seen in my position with the Association, the ranchers that are leasing base property are those who have the smaller permits: they are running fewer than 200 head. With today's current prices, we all know that it takes a herd of at least 300 head to break even. Anything less than that and at least one family member is "working out" to try to keep the bills paid.

And what about those that are too elderly to continue ranching? Are we to take away what they've spent their entire lives, building? Yes, they want to use this as their 401(k) – wouldn't you, if you'd spent 75 years building a ranching operation, raising a family – hoping to see your children and grandchildren take over? It seems to me that the people in Washington, DC, making these decisions about leasing and share livestock are those with a very nice government retirement plan. What "retirement plan" does an elderly rancher have except to lease or sell his base property?

Senator, I remember my father-in-law telling me a story: he and his father were sitting at the neighbor's kitchen table when the government men showed up. The government men were writing in two books: the first book listed the lands that the owner wanted to sell to the government. The other book was a listing of the lands that the owner eventually wanted to re-purchase. That was their promise to those selling: yes, we will buy these lands from you and you can continue to use them for grazing, and yes, you will be given an opportunity to purchase those lands back from the government in the future. What ever happened to that second book and what ever happened to their promise?

Granted, I have only been at this job for twelve years, but in ten of those twelve years, I have seen a more and more aggressive move on the part of the USDA through the US Forest Service to restrict livestock grazing on the National Grasslands. In fact, when I interviewed for this position and was told that the Association worked quite closely with

the US Forest Service, I wasn't even sure I would want the job, if offered. I have worked for the National Park Service and have seen what they did with the in-holders at Grand Teton National Park, WY: I wasn't sure that the US Forest Service would be any different. Turns out, I was correct in my thinking – they have no stake in their decisions, so it doesn't affect them. They will have a job regardless if there are 10,000 head of livestock out here or 100 head.

Please, Senator Dorgan, help them to see that the ranchers on the National Grasslands are not out to destroy the resource. They are some of the hardest working, most honest, neighborly people I've ever met – their way of life and the economic base of Billings and Golden Valley Counties deserve to be respected and preserved.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn R. Easton".

Kathryn R. Easton
P.O. Box 304
Medora, ND 58645

August 26, 2005

Senator Byron Dorgan
312 Federal Building
Bismarck ND 58502

Refer: Comments on Interim Directive no. 2209.13-2005-4 Chapter 10 and Chapter 20

Dear Senator Dorgan:

My parents began leasing their ranch approximately ten years ago. The ranch was leased to a young man and three partners who also bought all of their cattle. They leased my parents ranch and another ranch for about six years before they were able to purchase their own ranch. They had substantial help from their families.

My parents had leased three different ranches for about ten years before they were able to purchase the ranch they are living on. After they purchased the ranch my dad worked off the ranch for sometime and then my mother obtained a full time position in Medora. It takes a lot of money to purchase a ranch, not to mention the cows to put on the ranch. Leasing gives the individual a chance to have the cows partially paid for before he purchases a ranch. Leasing helps people become ranch owners. Leasing keeps young people that would not be able to purchase a ranch in the community and in the state.

My parents have been trying to sell the ranch, because the Forest Service is continually changing the rules to make it harder for the rancher. My sister and I would have liked to inherit the land some time, but the Forest Service makes the rancher stock the ranch to its full capacity one year and then cuts the grazing permit the next year. So we could buy cattle high and then be forced to sell a bunch of them the next year at a huge loss. The Forest Service is so unstable that people have backed out of my parent's sale because they do not trust the Forest Service. The Forest Service has been trying to make a preserve out of the permit land since I can remember.

Leasing is a rancher's retirement. What are they supposed to do when they want to retire or are no longer able to run the ranch? They should not be forced to leave everything they have worked their whole lives for.

I am very against the Interim Directive no. 2209.13-2005-4 Chapter 10 and Chapter 20. I believe the Soil Conservation should be managing the grasslands or the grasslands should be sold back to private individuals.

What does the Forest Service plan to do when the grasslands are setting empty and not being used, a controlled burn?

Thank you,


Julene Griffin

August 25, 2005

Senator Byron L. Dorgan
US Senate
Washington, DC 20510

Dear Senator Dorgan:

I take this opportunity to offer my comments on the US Forest Service's proposed revisions to the USFS Handbook and USFS Manual. In particular, the proposed revision to the leasing of base property.

My brother and I lease the allotment we currently ranch. We are the 4th generation on one side of our family and the 5th generation on the other side. We are descended from some of the original homesteaders in Billings County, North Dakota. This county is our home and we care deeply about it.

We are currently leasing from an old county family. This ranch has been in this family for 100 years. They have strong ties to the land and do not want to sell at this time. That is fine with us. We are making a living for two families – trying to build equity to purchase a ranch, but the high land prices at this time are forcing us to continue to lease.

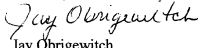
My Grandfather died several years ago and left his ranch in a Trust. Under the new USFS Revisions, we couldn't even rent that ranch from the Trust. The Trust would have to own all the livestock run on the allotment, thus we couldn't even run our own livestock on that ranch.

If these ranches have to change hands, they will be sold to wealthy doctors, lawyers, and investors with ranch managers. Who takes better care of land and resource – a family that needs the land to sustain a living or an outside investor who purchased the land just for hunting or recreation? Another fact to consider: these investors will most likely cut off the hunting on the private land, so it will most assuredly affect the sportsmen too.

The other alternative is subdivision. As a member of the Board of Directors of the Medora Grazing Association, we have already seen this in action. Recently, a ranch south of Medora was purchased by two neurosurgeons, and is already being subdivided into smaller tracts and offered for sale. Is this what we want to see in Western North Dakota? Absentee landowners who don't care about the land or resource?

Thank you for the opportunity to present my comments. I sincerely hope that you can persuade the US Forest Service to throw out these Revisions and keep Western North Dakota from becoming a "buffalo commons".

Sincerely,


Jay Obrigewitch
Box 461
Beach, ND 58621

Martha McCutchan
PO Box 155
Medora, ND 58645

August 26, 2005

U.S. Senator Byron Dorgan
312 Federal Building
PO Box 2579
Bismarck, ND 58502

Refer: Comments on Interim Directive no. 2209.13-2005-4 Chapter 10 and Chapter 20

Dear Senator Dorgan:

Please, I need help! The USFS has decided that my neighbor James Adams cannot renew his lease for my base property, which has grazing rights on the Little Missouri National Grasslands. I am an 85-year-old widow and I need this income to live on.

This ranch is my home and I love it here. I want to live the rest of my life in my home on the ranch. I am helping a young man in becoming a ranch owner. He is a hard worker and knows his business; you could say he was born to be a rancher. He has purchased another ranch next to my property and has been leasing my ranch so he can run more cattle to help pay for the ranch that he purchased. I don't want to sell my ranch to him because I want my children to have it when I pass on and he cannot afford to buy it.

One of my neighbors recently sold their ranch to two out-of-state neurosurgeons, who are subdividing the ranch into parcels for residential properties. Another ranch north of me was sold to develop a golf course. This is the direction that the USFS is pushing the local ranchers. They say if they eliminate leasing that it will stimulate young people to buy the ranches. Stupid idea, it takes a lot of money to buy and stock a ranch. I doubt they could obtain financing, whereas, leasing and share cattle make it possible for a couple to become ranchers. That is how my husband and I got our start.

Some of the people in the USFS remind me of the former Soviet Union, planning directly from Washington, DC for things they really don't know much about.

James Adams has been leasing my ranch for nearly 20 years while paying for the ranch next door. Please help me keep our family ranch in my family by continuing to allow leasing and share cattle and please make it possible for me to stay in my home that I love so much. Thank you.

Sincerely,

Martha McCutchan
Martha McCutchan

Bud & Laura Griffin
PO Box 485
Medora, ND 58645
701-623-4460

August 26, 2005

Senator Byron Dorgan
312 Federal Building
Bismarck ND 58502

Refer: Comments on Interim Directive no. 2209.13-2005-4 Chapter 10 and Chapter 20

Dear Senator Dorgan:

Thank you for your help with the USFS directive. We believe that the main goal of the Forest Service (FS) is to eliminate ranchers and livestock from the grasslands and create wildlife refuges, parks, wilderness areas and etc. We are hoping that you will introduce a bill to move the National Grasslands from the USFS and put it back under the management of the Soil Conservation Service, now known as the Natural Resource and Conservation Service (NRCS).

The Federal Law requires the Forest Service to administer the National Grassland for the purposes for which they were acquired. The Secretary of Agriculture must administer lands acquired under Title III of the Bankhead-Jones Farm Tenant Act (BJFTA) in a way that promotes grassland agriculture and provides stability for communities dependent on these lands. The Forest Service does not provide stability; instead they constantly create instability by changing their mandates. They have created such an unstable situation that young couples are rightfully afraid to purchase the land because they feel that they cannot depend on the permit. Under these unstable conditions bankers will not lend money to purchase a ranch with a grazing permit and the livestock to fill the permit. This leaves ranchers with one alternative and that is to subdivide the land.

The FS directives take the power away from our local grazing associations. The Medora Grazing Association (MGA) leased the lands from Billings County prior to the final condemnation of the grasslands by the United States. The MGA articles of incorporation are dated December 17, 1937. They have managed the grasslands for a long time and have done an excellent job. To move the management from the grazing associations to Washington, DC would be a disaster. The Grazing Associations are incorporated under state law for the purpose of managing livestock grazing on a mix of state, private and federal land NDCC §36-08-02 ¶§ 3-4. The BJFTA authorizes the Secretary of Agriculture to cooperate with grazing associations and to lease federal lands managed under the BJFTA directly to grazing associations rather than to individual ranchers. 7U.S.C. §1011©,(e)

Sheila McNee, range manager for Dakota Prairie Grasslands, said the lease arrangements aren't harming the condition of the grasslands. That, coupled with the anticipated "firestorm" that the abrupt and radical change would start, caused local Forest Service managers to say they couldn't recommend ending lease transfers. (Bismarck Tribune 8/21/05)

Bud and I leased three different ranches for a total of 10 years before we could afford to buy one. We purchased the ranch that we are on in 1976. Our ranch is listed for sale and we have had two interested buyers that wanted to stock it, but backed out because they cannot trust or depend on the USFS to continue issuing grazing permits. The Forest Service's unstable management is the reason ranches are subdividing into recreational parcels.

The Soil Conservation Service administered the national grasslands for sixteen years. The SCS's administration followed the enactment of the Bankhead-Jones Farm Tenant Act (BJFTA); the law that has guided and directed the national grassland administration since 1937. Individuals became interested in repurchasing the grassland acquired by the federal government and that is why the Secretary of Agriculture transferred the national grasslands to the FS in 1954. The FS was to facilitate the disposal of the grasslands to private individuals. Unfortunately this never happened. We believe the only way to provide stability to the ranchers and the communities that are dependent on the grasslands is to move the national grasslands back under the management of the Soil Conservation Service (NRCS) to be administered under Title III of the BJFTA in a way that promotes grassland agriculture and provides stability for communities dependent on these lands.

Thank you again for your great service.

Sincerely,

Laura Griffin Bud Griffin

Laura & Bud Griffin

Cc: President George W. Bush
Mark Rey, USDA
Dale Bosworth, USFS
Senator Kent Conrad
Congressman Earl Pomeroy
Governor John Hoeven

August 26, 2005

Senator Byron L. Dorgan
US Senate
Washington, DC 20510

Dear Senator Dorgan:

Once again we have a behemoth branch of the government running roughshod over farmers and ranchers of western North Dakota. For the most part, these farmers and ranchers have been on this land for many generations. If the USFS policies come into effect, and people must sell their land how is this going to affect fragile elderly widows that need the lease money to live on? Do these fragile elderly widows then go onto seek welfare assistance so they can live out their remaining years?

Currently, my siblings and I lease our deeded land to a rancher who is at least a third-generation landowner from western North Dakota. He needs our deeded land and the allocated grazing permit in order to maintain a decent income and lifestyle. He does not abuse the deeded land or the federal land on the grazing permit. Why would he? Those lands provide his yearly income. If he abuses the land one year, he doesn't have the resource available the following year.

My family members do not have the financial ability at this time, to run livestock on our deeded land ourselves. Also, these members live in Minneapolis and St. Paul, MN. It is difficult, if not impossible, to run a ranch and the associated livestock when you live 600 miles away.

I suppose they could hire me to run this ranch for them, however, as I have a full-time job, and I am attending college and in my spare time, I am trying to raise a family and spend quality time with them; I have absolutely no time left to run the ranch and/or the livestock.

Please help the ranchers in this area and these fragile elderly widows that will be affected by the US Forest Service's decisions, and prevent them from abusing the people of this area.

Sincerely,



Thomas Osadchuk
Box 1492
Dickinson, ND 58602
(701) 227-0599

U.S. Senator Byron Dorgan
312 Federal Building
PO Box 2579
Bismarck, ND 58502
701-250-4484 (fax)

Dear Senator Dorgan:

August 24, 2005

I am writing in regard to the Forest Service's decision to quit lease transfer. My family and I are strongly opposed to the change and would like to share a few of our concerns with you.


Grazing of federal lands promotes growth of both the ecology and the economy. Lease transfers are not a "get-rich quick" scheme for base property owners/permit holders nor the parties who are allocated these permits. Proper grazing promotes a healthy plant diversification. It ensures that ecologic succession will provide abundant forage for generations of livestock and wildlife in the distant future. Prescribed livestock grazing inhibits the spread of noxious weeds and prevents rangeland fires. The benefits of grazing go on and on. These facts are rarely disputed.

The circumstances surrounding the reasons that a lease makes sense are as wide and vast as the Grasslands themselves. Perhaps the base landowner has health concerns that make him or her unable to run their own livestock. Perhaps retired ranchers are waiting for their children to take over the operation. Then again, maybe an operator must sell down for financial reasons and a neighbor is able to fill those permits. Allocation of permits also allows young ranchers to access grazing without the tremendous investment of land ownership. It's been a viable way for neighbors to help neighbors, and a win-win situation for years.

Ending lease transfers will inevitably force many older, retired folks off their land. Without the income from the leases, they will lose the land they love and have worked hard to acquire. Local ranchers who are filling the permits held by the base property owners will struggle in not having enough grass to sustain their herds. The Grasslands will no doubt be untouched for a number of years. Eventually it will end up being chopped up into poorly managed subdivisions, the value of the Grasslands destroyed. You can imagine what such an outcome will have on the ecology of the land. We'll be back to wind and water erosion, lack of wildlife cover and a flat ugly land profile.

Senator Dorgan, we are asking you to help us maintain leasing and the allocation of federal grazing rights. We truly believe they help promote the growth of healthy Grasslands and a healthy rural North Dakota economy.

Sincerely,


Dean Rettinger
11357 59th St SW
New England, ND 58647

13003 24th St. SW
Belfield, ND 58622-9355

August 23, 2005
In regards to: Leasing to the USFS

Senator Byron Dorgan
Senator Byron Dorgan
713 Hart Senate Office Bldg
2nd & C Streets, NE
Washington, DC 20510

Dear Senator Byron Dorgan:
We are writing to you on the eliminating leasing of the land. We are a young couple that ranches north of Belfield, North Dakota. Last year we decided on starting our own business, because of lack of making a living on just ranching. We had to sell all of our cattle and lease our land in order to make a payment on our business. Knowing in a couple of years we would be back in the cattle business, because it is our way of living. We just don't understand how the USFS figures that young people can afford to buy a ranch and put livestock on it. Their thinking is totally unbelievable. You have to have another income from somewhere to make a living. The USFS is trying to chase the young people out of North Dakota to different states and you know as well as us that we don't need to let anymore people leave. Where will these young couples get financial aid from? Our own children will not be able to lease from us. So why would they go into ranching. USFS must just want the fortunate people out of state to buy our land and let it sit.

Sincerely,
John & Shelly Ewoniuk

John M. Ewoniuk
Shelly Ewoniuk

8-23-05

Medora Grazing

From: "Karen O." <kro@midrivers.com>
To: "Medora Grazing Association" <mga@midstate.net>
Sent: Wednesday, August 24, 2005 1:36 PM
Subject: Letter to Dorgan

August 22, 2005

Senator Dorgan:

RE: Forest Service leasing

I am a 3rd generation rancher in the North Dakota badlands, my husband was a 4th generation rancher, and our children are the 5th generation to ranch in Billings County. We have never owned or tried to purchase ranchland. Our bankers and we were very aware that the cost of grazing land was not--and is not--realistic or feasible financially. Leasing was--and is--our only option.

What is the problem with leasing ranch land? The Forest Service complains that the land is not changing hands--what concern is that of theirs? Yes, leases provide income for the owner/rancher who is elderly or disabled, and leases provide a means to earn a living and lifestyle for younger families--and what is wrong with that scenario? Many agricultural economists advise the younger generation to lease and not buy. Holding a long term lease encourages proper grazing management and land stewardship; short term lease do not. No business succeeds with a federal agency "micro-managing" the assets!

Certain government agencies are taking away grazing rights on federal lands and turning the land over to the National Park Service. Why does recreation take precedence over earning a living and providing for a family? Many "recreationists" discard beer and pop cans, whiskey bottles, and miscellaneous trash on the "trails", break the floats off our water tanks, and leave campfires burning. They have no reverence for the land, the trees, the grass, the animals, or the people living there. As the Forest Service refers to us--we are "serfs", and therefore obviously deserve no respect or acknowledgement.

Our immigrant homesteader grandparents came from nations whose governments were not trustworthy, and mistakenly believed that the United States government was honest. They trusted the government when they sold some of their homesteaded land to the government in the "dirty thirties" and were told it would still be available for them to graze so they could remain on the land they had grown to love. They were again lied to by a government.

I worked for and with a federal agency for 24 years, and came to the conclusion that federal employees lie to the public for two reasons: they are not told the truth, or are not allowed to tell the truth.

A local Forest Service employee told me that the FS controls our private land--and while I disagreed, certain actions have confirmed his statement. My father left his ranch to my brother and myself in a "trust". Now the FS Service is saying we can't lease from anyone or any entity for more than 7 years. A legal binding document is being ignored for the convenience of the government.

No one takes better care of the land and its assets than the people living off the fruits of their labors. Ranchers protect the grass, love the land, and need the bounties of the land. Reverence and respect for the grasslands is a way of life. We were raised here, played here, worked here, cried here, and we have familiar graves here. Memories are our heritage.

Please note the following quote by Mark Rey, an undersecretary of the US Department of Agriculture who oversees the US Forest Service:

"The worst-run ranch is better for the environment than the best-run subdivisions." (Tuesday, August 23, 2005--Billings Gazette, Billings, MT)

Karen Obrigewitch
 Member of the Medora Grazing Association

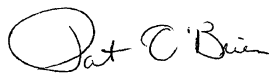
3624 135th Ave SW
Belfield, ND 58622

August 23, 2005
In regards to: Leasing to the USFS

Senator Byron Dorgan
713 Hart Senate Office Bldg
2nd & C Streets, NE
Washington, DC 20515

Dear Senator Byron Dorgan,
We are writing to you on the eliminating leasing of the land. We are a long time ranchers. We have been ranching east of Medora, ND for some 60 some years. You need to do something about the USFS so they don't eliminate other people to lease our land. Do to health reasons and a little bit of age. We are in a partnership with some of my neighbors. I cannot afford to sell my land and my children cannot afford to buy it, plus put cattle on it. You need to really stand up for us longtime North Dakotans. My children and grand children will move elsewhere if this is passed by USFS. Whatever happened to keeping the people in North Dakota instead of leaving? This will be just another reason to move out.

Sincerely,
Pat & Roberta O'Brien



Robert O'Brien

8-23-05

USFS HANDBOOK AND MANUAL REVISIONS

To Senator Dorgan:

Two years ago the Medora Grazing Association, along with other associations, had submitted their comments on land leasing to the USFS and since they did not receive any feedback, it was assumed the matter had been settled.

Now we find that there are major revisions to the USFS Handbook and Manual that no one knew were coming and became effective on July 19, 2005. Association members were not notified of these changes until two weeks after the deadline.

According to the FS plan, if they eliminate leasing people will buy ranches as an alternative. Most people cannot afford to buy both the land and livestock to establish their own operation. Land value prevents many from starting on their own and leasing is a way to build equity. In the owner's case, it is often too difficult to operate when a ranch is divided among two or more family members.

Local Forest Service members have stated that leasing does not harm the conditions of the grasslands, and that they could not recommend ending lease transfers.

We need to look at these revisions from all sides and establish a policy fair to owners and leasing ranchers. A sad alternative would be a badlands populated by ten acre ranchettes.

Curt Johnson



Box 75

South Heart, ND 58655

701-677-5844

Medora Grazing

From: "Don Schmeling" <dscmeling@mail.ctctel.com>
To: <mga@midstate.net>
Sent: Wednesday, August 24, 2005 3:48 PM
Subject: Forest Service proposed revisions (comments)

Katie:

I am opposed to the proposed Forest Service revisions to the grazing permits. They will adversely affect so many people.

This makes it absolutely impossible for any young families to get started in the ranching business. Most young folks need to run share cattle or lease land to get started. At today's prices you can not buy the land, machinery, and cattle all at one time and hope to cash flow a ranching operation.

My wife's mother recently passed away and her family owns a ranch that is currently leased out. The ranch is very sentimental to the family as it has been in the family for a couple of generations. However, no family member can stock the ranch with cattle so are leasing it out to keep it in the family. Under the proposed revisions, they would be forced to sell the family ranch. Why should it matter whom is on the ranch lands if they are good stewards of the land, abiding by the permit, and paying the grazing fees?

As a Realtor, I am marketing ranches with grazing permits for retiring ranchers. I was negotiating a contract at the time these revisions hit the news, and my buyer turned cold and ran. This particular buyer planned to lease the ranch for a couple of years before quitting his job to move on to the ranch. The revisions made him very nervous as to the future of the grazing permits. I have also had inquiries from other buyers who are also very unlikely to purchase a ranch with a forest service lease. They just do not trust the Forest Service, and rumors are running wild as to the future of any grazing permits. This is very sad.

Why should these proposed revisions restrict who may or may not buy a ranch with a grazing permit, or how long you can own it before being forced to sell. Isn't the government suppose to be for the people?

Sincerely,

Don Schmeling
 Continental Real Estate
 135 Sims
 Dickinson, ND 58601

Phone: 701-225-9107 (office)
 701-260-5555 (cell)

E-mail: Don@DonSchmeling.com
 or: dscmeling@crerealestate.com

8/24/2005

Roland and Norma Pullin
8361 East Via de Viva
Scottsdale, AR 85258
(480) 951-0367

August 25, 2005

Re: U.S.F.S. Manual Revisions

To Whom it May Concern:

As an owner of the ranch in western North Dakota, and as a member of the Medora Grazing Association, I find the U.S.F.S. Manual Revisions both unbelievable and unworkable. We have leased our ranch for several years to Bob and Cindy Makelky. We leased the land, cattle, and some machinery. They have been paying the lease as well as buying the cattle etc. as fast as they can. It has been some what difficult over the years to pay the lease and to buy the cattle. Now it seems if they want to stay in the ranching business they will have to come up with the money to buy the ranch. We will be happy to sell, but can they afford to buy? We think not.

It seems that the U.S.F.S. wants to remove the working ranches and turn our area into an area for the rich. I'm sure we could sell out for a good price. Montana has been pretty well purchased by the rich and famous. I would like to know how Bob and Cindy can purchase both the cattle and the land, as well as live, send four kids to school, fight grasshoppers, noxious weeds, drought, and hail. It just doesn't add up.

Sincerely,


Roland B. Pullin


Norma Pullin

August 24, 2005

Re: Talking Points-Grazing Leases

Here are ideas that come to mind that you may or may not want to integrate into the Bismarck Meeting

The following is a quote I gave a few years ago to a policy board:

"Well fed societies take agriculture for granted"

My point to legislators, policy makers, agencies, etc. is that they need to understand this, appreciate this fact and avoid temptations to upset what is a very delicate balance. People in decision making positions need to protect those segments of society that for a variety of reasons do not take time to appreciate that even small, well intentioned changes can lead to the 'beef' shortages that occurred in the 1970's.

A second important fact:

"The best stewards of our land and natural resources are successful ranchers and farmers".

Ranching in Western ND has evolved to a successful state because of the hard work, imagination, dedication, intelligence and persistence of several generations of people who loved their work, their livestock, the land, the lifestyle and were committed to providing the best quality beef in the world to consumers (truly the highest quality beef that ends up as the nicest cuts of steak, roast, etc on the tables of the people of the world comes from these grasslands). They have achieved this while also enhancing the natural resource that is an absolute requirement for economical beef production. They have evolved ways of production that are compatible with the climate, topography, types of grasses, types of insects, diseases, etc. of the area. They have also met the challenge of maintaining economic viability through eras that have seen labor cost rise to levels that they can not afford.

A third thought:

Our nation with all of its greatness grew out of a system that rewards people for hard work, innovation, strong character, concern for your neighbor, honesty (characteristics so prevalent in this grazing association that they are essentially taken for granted), and many, many more. Efforts should be concentrated on finding ways to REWARD these exemplary people, not to CHALLENGE them further by taking away another important MANAGEMENT ALTERNATIVE—Grazing Opportunities for Leasees.

Forth:

Eliminating leasing opportunities will negatively impact the economies of North Dakota and the nation as federal and state tax revenues go down. Reducing the opportunity for young people to move into the profession of their dreams will have even more far reaching negative impacts. Impacts will carry over to schools, churches, clinics, hospitals, retailers of all sorts and the list goes on and on.

Lastly:

The often used question; "If it isn't broke, why fix it?".

*Myle Hellickson
Dept. of Agr. & Biosystems Engr.
So. Dakota State University
605-688-5610*

Senator Byron Dorgan
713 Hart
Senate Office Building
Washington, D.C. 20510

Box 801
Belfield, ND 58622

24 August, 2006

Dear Senator Dorgan:

As you are fully aware, the United States Forest Service has issued a new policy regulating ranch leases on federal grazing land. Two years ago, local grazing associations were given opportunity for input into land leasing policies. Since the Forest Service gave no feedback of any kind, there was no expectation of sweeping revisions to the current lease policies.

The Forest Service gave absolutely no warning of the change in policy, which would end leases when they expire or after seven years, whichever comes first. Rather, the new policy became effective 19 July, 2006, fully two weeks before the Medora Grazing Association members were notified. Whose signed the order to change the policy? According to our local grazing association secretary, even local Forest Service employees were caught flat footed by the decision.

The justification the US Forest Service gives for the new policy is that the leasing policies keep would-be ranchers from ranch ownership and, to quote Sheila McNee, range manager for Dakota Prairie Grasslands in Bismarck, "younger people assume the role of land managers or serfs." (Dickinson Press, 24 August, 2006 page B4) First of all, Ms. McNee needs a good review of Middle Age History. Serfs belonged to the soil and were never free to leave the land. Any children they had were also born serfs - this is hardly the case with current day land leasors. Second, many young ranchers, starting out, are only too overjoyed to be "land managers," as it enables them to purchase cattle over time while they enjoy the ranch life they desire.

The Forest Service also says, "leases often become the means for retired, absentee, and aging

ranchers to retain ownership.” (Dickinson Press, 24 August, 2005 page B4) Many of the “retired, absentee and aging ranchers” have put their lives into the ranches they are now leasing, and depend on the lease money for their retirement income. For some of them, it is their sole source of income, since few of them were able to put any regular payments into the social security system. Those people who can currently afford to buy ranches are, unfortunately, often out-of-state doctors, lawyers, or other wealthy people who either buy the ranches for hunting purposes or to sub-divide them into small parcels to sell for vacation homes. Either way, cattle ranching ceases.

We are currently co-owners of a ranch trust, along with two of my husband’s siblings. The ranch land is leased to two local ranchers, both of whom need the extra units and acreage in order to make a good living. They are wonderful stewards of the land, caring for it as if it were their own, and are both totally satisfied to lease rather than to buy. To quote one of them, “I can’t buy because I don’t have enough collateral for a loan. Leasing lets me ranch here and build up equity in a cattle herd which will eventually give me the collateral I need.” We have one nephew who plans to take over the ranch when he is ready, probably eight to ten years from now. At that time, our leasing would cease. However, the ranch is too small to provide a living without the attached federal grazing land, and according to the new Forest Service policy, those grazing units will be separated from the ranch before we are in a position to “take them back.”

The local Forest Service employees themselves state that “the lease arrangements are not harming the condition of the grasslands.” “Local Forest Managers . . . say they could not recommend ending the lease transfers.” (Dickinson Press, 24 August, 2005, page B4)

The Badlands have been cattle ranching country since before Theodore Roosevelt came here in the 1880’s. They are home for the ranching way of life and a North Dakota way of life. It would be truly unfortunate if many ranchers, either beginning or well-established, lost their ranches due to this poorly-conceived, unfair, and illogical Forest Service policy.

Sincerely,



Larry N. Johnson

Ruth H. Johnson

August 24, 2005

The Honorable Byron Dorgan
713 Hart Senate Office
Washington DC 20510

Dear Mr. Dorgan:

I am writing to voice my concern about the recent decision the Forest Service made to revoke our right to lease our land and the federal grazing units that go with that land.

Senator, this decision was made without the knowledge or consent of the people whose lives will be affected the most. This decision will affect all ranchers and rural people who depend on leasing their land. The effect on our future will be that it will be impossible for any young people to start a ranch of their own. Ranchers who need the extra units to make ends meet or to build up their herds need to lease land from other people. The retired people who depend on the income from their leased land will be forced to sell the ranch they have worked and lived on all of their lives. This was supposed to be their 401K.

I, myself, am planning to retire on our place in Billings County. My son was hoping to buy it from us when he is ready to settle down. This will be impossible if he loses those precious federal grazing units. It will also be impossible for me to retire there if I don't have an income from a lease.

The Grazing Association and the Forest Service agreed upon two things: the right to run share cattle and the right to lease their units. What happened to this agreement?

Would you help us defend our rights, the rights of so many affected, against the decision made by a few? And those "few" who made this decision are not affected at all.

Thank you for your time.

Sincerely,



Sherri O'Brien
205 6th Street NE
Belfield, North Dakota 58622

August 22, 2005

Honorable Byron L. Dorgan
United States Senate
713 Hart Senate Office Building
Washington, DC 20510

Dear Senator Dorgan:

RE: Forest Service proposal eliminating lease and share cattle agreements from permitted units.

I am a 3rd generation rancher of the ND grasslands. My grandchildren are being shut out, not because them and their parents don't want them to ranch.

The Forest Service has not kept their word: They have said they would sell the land back to the permittees. They have made no effort to fulfill that promise. They are changing the management directives to make it impossible for young people to purchase these ranches their forefathers had.

They are making it near impossible to sell, because they have an ever changing and incomplete grazing agreement with the Associations and permittees. The FS actions cause so much instability ... **No-one can make long term plans let alone wise ones.**

Who in their right mind would buy a property with a federal agency with a delinquent (by 5 years) and ever changing plan?

How can a young person build a herd when he has nowhere to run it? The 7 year time frame for share cattle is just long enough to get in and create a permit violation because he hasn't be able to build up a whole herd. The 7 year time frame on a lease is also archaic.

FS Management of the National Grasslands needs to be transferred to the NRCS (an agency that doesn't have a conflict of interest). The FS says they're not discouraging grazing: then prove it, meet with bankers, and ranchers and find out what needs to be done to keep the grassland units intact. It will only take a few minutes, they need to:

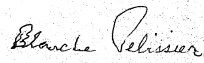
- Allow leasing without cumbersome requirements
- Follow the ND Century Code-Chapter 36-10 (it's proven)
- Make long term agreements to allow young people financing and stability.

The FS management has eliminated 5th generation of ranch children unless they take drastic measures to encourage their investment with long term agreements offering stability for lenders, lessees, and sellers.

The clock has been clicking for some time. Many of the permittees are aging, they've toiled over what to do. Their children have left, some could still come back if the FS created some stability. They would purchase these lands, raise their children here, and keep a viable economic base.

Thank you for your prompt action.

Sincerely,

A handwritten signature in cursive script that reads "Blanche Pelissier". The signature is written in dark ink and is positioned above the printed name.

Blanche Pelissier

August 26, 2005

Senator Byron Dorgan
312 Federal Building
Bismarck, ND 58502

Dear Mr. Dorgan;

Concerning the United States Forest Service Hand Book and Manual Revision issued by the Washington Office of the USFS, on July 19, 2005.

Thank you for your interest in the Forest Service land and people in ND. The use of the FS land has been a God-Send for many farmers, ranchers, hunters and other people who wish to use it for recreation.

Jim and I bought a ranch in 1956 that has some grassland acres which we have leased. We have dealt with the Medora Grazing Association as they leased the land from the FS and we leased it from them. This plan worked for 49 years, now the FS wants to eliminate the local association and handle the leasing themselves. With all the new rules and regulations proposed it will be very hard to lease the national grasslands as before.

The older people will no longer be able to work with their family or anyone else who want to take over the ranch, since they won't let the ranch be leased or the other person run cattle on shares without canceling the FS lease. They will not allow the grassland lease unless the deeded land is sold then the lease land will follow whoever bought the land. For someone who wants to buy a ranch with FS land the cost of the land has been driven up out of the reach of a young person who wants to use the land as a ranch, hence, the need for them to lease for a few years.

The farmers and ranchers who have lived in this area do not want to see our way of life disappear. We would like to see a young family take over as this would keep the young people in the state, in our schools and communities.

That is what the Bankhead Jones Farm Tenant Act intended to accomplish! When the FS took over the administration of the national grasslands in 1954 they were to get the grasslands back in the hands of the ranchers and farmers. This never happened! The only way to provide stability for the communities is to put the national grasslands back under the management of the Soil Conservation Service under Title III in a way that promotes grassland agriculture and provides stability for the communities that depend on these lands.

Thanks again for any help you can give in this situation!

Sincerely yours,

Jim and Donna Fritz
4633 135th Ave. SW
Belfield, ND 58622-9193

Phone: 701-575-4596

THIRD CREEK RANCH, LLC
4904 3rd Creek Rd
Belfield, ND 58622-9195
August 25, 2005

Senator Byron Dorgan
312 Federal Building
Bismark, ND 58502

Dear Senator Dorgan:

RE: Comments on Interim Directive # 2209.13-2005-4 Chapters 10 and 20

I am the 31 yr old brother of the 29 yr old who is a displaced 5th generation rancher. I am NOT happy either. My parents told me to get a career because the FS was not hospitable to ranching. Reluctantly I trudged away, I became an Ag banker, hoping to get an "in" another way...didn't happen. I learned it's a tough business, and kids need lots of breaks to get into it. I learned there is money in being a "slum lord" so that is what I am....far from my dreams of raising my kids on a ranch, like the upbringing I had.

I still have a chance to ranch, because my folks are aging, they have a family hired, who is also discouraged, we could partner...if we had a chance, and my brother too, if ...if the FS would make a sincere effort to work with long term share cattle agreements and leases, we could still make it work. If the FS would enact the plan they've been deviating from. The plan that worked, when times were really hard...the ND Century Code- Chapter 36-10, and it still will, if they're co-operative, and make it flexible to compensate for the inflated prices in the Ag land. That's how the land was lost to begin with...hard times.

I feel the FS has other goals,... goals conflicting with ND legislators, and North Dakotans, young North Dakotans in particular, who want to raise their children here. **If the agency is not challenged by a greater force, the ND Grasslands as we know it will be extinct.** I'm a man who supports progress, but, chopped up ranchetts, absentee owners, grasslands managed for tourism and wildlife is not progress. There are hardly enough children to have a ball team now, Billings County has beautiful schools,... they store books.

The FS has done everything in their power to stifle ranching in these grasslands. From the time my parents bought the ranch in 1977 it's been one issue or another. You, Senator Dorgan, and team,... You've come to our rescue many times, you must be sick of it, we are. The Forest Service is a regressive government agency. Please introduce a bill that management of these ND Grasslands be transferred back to the Soil Conservation Service, currently the NRCS.

My parents say, "we'll hang on boys, but you can't live here." "You have to make a living elsewhere, sorry you can't raise your kids here, we can't expand...maybe you can retire here"....Oh Cool.....just what we wanted to hear. Well, I'm NOT giving up, and I'm counting on you to help us 5th generation ranchers keep this from being another wealthy speculator's party.

There's no time to fool around, the old timers are backed in a corner, they've had lots of sleepless nights. You need to over-rule the FS. The share cattle and leasing terms need to be flexible and long. That will offer stability for **financing**...the key component. Us young guys need:

1. A place to run the cattle we're buying.
2. Young people have own cattle before they can buy land.
3. The managing agency has to be flexible to allow for bad times

Us 5th generation ranchers took range management in college, animal nutrition, ag economics...and now we're not getting to use it. Thanks to you, USDA Forest Service.

Thank you for your attention, and thank you for your action.

Sincerely,



Tyler J. Fritz

CC: USDA Forest Service
 Senator Earl Pomeroy
 Senator Kent Conrad
 Governor Hoven
 President Bush
 Mark Rey (Under Secretary of Natural Resources & Environment USDA)
 Dale Bosworth (Chief of USDA Forest Service)

13066 15th St SW
Fairfield, ND
August 25, 2005

To Whom It May Concern:

I am writing in regards to the notification Medora Grazing Association members received regarding future leasing of the grasslands. This will affect our ability to maintain enough cattle to earn a living as ranchers.

My husband and I have been ranching for thirty-nine years. Like all ranchers we have lived through life threatening blizzards, drought, and market downturns. Like most ranchers we have survived. Our resilience and belief in a system where neighbor helps neighbor and where children are taught values such as loyalty, honesty, and hard work have been reasons for choosing this lifestyle. We value the land. We have taken care of it as we would any asset. We have developed management skills which include better herd genetics and business management so that we can make our ranch payable.

If the decision to separate leased land from grazing permits is the future of these grazing lands, we will have to sell one-third of our cattle. This does not create enough cash flow for the continuance of our ranch. We lease from two parties; both are owned by family members who've either inherited or purchased the land after their parents died. They haven't any intention of ever selling their land.

I am hoping that letters such as this one will help in making a decision that considers the needs of the population making a living on the grasslands.

Respectfully,

Sharleen J. Stigen

THIRD CREEK RANCH, LLC
4904 3rd Creek Rd
Belfield, ND 58622-9195

August 22, 2005

Senator Byron L. Dorgan
312 Federal Building
Bismark, ND 58502

Dear Senator Dorgan:

RE: Forest Service proposal eliminating lease and share cattle agreements from permitted units.

I'm a 5th generation displaced rancher, I am 29 yrs old. I want to ranch, my parents sent me off to get another career, because of the instability of the FS permit that the home ranch has to operate under.

They have been afraid to try and expand for those same reasons, it only makes sense to expand close to the home place to make the operation more efficient. Lending agencies are not interested in lending under such unstable management rules.

My brother and I want to own and operate the ranch, there isn't enough there for us both to provide for our families....we would have to buy our parents out...they need a living too. We cannot get the financing from a lending agency. If they finance us, there isn't enough income off the ranch to pay the mortgage, the cattle, and operate.

Our family recently formed an LLC, in which us boys can be gifted some cattle....our LLC leases from our parents until we build our shares up enough that we can purchase the land from them. Now the FS says no more leasing over 7 years.

Let me explain:

It takes about \$500. to cover the expenses of each cow, if she is paid for and if there's near zero debt on the real estate. (before she cost \$1000.)

Income from the cow is aprox. \$690 this year...not every cow creates income. That leaves \$190 per calf to live, replace equipment, plan for drought & bad winters & markets.

In my parents ranching career of 28 years, they've had to take cattle off the ranch, due to drought conditions 4 years...near doubling the expenses (example again: \$650 expenses for a \$650 income...."0" profit x 4 yrs. They've had extremely cheap cattle market where they lost money 2 or 3 years. "0" profit x 3 yrs. Totaling "0" profit...negative numbers 7 out of 28 yrs. My dad had back surgery, had to hire a family, in 2001. It takes about \$100,000. of operating capital to run the operation for a year. It now takes all the income from the ranch to pay for the 2 families living and keep the

outfit going. The family he has hired is barely making a living, my parents are trying to figure out how to sell to us boys and keep our hired family.

Now tell me how the FS is helping us stay on the land:

- We...young families are not allowed to lease for more than 7 years...(FS proposal) that will just get us in debt good and deep, then what?
- The employee would like to build up a herd of his own, with the hope he can eventually lease a place....no share-cattle allowed unless he can own the whole herd in 7 yrs (FS proposal). The FS comes up with 7 yrs...a \$300,000. house has a 30 yr mortgage, why should \$300,000. herd of cows only have 7 yrs to accumulate?

Simple...they don't know what they're doing, or they don't want it to happen. If the employee can't fulfill the rules of accumulating the whole herd in 7 yrs my parents are in violation and can lose their permit. So the young family is NOT going to get a share agreement from my parents, because my parents KNOW it is impossible.

Back to me and my brother,

- My parents are gifting some shares of livestock & equipment to us. We get no income, the ranch needs it to pay the employee's living, my parents living and the ranch expenses. My parents are hoping by using these tools (remember only one brand so we have all these rules of compliance) that us boys will be able to mortgage our % and purchase the land. This takes a lifetime, our parents started when they were my age.

The FS has put us and our parents and their employee in a tailspin. The FS used to operate on 15 yr management plans, then 10, since 1999, the revisions on the grasslands are incomplete. **Suddenly last week this came up...no more leases over 7 yrs... the rules of management have become so stringent and volatile at the stroke of an officer's pen, my parents can lose their permit.**

The Federal Government following drought & depression for cents on the \$1. purchased these lands, with the promise the headquarters remaining could purchase back when times got better. The Soil Conservation Service managed the lands. The management was moved to the FS because they were going to fulfill the promise of selling it back to the original headquarters.

- The FS has added layers upon layers of rules, changing the directives from the original promise to a wildlife and recreation facilitator, a facilitator of other agencies owning these lands.
- They are adding so much instability to this area, the young people are leaving, yes, some absentee owners are coming in, and breaking up these ranches, ask a banker if that's healthy for ND.
- The FS is forcing the old ranchers to do just exactly that...break these ranches into section or less plots, the FS will then keep the permit, no one will be able to make a living here...except a few low paying service part time jobs to service the

absentee owners. The FS has a record of devastating small rural communities...need I say more. It makes me SICK!

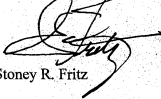
Please Mr. Dorgan, propose a bill to transfer management to the NRCS, an agency that operates on science, operates on keeping the rural communities stable.

- Stop this nonsense before it's too late. We're in a generational change. These lands are still pristine, only because our parents have wanted them that way.
- Management of these grasslands needs to go back to the ND Century Code-Chapter 36-10. Those rules worked, my parents generation proved it, the range is still pristine.
- Help our parents generation sell and lease to the young people, like they want to.
- Help them set up long term agreements, offering stability to all.

I apologize for my letter getting so long.

I remind you, my brother and I are 5th generation ranch kids that are the 1st generation to not get a chance to raise our families here, because and only because of the instability of the FS management....they are shutting us out unless you do something!

Thank you, I know you'll do your best,



Stoney R. Fritz

Cc: USFS
 Senator Earl Pomeroy
 Senator Kent Conrad
 Governor Hoven
 President Bush
 Mark Rey (Under Secretary of Natural Resources & Environment USDA)
 Dale Bosworth (Chief of USDA Forest Service)

THIRD CREEK RANCH
4904 3rd Creek Rd
Belfield, ND 58622-9195
August 24, 2005

Senator Byron Dorgan
312 Federal Building
Bismark, ND 58502

RE: Comments on Interim Directive # 2209.13-2005-4 Chapters 10 and 20

Dear Senator Dorgan:

Thank you for your help with the USFS directive. We believe the FS actions are in conflict with the best interest of the ND Grasslands. Please introduce a bill to move the National Grasslands from the USFS back under the management of the Soil Conservation Service, or NRCS.

Larry and I are 4th generation ranchers. We are 56 and 58, we're still making ranch payments. We've been on our ranch 28 years. We got our start by our parents financing us, ranches were sold on contracts for deed, we got a few breaks along the way. We've been trying to figure out a way for **they** (our children and/or our employee) to purchase our operation. The ratio of land cost/per production is out of line. If they could make long term leases, they could eventually become owners. If they can't lease, they'll not be owners. You cannot pay for land on cattle that are also mortgaged. I'm giving you a hypothetical below:

- How can they purchase cattle if they have nowhere to run them? ...It has to be a one-brand ranch, no leases under the new directive
- Ah...yes, the FS says they can run share cattle here, but have to own the whole herd in 7 years...that's aprox.\$300,000 in value. That share would be in exchange for their labor. They also have to live, NOBODY can derive a herd of cattle and live off the income in seven years. (Aren't most 300,000 homes mortgaged for 30 years for a reason? Yes, so they can make the payment!
- Who pays the bills on the ranch? The rancher will have a declining income as the young guy is building his herd...ridiculous! The time frame is **ridiculous**!
- Now he has cattle and is 47 years old...the cattle will still be mortgaged....who's going to finance him to buy the land?
 - o No lending agency...the FS can change directives & change the income stream drastically at a whim.
 - o The aging rancher.... who probably doesn't even have it mortgage free...unless he's 75 or 80.

- The aging rancher is desperate, but not foolish enough to finance a young man who will be dealing with the FS who... has no plan, who.... can change rules.... jerk permits for a long list of uncontrollable violations.

Who is in a good situation?...NOBODY!

We can't sell it, we can't lease it, we're getting old, we can't run it.

The FS is a regressive agency. Have communities prospered or even stayed intact under their management areas? No Way!

We stress the economic INSTABILITY their management has caused. The FS was to renew their grazing plan with the Associations every 15 yrs, then 10, now they are delinquent in completion of their plan since 1999.

- Who will purchase a ranch unit without any plan?
- The proposals discourage buyers, lessees, the young people whose dream has been to purchase their parents ranch or someone else's.
- What lending agency will lend on property with cattle numbers that can be retracted at the whim of an agency.

We feel the FS wants us to break our ranches into ranchettes, they will relinquish the permits, remove the cattle, and accomplish their goal. Many of the private acreages will have absentee owners, who do no business here...just like CRP, it has not been a good thing for young people, not a good thing for ND.

We recommend.... and we urge. Time is of Essence, a generational change is here.

- **Leasing has to continue without cumbersome requirements**, or the next generation won't stay here.
- **Base property rules should remain intact**; altering rules will cause a magnitude of problems.
- **Follow the ND Century Code-Chapter 36-10.** Those laws have worked well, they need to stay intact and be enforced to give our young people a chance, and to keep prudent grassland management.
- **Long-term agreements must be made to give the young generation a chance to get financing for ownership.**

We feel the FS directives have been in conflict with the ND Century Code-Chapter 36-10. It's very unsettling to us as parents, and peers to the young people most of them our children, who want to ranch, when we can't offer them a deal. When we have to say, "Go find another profession". No, we can't run your cattle, because of the FS. You can't build a herd fast enough to meet the requirements, and we'll lose our permit. Oh, you have your cattle, but no lending agency will finance you. We understand why.... the FS doesn't have a plan that is user friendly. Do we dare finance you? No, you could get your cattle numbers cut, and default.

Senator Dorgan, I do not know a rancher out here that hasn't spent sleepless nights trying to figure out a way to sell to his children or another rancher. The young people are not leasing just because they want to, they're leasing trying to build up equity, they can't make both land and cattle payments.

Senator Dorgan, You are an intelligent man, you understand keeping our young people here is key to the survival of our state. If the managing agency does not extend the leasing and shareholder timetable, and eliminate some of the cumbersome rules that revoke permits, they will not be here.

We as parents are unspeakably frustrated. We've worked our whole lives, now we're old,....we can't sell it, can't lease it, & can't run it.

Senator Dorgan, you're our last resort, call in your troops & clean this mess up!

Thank you, we know you'll give it your all. Ranchers don't write letters often.

Sincerely,



Larry & Linda Fritz

CC: Senator Conrad
Representative Pomeroy
Governor Hoeven
President Bush
USFS
Mark Rey, Under Secretary of Natural Resources & Environment, USDA
Dale Bosworth, Chief of USDA Forest Service

July 23, 2005

Hon. Senator Byron Dorgan:

My Dad immigrated to this country with his family in 1902. Several years later, as a young man, he married and filed a homestead. After he met all requirements, the "Homestead Act," in about 1915, he purchased section R-144 T-100 from the Northern Pacific Railroad Co. The location of this tract of land is in the badlands of Billings Co. Soon there was WWI, the crash of the stock market of 1929 - the dust bowl and the great depression of the 1930's. The combination of these events was catastrophic to all farmers and ranchers. On two occasions the Railroad agent came to serve foreclosure on Dad, but both times somehow he was able to refinance and make a new start. Everyone was forced to sell their livestock. The U.S. Government paid "20.00" for adult livestock and "5.00" each for calves. Dad got left with 5 cows. He chose not to get involved with the "Resettlement Act" of 1938. He was determined to make this a home for his grown family and eventually pass it on to one of his sons. WWII brought some economic relief and he was able to pay his seed and feed loan of the great depression and his land mortgage. My Dad passed away in 1950 at the age of 59, after serving 18 months in Korea. I returned to the ranch in 1952. As my Dad, I married and worked hard to make this a home for my young family and carry on the tradition of ranching. I, of course, had to lease from my mother for several years and purchased the ranch on contract of deed.

Now my oldest son, Ronald, is the third generation family member who is determined to carry on the tradition of ranching, raise his family and pass it on to one of his sons. He must, first, lease the operation to be able to purchase later as today rising values of real-estate.

I'm sure this same scenario may apply to most of the farms and ranches. This is why we need a provision of some form of leasing in administering the federal grasslands.

Signed
Roy G. Basaraba

8-25-05

SENATOR DORSEN

MY NAME IS JERRY COOK
I LIVE IN SENTINEL BUTTE
5 MONTH OUT OF THE YEAR AND
CALIFORNIA THE REST OF THE YEAR.

I OWN MY GRANDDADS PLACE
WITH TYLER COOK IT'S BEEN
IN THE FAMILY FOR 75 YEARS.

IT'S A SMALL PLACE AND WITH
OUT THE GOVERNMENT LAND THE
PLACE WOULDN'T BE MUCH. 960 ACRES
DEEDED. WE HAVE ALWAYS ENJOYED
RUNNING A FEW COWS TO HELP
RAISE OUR FAMILY'S AND TRY TO
MAKE IT BETTER FOR ALL OF US.

LIVING IN THE CITY IS NOT EASY
RAISING A FAMILY - THEY COME
OUT IN THE SUMMER ENJOYING WHAT
GOES WITH THE RANCH. WE TRY
AND RUN THE PLACE AND GOVERNMENT
LAND LIKED WE OWN IT ALL HERE
THE CATTLE WHEN IT LOOKS LIKE ITS
TIME TO. ITS HARD TO LOOK FOR
THE FUTURE BECAUSE THEY ARE ALWAYS
THREATENING TO DO SOMETHING WITH THE RANCHES.

I feel that if the Leases are Taken
 Away the Land will not be Treated the
 Same as far as Managing the Land
 properly. For the Most part the
 Ranches Run a good Stewardship as far
 as the young people go. If they didn't
 Lease the Ranches they sure wouldn't
 have the money to buy out. MR. Dorgan
 I sure hope you can help Keep the
 Ranches the way they are. Small
 Town will suffer, many will go out
 of business.

Thank you
 J. G. Cook
 J. G. Cook

Senator Dargatzis,

Leasing has been a very big part for me getting my ranch. I started leasing in 1976 and this made a big difference for me when I bought my ranch in 1979. Since then I have leased another ranch with the one I own to make ends meet. If I couldn't of leased another place I would have had to work in town or leave the ranch I own.

Leasing is the best way for someone to get started. With land prices now no one can buy the ranch and the cattle and make it.

I hope the Forest Service will just leave things alone. This Federal land is being well take care of

James Adams

August 22, 2005

Dear Senator Dorgan,

This letter is regarding the discontinuation of leasing private land with a federal permit.

We live on the family ranch and lease the private land from my father. With the high prices of land we tried to buy it but couldn't afford it. It works for us just to rent the private land.

Sincerely,
Don Baskin
13347 Magpie Rd
Fairfield, ND 58627

Medora Grazing Association

Hi
 to lease land is not easy
 you still have to manage to place
 you lease

to buy land is not easy to do
 you have to have 25% down payment
 for the land and DWT is high
 and to buy the livestock
 and equipment
 after the date 7/19/05 no new
 land leases will be approved
 that's not right

why not. lease it the way it
 is
 everybody is happy the way
 it was.
 Marvin J. J. J.

8/23/65

Senator Dorgan,

My name is Bob Mahelky. I'm originally from Brack, where I grew up and went to school. I started working on a farm when I was 16. After I graduated from High School, I started working on cow ranches. Coincidentally, I started working for Leroy Mason, who I know you are familiar with. I worked for his Dad for 6 years and moved to the ranch that I currently lease in 1979. I came here with 20 cows and a pick-up and little else. Because I was able to lease this place and secure a share-cattle agreement with my landlord, I now run 350 cows, bulls and replacements. If it wouldn't have been for leasing, I would still be somebody's hired man or have a job in town, which by the way some days doesn't seem bad. Seriously though, leasing a ranch was the only way I could get started in the cow business. I truly love what I'm doing. It is not just a job, it is a passion. I like the smell of manure, which some years smells like money and some years it just smells like manure.

I don't understand the logic of the Forest Service in eliminating leasing and share cattle agreements. I was on the Board of Directors of the Madrona Grazing Assoc. when the USFS first hinted at eliminating leasing. The lady the USFS sent to talk to us about this stated that leasing was keeping young people from getting started in ranching. The Board responded by telling her that was the only way a young guy could get started given the astronomical land values we are seeing today.

I thought we had made our point clear, but obviously this move was already decided in Washington and we were just getting the customary lip service from the USFS. These spots and has existed for quite some time a feeling of mistrust for anything the USFS says or does. Everything is geared to recreation and making a living from the land is secondary. The last time I checked, you didn't have to go hiking or bird watching to live but you have to eat and pay your bills and it's getting harder and harder to do that with all the obstacles, silly rules, and roadblocks we have to deal with everyday. Our economy in western N.D. is ag. based and if we go, so goes western N.D. I truly believe that at some point in time in the not-so-distant future, cows on forest service land will just be a memory along with neighbors and the towns and economies in this area that depend on those cows living there. That's a future too sad to contemplate.

Senator Dorgan, I apologize for my lengthy ramblings. I appreciate everything you are trying to do for us and I hope you can make the powers that be see the errors of their decisions. It will be a sad day when our way of life goes the way of the Passenger Pigeon. We just want to make a living and raise our families in a place that gives them a chance to have a good life. Again, thank you for your efforts on our behalf.

Sincerely and Respectfully,
Bob Moshelby

Mr. WINTER. I'll take any questions as we go along.

Senator DORGAN. All right. This is not a mistake free zone. I have in my list Tony Anderson and that sign says Todd Anderson. You help me out.

Mr. ANDERSON. It's Todd Anderson.

Senator DORGAN. Todd Anderson is President of the Sheyenne Valley Grazing Association. Todd, thank you very much.

Why don't you proceed, and why don't you pull that microphone over and speak as closely to the microphone as you can. Pull it right up next to you.

STATEMENT OF TODD ANDERSON, PRESIDENT, SHEYENNE VALLEY GRAZING ASSOCIATION

Mr. ANDERSON. Thank you, again, Senator Dorgan, Congressman Pomeroy, for being here.

My testimony was written while I was sitting at the Ransom County Fair watching my daughter brush her calf. What I was thinking about was, you know, this is like the fourth generation that's been at this fair, and now the Forest Service with the leasing—of course they're saying that that's not in their language any more, which I have a hard time believing, especially considering they still have a 120-day comment period.

They've given us promises before, and a lot of times it's not come true. But I'm thinking to myself, there's my 7-year-old, and you know, this is my life, my heritage, and I can't pass that on.

If they do this, I'm not going to be able to afford to buy the base acres. It's a family lease operation, and it's just been passed down. And the Forest Service is telling me how to operate and do my business, and I don't agree that that's right.

But the other thing that you two both hit on is that the Forest Service always stresses to us that it's a joint, cooperative agreement.

PREPARED STATEMENT

Congressman Pomeroy, you hit on the issue that in January 2004 we sent in letters discussing the leasing issue. Again, it was just superseded by Forest Service rules that they didn't even consider what we had talked about, and they're always stressing. So I don't understand the whole cooperative agreement at all. With that, I thank you.

[The statement follows:]

PREPARED STATEMENT OF TODD ANDERSON

My name is Todd Anderson. I am the current President of the Sheyenne Valley Grazing Association, and I am leasing base property.

I would like to thank you and the committee for the opportunity to testimony in regards to the USFS Directives Chapter 20.

My current lease agreement is a family lease operation. My dad and I have a LLP Partnership. The partnership rents from my father and my grandmother. The base property leased from my grandmother was original base within the SVGA. Now the USFS directive would require an 89 year old woman, living on her farm, to sell her property. The question I ask is why?

The USFS directive, Chapter 20, would require me to purchase this land from my grandmother. That isn't the intent of a family operation. The intent is to pass the ranching lifestyle on from generation to generation. I am currently sitting in the cattle barn at the Ransom County Fair. My seven year old daughter is brushing her show calf. Four generations have now participated in this fair. The USFS wants this

to change. Frankly, with land prices at the current rates of \$900 an acre (pasture land) and \$1,500 an acre (good tillable land), there is no way I'm going to make that type of financial commitment.

The USFS with this directive would change my lifestyle, my heritage, and the ranching opportunity for my children.

Again, I would like to thank you for the opportunity to testify.

Senator DORGAN. Todd, thank you very much.

Next we have Joe Milton, Jr., who is with us who is a rancher and who will share with us his observations.

STATEMENT OF JOE MILTON, JR., RANCHER

Mr. MILTON. Thank you, Senator and Congressman. I too am a little confused after I heard the testimony of the Forest Service because I came here concerned about the leasing wording in there.

I'm a fourth generation rancher who intends to pass the ranch on down to the family and of course—and I am currently leasing my land out to a neighboring rancher. If I'm not allowed to do that, of course, I won't be able to survive economically because that is my source of income, and I wouldn't be able to pass my ranch on down if I have to sell it to get my income. However, the thing that confuses me a little bit is the fact that I see the Forest Service as falling into a practice of using theoretical management.

By that I mean, somebody comes up with a theory that this grazing leasing is bad for grazing, and therefore we're going to implement that you can't lease any more. That's theoretical, and nobody has proven that it really hurts agriculture or the grazing of the land to restrict leasing.

Theoretical management is something that they've used in other cases. Let me give you an example, if I may. Somebody came up with a theory that the hawks and the eagles were sitting in the trees, and they were a danger to the nesting birds out in Sheyenne Grasslands.

So the Forest Service went out in one allotment and cut down all the trees. Now this is the Forest Service in charge of forest, cutting down all the trees, the standing dead timber and also the live timber, with the idea that it was going to restrict the predators from disturbing the nesting birds.

Well, we all know that the predators do their hunting when they're soaring in the air, when they're flying. So they went over and arrested another argument, they can still hunt in that area that they cleared off.

That's theoretical management, and I see this happening time and time again. It really disturbs me as a landowner to know that we are going to have to implement theory practices, rather than scientifically proven practices.

PREPARED STATEMENT

So I am confused just as you are about this and it's very disturbing. I think if you need any examples of other theory management, I do have several. But with that, I'm going to just thank you for the opportunity to be here and hope that you'll be able to straighten out our confusion.

[The statement follows:]

PREPARED STATEMENT OF JOE MILTON, JR.

Hon. Senator Byron Dorgan, Sir: As a four generation landowner in Richland County with a ranch with base property in the Sheyenne National Grasslands, I am concerned with the new Forest Service grazing agreement for the Sheyenne Grasslands.

As I have indicated, I am the 4th generation living on this 560 acre ranch. Due to age and health reasons, I have been leasing my ranch headquarters to a neighboring rancher who utilizes the 250 head permit. This allows me the income I need, and I still can retain ownership of the land which I intend to pass on to my children.

If the new grazing agreement will not allow leasing except to family members, it would not allow me to own the land without obtaining the preference permit which is attached to the base property. As a result, the value of the ranch suffers, and I lose needed income. My family live in towns and choose not to ranch: which leaves leasing as my best option. Changing a policy that has been in effect for many years, and which has proved beneficial to many local land owners, would create hardship and loss.

Since leasing is a general practice in business, it would seem to be quite discriminatory to not allow ranchers to lease their land to someone. After all, we can lease tractors, pickups, machinery, autos, apartments, business sites, and the list goes on. I believe that Government agencies lease building sites and other things for their use: and now the Forest Service is not going to allow landowners the freedom to lease their ranches. This is very disturbing!

It is my hope that you as a ranking Senator will be able to bring a change to the proposed agreement that would allow continued leasing of ranches on National Grasslands.

Senator DORGAN. Mr. Milton, thank you very much.

Finally, we will hear from Tony Huseeth. And, Tony, I believe you have some testimony.

How old are you? The reason I ask is you look younger than most of those of us in the room.

Mr. HUSETH. Twenty-nine years old.

Senator DORGAN. I have read your testimony as well. You seem to me to be exactly what this is all about, what these policies are all about. North Dakota State University graduate, come back, want to ranch. So why don't you proceed.

STATEMENT OF TONY HUSETH, RANCHER

Mr. HUSETH. Welcome today. I'm glad to see that you guys could come and take your time to address a topic of such magnitude.

I'd also like to welcome the Forest Service for coming as well and my fellow grazing associations members. It's great to see a crowd here of this magnitude because like I said, this is a very important issue.

I'm here today to bring to light the hardships facing me, as well as other permittees, if the elimination of leasing as pertained to the grazing permits on the North Dakota National Grasslands goes into effect.

My name is Tony Huseeth. I'm a rancher on the Sheyenne National Grasslands. I'm representing Sheyenne Valley Grazing Association, all young ranchers and all those involved on North Dakota Federal Grasslands.

Like I said, I'm 29 years old. I was born and raised on the Sheyenne National Grasslands. My entire life has involved the Sheyenne National Grasslands in some fashion. From growing up as a kid, working and learning the ways of life in ranching until present where I still work hard everyday and continue to learn and make an honest living.

I am a graduate of North Dakota State University where I studied for and received a Bachelors' Degree in agricultural economics. I took many classes that prepared me for the job I am doing such as ag marketing classes, animal science classes, plant science classes, as well as a few ranch science classes. This was further education towards doing what I love to do and what I thought was an honest and respectable living.

The elimination of leasing on the Sheyenne National Grasslands would not only allow me as a young rancher to secure a future doing what I know and love, eliminating leasing would be a direct negative towards the prosperity of young ranchers or any of the 70 percent of Sheyenne Valley Grazing Associations permittees that are affected some way by leasing.

Lease elimination is not only a local problem, but a problem on our State level. One of the big issues in North Dakota's past, present and future is loss of young people in the State due to outward migration.

When I finished college, leasing got my foot in the door. Without this tool, I would have been forced into another career. I was lucky a lease opportunity was available that fit perfectly into my situation.

By eliminating leasing, I, nor any young rancher with the desire to keep the North Dakota tradition of ranching alive, would be able to use the great resource of the National Grasslands as a tool in jump starting our dream.

North Dakota is a great place to start and raise a family, but lease elimination takes this opportunity off the table for me. This would force me to change careers and run the risk of leaving North Dakota.

By eliminating leasing on the National Grasslands, we would definitely eliminate jobs in this state. I think everyone here knows enough about the ins and outs about how leasing presently works on the National Grasslands, so I won't go into a great deal about its use.

The U.S. Forest Service and ranchers on the National Grasslands have, as long as I can remember, worked together to achieve certain goals. Although these goals may not always be the same, they are still goals and need team work to be achieved.

Each side makes sacrifices at some point in time, but at the end of day we are all still forging forward. Maybe our goal is to improve cow herd health, increase herd productivity, improve financial net worth or flat out improve family well being.

On the other hand, maybe our goal is to decrease leafy spurge populations, increase endangered species populations or just improve overall grassland health.

No matter how you look at it, all these things need compromise to be achieved side by side. This type of compromise has been working since the National Grasslands exchanged ownership from the ranchers to the U.S. Government.

By eliminating leasing, this team work relationship is put into jeopardy. Eliminating leasing takes a part of the equation and slowly squeezes it out. I am just one of the many players that run the risk of being squeezed out if this happens.

I currently lease roughly 480 acres of base property from two separate retired ranchers. This 480 acres carries with it two different grazing permits.

My permits are for 82 and 56 head of cattle on the Sheyenne National Grasslands. I currently own 125 head of cattle on an already reduced grazing season, all of which are run on Sheyenne National Grassland allotments.

I also work hand in hand with my family operation. My father also ranches on the Sheyenne National Grasslands. My father has his own permit and does not lease, but his operation is not large enough to sustain both of us together. So I took the opportunity of leasing more land to acquire another permit when the chance arose.

My obtaining these lease permits allowed my father and I to increase operation, productivity and efficiency while loaning many of the high costs involved in agriculture today.

As you can see already, the elimination of leasing is a financial burden to me for various reasons, as it will be to all others who lease base property. By not leasing, I am forced to purchase land on which to pasture my cattle or flat out quit ranching completely.

This becomes a problem due to the high land costs as well as the lack of obtainable pasture land in the immediate area. I am at no financial situation yet to purchase the amount of land needed to ranch the same cattle numbers I am currently ranching. And there is by no means room for both my father and I to continue jointly under one permit.

Leasing allows me to build my operation and equity to a point that is feasible for investments of this magnitude without sticking my neck out so far so soon.

Along with the land costs, some machine costs, cattle expenses, interest rates, mortgage costs, etcetera, these are costs that are presently spread over my operation as well as my family's operation while still holding on to the increased income generated by the cattle I run on my lease grazing permit, and not having to try to withstand these costs as a separate entity.

Lease elimination would force these costs to both sides independently, therefore causing a financial burden for me, as well as a permittee who is not involved in leasing; being my father.

I have been ranching full-time for 7 years. The time frame I have been given for lease elimination is 7 years. It is very hard to believe that at 29 years old the lifetime of my career choice is half over.

I hope what I have said here today is taken seriously by everyone involved because it is a very, very important topic. At the end of the day, this is a topic that does not involve cows, birds, plants, etcetera. It involves people.

How many people can sit in a room as we all are today and honestly give testimony that they love what they do for a living and would fight this hard, this long to hold on to it?

PREPARED STATEMENT

By eliminating leasing on the National Grasslands, myself and many others will lose our ability to drive forward and lose the de-

sire that we have, know and the love for our whole lives. Thank you.

[The statement follows:]

PREPARED STATEMENT OF TONY HUSETH

Hello Senator Dorgan and staff, Forest Service representatives, and my fellow grazing association members. Thank you for being here and I hope the information I am giving to you today is taken into great consideration because it affects the lives of many hard working North Dakotans. I am here today to bring to light the hardship facing me, as well as other permittees, if the elimination of leasing, as pertained to grazing permits, on the Sheyenne National Grasslands goes into effect.

My name is Tony Huseth. I am a rancher on the Sheyenne National Grasslands (SNG). I am representing the Sheyenne Valley Grazing Association (SVGA), all young ranchers and all those involved in leasing on North Dakota Federal Grasslands. I am 29 years old. I was born and raised on the SNG. My entire life has involved the SNG in some fashion, from growing up as a kid working and learning the ways of life and ranching, until present where I still work hard everyday and continue to learn and make an honest living. I am a graduate of North Dakota State University, where I studied for and received a Bachelors degree in Agricultural Economics. I took many classes that prepared me for the job I am doing such as agricultural marketing classes, animal science classes, as well as plant science classes. This was further education towards doing what I loved to do and what I thought was an honest and respectable living. The elimination of leasing on the SNG would not allow me as a young rancher to secure a future doing what I love and know. Eliminating leasing would be a direct negative towards the prosperity of young ranchers, or any of the 70 percent of SVGA permittees that are affected by leasing, on the SNG. Lease elimination also poses a problem on the state level. One of the big issues in North Dakota's past, present, and future is loss of young people in the state due to outward migration. By eliminating leasing, I nor any other young rancher with the desire to keep a North Dakota tradition of ranching alive, would be able to use the great resource of the SNG as a tool in jump starting their dream. This would force me to change careers and run the risk of leaving North Dakota. By eliminating leasing on the SNG, we would be eliminating jobs in this state.

I think everyone here knows enough about the ins and outs of leasing presently works on the SNG so I won't go into great detail on its use. The U.S. Forest Service and ranchers on the SNG have, as long as I can remember, worked together to achieve certain goals. Although these goals may not always be the same they are still goals and still need teamwork to be achieved. Each side makes sacrifices at some point in time, but at the end of the day we are still forging forward. Maybe our goal is to improve cow herd health, increase herd productivity, improve financial net worth or improve family well being. Maybe our goal is to decrease leafy spurge population, increase endangered species populations or just improving overall grassland health. No matter how you look at it all these things need compromise to be achieved side by side. This type of compromise has been working since the SNG exchanged ownership from ranchers to the U.S. Government. By eliminating leasing this teamwork relationship is put into jeopardy. Eliminating leasing takes a part of the equation and slowly squeezes it out. I am just one of the many players that run the risk of being squeezed out by this happening.

I currently lease 480 acres of base property from two separate retired ranchers. This 480 acres carries with it two different grazing permits. My permits are for 82 and 56 head of cattle on the SNG. I currently own 125 head of cattle, on an already reduced grazing season, all of which are run in SNG allotments. I also work hand in hand with my family operation. My father also ranches on the SNG. My father has his own permit, but it is not large enough to sustain both of us together, so I took the opportunity of leasing more land to acquire another permit when the chance arose. By obtaining the other leased permits it allowed my father and I to increase operation productivity and efficiency while lowering many of the high costs involved in agriculture today. As you can see already the elimination of leasing is a financial burden to me for various reasons as it will be to all others who lease base property.

By not leasing, I am forced to purchase land on which to pasture my cattle or flat out quit ranching completely. This becomes a problem due to the high land costs as well as the lack of obtainable pasture land in the immediate area. I am in no financial situation yet to purchase the amount of land needed to ranch the same cattle numbers I am currently ranching, and there is by no means room for both my father and I to continue jointly under one permit. Leasing allows me to build

my operation and equity to a point that is feasible for investments of this magnitude without sticking my neck out so far so soon. Along with land costs come machine costs, cattle expenses, interest rates, mortgage costs, etc. These are costs that are presently spread over my operation as well as my family's operation while still holding on to the increased income generated by the cattle I run on my leased grazing permit, and not having to try to withstand these costs as separate entities. Lease elimination would force these costs to both sides independently, therefore causing a financial burden for me as well as a permitter who is not involved in leasing (my father). I have been ranching full time for seven years. The time frame I have been given for lease elimination is seven years. It is hard to believe that the lifetime of my career choice is half over.

I hope what I have said here today is taken seriously by everyone involved, because it is a very important topic. At the end of the day this is a topic that doesn't involve cows, birds, plants, etc. It involves people. How many people can sit in a room as we are today and honestly give testimony that they love what they do for a living and would fight this hard and this long to hold on to it. By eliminating leasing on the SNG, myself and many others will lose our ability to drive forward and lose the desire that we have known and loved our whole lives.

Thany you.

Senator DORGAN. Tony, thank you very much for your comments.

I'd like to ask a question before we proceed further. How many in this room are from an agricultural background; farming, ranching? Let me see some hands. Nearly everyone.

What I'd like to do, and I'd like to depart just for a moment—and this is normally not what we would do in a formal hearing. But I want to ask before we ask questions of this panel—which will be our final duty and opportunity.

I want to ask if there are others in the room that would wish to stand up and make any comments, brief. Tell me your name.

We'll spend a few minutes doing that if there are some of you that have come really feel like you'd really like to make a comments, give us your name as you do, and. We have a recorder for this hearing.

If you then wish to send us any written comments, we will attach that to the name that you've given us and make it a part of the official record.

So just for a few minutes if there's anyone here that wishes to stand up and say a few words, we're going to limit it a bit, but I do want to give anyone here who won't be able to sleep tonight if you don't have an opportunity to say a few words, I want you to have that opportunity.

Anybody here that wants to do that? Yes, sir. Would you like to step to the microphone there.

Mr. PLUMBER. Yes. Is this too loud?

Senator DORGAN. No, it's just fine. Your name?

Mr. PLUMBER. Doug Plumber. My family has been involved in the grasslands and ranching since 1921, and we've been involved in the Grazing Associations, Little Missouri primarily.

We got a fourth and fifth generation people on the ranch. However, we had usage of the grasslands and had high production into the 1960s. But in the 1960s things started to change, and what we've laid out today is one of the problems. It isn't just leasing.

We've had problems with them trying to close down the section line roads since the 1962 Memorandum that said the Forest Service could shut down section line roads in North Dakota. And they've been trying to implement that since 1962. That's 40 years. And this is in direct violation of the law.

I'm a land surveyor so I kind of know a little bit what I'm talking about. These things continue on. They continually doing this. Now they're trying to come in and get adverse possession rights for access on private land.

This kind of stuff has got to cease. In our democracy, when people continue violate the law, they should either be prosecuted or fired or both.

With that, I'll be quiet because I think you folks have covered it pretty well.

Senator DORGAN. All right. Thank you.

Ma'am, did you wish to speak or were you pointing at someone else?

AUDIENCE MEMBER. I got cold feet.

Senator DORGAN. You got cold feet. Yes.

Mr. LELAND. Thank you, Senator and Representative for this opportunity.

I didn't realize that we would have an opportunity to make comments, but I'm Melvin Leland. I'm President of the North Dakota Stock Association, and we are very strong supporters of the Grazing Associations.

So in the interest of time, I would like to request that we send a written report of our statement in to you.

Senator DORGAN. You're welcome to leave it with us today and it will be a part of the hearing statement. Melvin, we thank you very much.

Yes, sir.

Mr. HALL. My name is Monte Hall.

Senator DORGAN. I know you. Let's keep it to 20 minutes.

Mr. HALL. I'll do less.

Senator DORGAN. I'm just kidding.

Mr. HALL. I run cattle in the Sheyenne Grazing Association, plus I'm on the Weed Board for Ransom County.

But I will say this straight out. If it wasn't for the two counties, Richland County, Ransom County, going after you to help us to take care of this—I think the Forest Service is very poor at taking care of their land. If it wasn't for the ranchers out there taking care of it, we would have one hell of a mess out there.

This is what I wanted to say. We've been fighting with the Forest Service on this thing all the time, and the other thing is that ah—well, I lost my thought. I'm nervous in front of Byron.

Senator DORGAN. Very unlike you, I might say, to lose your thought.

Let's just point out that while this hearing is not about weeds and leafy spurge, I brought a leafy spurge plant to a committee hearing one day. Senator Conrad Burns and I were holding this hearing, and I just brought a big old leafy spurge and put it right up on the front of the desk so that the Forest Service was testifying.

I said I wanted them to see what a leafy spurge looks like because they're not controlling it, and put some money in so that they can start—require them to start controlling weeds.

Part of being a good neighbor is to control your weeds, and the Forest Service has a lot to learn there as well. Although they made some progress in the last year.

Mr. HALL. The thing is what I was going to say, if you eliminate what the Forest Service wants to do, we're going to lose our Grazing Associations. Then who is going to take care of the land? It's the ranches been out there taking care of the wells, the fences and everything else. They couldn't find any better partners than the ranchers out here.

To me, it seems the Forest Service stays up all night thinking what's the next thing they can do to the ranchers. It's the roads. It's this and that. They're always coming up with something.

Senator DORGAN. Thank you, Monte.

Yes, Ma'am.

Mrs. BURT. I'm Cecelia Burt and I live in Belfield. A few years ago my husband died, and I got to rent out my farm and the grazing rights went with it.

It helped this young man for a long time, and now they want me to make out a 7 year lease which, maybe I won't even live that long, and I won't really make it out because they said if I don't get it in there, then I will lose this ranch or I will lose the grazing rights because my lease is coming up this fall.

That I'm so glad that I came and find out what I did today, and I thank you guys.

Senator DORGAN. Well, thank you for coming over. That's a lengthy drive. Thank you for your thoughts. Yes, Ma'am.

AUDIENCE MEMBER. I've been listening here to the Forest Service people discuss what they knew and didn't know about this new policy that went out.

My question is this: How much of this stuff is written by the Association of Forest Service employees for Environmental Ethics and for Public Employees for Environmental Responsibility?

Two organizations that are funded by many of the very foundations that are doing everything to take and close down ranching and the life that we know. There's the Rockefeller Foundation, the Mary Renolds-Babcock Foundation, the Town Creek Foundation, the Algen Jones Foundation.

All these foundations are funding these organizations. They are employees of the Forest Service, and they are not working for the ranchers. Thank you.

Senator DORGAN. I would suggest you're certainly welcome as well to address a letter to Gail Kimbell. I'm sure she'd be happy to respond to a particular inquiry.

Yes, sir.

Mr. WISNESS. Thank you for coming today. I would like to send my comments in to you. I understand if I send them into you, they can be part of the record?

Senator DORGAN. Yes. Give us your name.

Mr. WISNESS. Paul Wisness, Hawkins Grain Association. I'll be sending them in to you.

Senator DORGAN. Thank you, Paul.

Anyone else?

Mr. GAEBE. Senator Dorgan and Congressman Pomeroy, my name is Lance Gaebe. I work for Governor Hoeven on the major cultural issues.

He asked me to come today to this hearing because we, too, are very concerned about the petition's rules and were as stunned as

virtually everybody in the room about the way it would go, the directive, and continue to work closely with your offices to try and bring them back into check and have the appropriate comments made by the Grazing Associations and the grazers.

I appreciate it.

Senator DORGAN. Thank you very much. And I know the Governor did meet with some Grazing Association folks as well.

If he wishes to submit a statement, we will include that in the hearing record. Yes, one more.

Mr. SCHNEIDER. I'm Mike Schneider. I'm County Commissioner from Slope County, which is out in the western part of the State, and I would just like to address you on the fact of the out migration that this would cause if we lose our right to lease these lands.

We're a county of about 700 people now, and we can't afford to lose any more people out there. We need everyone we can. We need good partners to encourage this, and I thank you for your time.

Senator DORGAN. I believe Slope County is the about the size of Rhode Island, the State of Rhode Island?

Mr. SCHNEIDER. We're about 800,000 acres and of that about 130,000 acres are horse—

Senator DORGAN. Just fewer than 800 people; is that right?

Mr. SCHNEIDER. Yeah, about 700 now.

Senator DORGAN. Well, let me thank you, all of you, who also contributed your thoughts. I'm going to make a couple of comments and questions.

First of all, Randy and Keith and others, you've worked a long while on Forest Service issues and issues that attend to the grasslands. We have had management of the grasslands active and originally a lead partnership with the Grazing Associations for decades and decades; is that not correct?

Can you give me just a bit of history of when the Grazing Associations were formed and how long they've been involved in the management of those grasslands and the grazing rights.

Mr. MOSSER. Well, the Medora Grazing Association was formed in 1937. Like I said before, the permits were issued depending upon the number of livestock that you run 7 years prior to 1937.

I think some other associations were formed a little later than that. I think McKenzie was the same year.

Senator DORGAN. It's one thing to disagree with the landlord, in this case, the Forest Service. They have legal responsibility for management. It's one thing to disagree with them. It's another thing to learn what's happening through the newspaper or by turning on the television.

I understand there are some who just don't like the fact that the Forest Service or any federal agency is involved in any way on these lands, and yet, they are owned by the American people. They are in public hands and so there will be management of the lands. The question is what kind of management.

We would expect, and I think Congressman Pomeroy's questions and my questions to the Forest Service indicated that we expect there will be consultation and a partnership here.

Can any of you describe to me whether that partnership has improved in recent years? I described the circumstance with Dave that, you know, where we got what is effectively the Regional For-

ester for grasslands here, but what we learned this morning is this policy comes from on high, kind of over the heads of the local folks, and without consultation.

Give me your assessment of what kind of consultation has existed, maybe Keith and Randy especially, if any.

Mr. WINTER. On this issue, Senator, as you articulated very well this morning, there was no consultation. Two years ago we sent a letter that Earl put into the record here and we heard virtually—we had a meeting with the State presidents at that time on this issue, and since then we've heard nothing until us and yourself and the Governor's office was sort of stunned by the announcement.

Over the years, yes, it is Federal land. I think we fully understand that. We sold the land to them for the multiple use purpose.

We understand that there will be Federal oversight, and I think we feel very strongly that our 7 years of the operation of these lands has stood the test of the time and we do not know if we need a big left-hand turn now.

Are there problems out there? Sure. There always has been. Mother Nature provides many of them. We would like to continue working on them in a cooperative way like we always have.

Senator DORGAN. What's the condition of the grasslands at this point in your judgement?

Mr. WINTER. In our judgement within the realms of Mother Nature we think in very good shape. Of course the rainfall has so much to do with it. It's been a pretty good year out there this year, including the Sheyenne Grasslands.

But that question was answered by the SRT and with the scientific review team, and we resubmitted a few questions to clarify that issue. Hopefully they are going to be answered.

Senator DORGAN. Have you gone through the 16 chapters in that handbook in some detail, and can you separate the new from the old?

Mr. WINTER. We went through Chapter 10 and 20 with great detail. Yes, we can, and we have. Some of—the leasing issue has been withdrawn, but there are some other issues that they left in that—the direct permits, for instance, is still in the interim role.

The other things have been withdrawn, but there are many, many issues. We articulated a few of them here, but there are many issues.

Senator DORGAN. What if somebody said, you know, Keith and Randy, you're just complainers. This is much ado about nothing; this doesn't have any impact. What's your response to that?

Mr. WINTER. I think Tony down here articulated that very well.

Senator DORGAN. In your assessment of the grazing associations and the ranchers involved, this will have real consequences for who would be able to continue to ranch?

Mr. WINTER. Absolutely.

Senator DORGAN. It would have real consequences for the region and the economy and the communities out there?

Mr. WINTER. Yes.

Senator DORGAN. That are supported by the ranchers?

Mr. WINTER. Yes, that and the other issues. It's not just one issue. It's many issues in this interim directive.

Senator DORGAN. Let me just finally ask, you didn't respond to the question maybe deliberately.

When we finally set up the equivalent of the Regional Forester here for the grasslands and have someone here, has that improved things or not? And if not, why not?

Mr. WINTER. Questionable. There is the left-hand turn, the many issues that have come up, which includes the Dakota Prairie Grasslands. These issues have all come about since the grassland supervisor got appointed here. So there has been many contentious issues in the past 6, 7 years.

How is it going to play out? With your help hopefully we can direct the results. But no, it is not. It seems like we're more in contentions. Is that right, Randy?

Mr. MOSSER. Yes.

Mr. WINTER. We've got more contentious issues than we had before the Bismarck office came in play.

Senator DORGAN. I'm going to call on Congressman Pomeroy for a couple of questions to complete this.

I want to mention again, Conrad Burns who is the chairman and I am the ranking democrat of the subcommittee. Conrad Burns, Senator Burns, feels very strongly about the Forest Service practices as well.

He and I have had a discussion by telephone last week about this entire area, and he is, I think, as prepared as I am to take action that's necessary to make sure the result here is a fair result and the right result.

I also want to mention, again, that Senator Conrad I know met with you, and in fact, we were in Medora the same day when we met with a number of groups and Congressman Pomeroy has.

I also wanted to say that Bruce Evans, who is here on behalf of—Bruce is right over here—on behalf of Conrad Burns and Peter Kiefhaber and Rachael Taylor, all of whom work on the subcommittee, this Appropriations subcommittee has jurisdiction over funding for the Forest Service. These three are experts in this area and will be very instrumental in helping us determine what we do as we proceed to deal with these issues.

It's also true as Congressman Pomeroy suggested that the authorizing committees will have a lot to say. From time to time when the authorizing committees don't take action, we stick it in an appropriations bill and it causes all kinds of anguish, but it's hard to get out of an appropriations bill and stick something in. So we're going to have an opportunity to address this.

My first and best hope will be that the Forest Service hears loudly and clearly exactly what the problem is, what the urgency is to address this and has heard sufficient information this morning to understand.

This is not much ado about nothing. This is a very serious and a very important issue that they should take seriously. And I would hope their first step would be to decide the process by which this handbook was delivered without proper consultation, should persuade them, bring it back, start over and do it right.

Whatever policies exist in the handbook when it's done right should be policies that are consistent with the needs that exist here with respect to Grazing Associations, ranchers, multiple use of the

lands. But you would get that consistency by sitting down and having a discussion and using a good dose of common sense.

When those discussions don't happen, I think these things move off in the wrong direction, and that's what we have in front of us today.

Congressman Pomeroy.

Mr. POMEROY. Thank you, Senator Dorgan. I want to congratulate everyone who spoke. I think to a person you articulated perfectly the sense that has been expressed to me of how ranchers have reacted to the proposals.

The great line from the movie *Cool Hand Luke*, "What we have here is a failure to communicate," seems to have some implication.

Ms. Kimbell said that they make every effort to, "work in a collaborative way" with the ranchers. She said, "We make every effort to engage the public."

I'm just wondering if it's your sense, I'd like to ask the panel right across whether it's your sense as stakeholders in interaction with the Forest Service on these lands, whether it's your perception that they work in a collaborative way, whether it's your sense that they make every effort to engage the public?

We'll start with you, Joe, and just we'll work right on down.

Mr. MILTON. To answer your question, Congressman, which is a very good question, I don't believe that they do.

I think that they have a tendency to bow to the pressures from outside that would restrict them in making good judgment. And they follow sometimes, like I said, poor judgment in doing their decision. They use theory rather than facts, and there's several instances where this has been the case.

Mr. WINTER. I think there's a lot of direction that comes down from the top on the Forest Service, and that's where the collaboration and the consultation is not there.

On a local level there are some very fine Forest Service people that we work with very well on the issues, and it sort of depends a little bit on which local people you have in charge at that particular time.

At the particular time in our association we have very good cooperation with the ranger people, but the idea the National Forest policies should be implemented on the grasslands is like trying to drive a square peg in a round hole. And that's where the rub comes.

Mr. MOSSER. Well, I think basically what a lot of it comes down to, I think we have a lack of trust. They don't seem to coordinate with us what they're planning to do or how they're going to do it. And I know some of our local range cons and that show the same frustration, too.

But no, there isn't the cooperation consultation.

Mr. ANDERSON. I don't think that there is either, but I think it's—they've kind of admitted that they have a communication problem within their organization, and then that filters down through us and we get one side—somebody says one thing and the next guy says the other thing.

So it's communication and goes back to what Randy said; then there's trust issues. A lot of it is communication.

Mr. HUSETH. I'd have to strongly agree with the statement that Keith made. On a local level there's a lot of range cons and people on local levels that really seem to understand where we're coming from and the goals that we have, and that makes it a lot easier, like I said in my statement, that both sides have to compromise.

It makes it a lot easier for them to compromise with us knowing what we want and what we need, and that allows us to compromise and understand where they're coming from as well.

But like the other guys stated, when you're working on so many levels, the waterfall effect, from one stage to the next, there's too much miscommunication in between those levels. So I think it comes from the higher up down to the local.

Mr. POMEROY. I think your statements are very well made. I have a hunch that those of the grass roots level interacting so closely have the best understanding of what you're dealing with. And you know, sometimes notions break down a little bit when you actually confront them with reality.

So these notions that they have in Washington don't actually work out here in the ground. They don't even want to hear it. They just want to do it. So they cut out the range cons from the process. Sir, go ahead.

AUDIENCE MEMBER. Just a quick comment.

Mr. POMEROY. If you'd identify yourself, please.

AUDIENCE MEMBER. I'm sorry. Gary Tesher. I live out by Squaw Gap, McKenzie County Grazing Association.

To reiterate what you people have said, and I think what you people have implied is my major concern with our situation now, is I think we're being bullied by the Forest Service.

I think we're a very important cog in this equation, and I think, like these people have said, it's the range cons and that, some of those are pretty good to work with. But further up people, I think we're more of an irritation than anything, and I don't think that's right.

I've seen the change—I've only been ranching 30 years, but I've seen quite a change in them years that we were pretty high on the totem pole then, but it's just getting lower all the time.

I would certainly like to see a change in attitude. My guess is it probably started to take place a couple hours ago. Thanks.

Mr. POMEROY. Thank you, Mr. Tesher. I would just conclude, final comment. I think that this has been a very serious agency mistake. I don't think I've ever seen one quite like it, and it couldn't have come in my view at a worse time because the scientific review team has completed their work relative to the discussions we'll be having upcoming on the Range Management Plan, Grasslands Management Plan.

We've got a lot of very heavy lifting in front of us. So to have these interim directives shoved down our throat like was attempted absolutely blowing up trust and devastating whatever confidence there might be in us getting to some kind of working relationship, and I'm not just speaking about my constituents here. I'm speaking about me and representing North Dakota in the House.

I believe that it's going to take a long time for me to get over how this has been handled, and we're not nearly through working

our way through the various points of controversy these directives have advanced anyway.

So to me, if strategically the agency wanted to look at what's the worst thing we can do before we have to sit down and work this management plan over, this interim directive would have been just the perfect solution, and we'll all have to work extra hard to, I think, change course and get things back on a more constructive path.

Senator Dorgan, again, thank you very much for allowing me to participate in this hearing.

Senator DORGAN. Congressman Pomeroy, thank you for your work and thank you for being here.

You know, there have been times when we have disagreed, the grazing associations and myself. I mean, I've been willing when you've come at me with certain things, if I think your wrong, I've said it; I think you're wrong about this.

But you're not wrong about this. You're right about this, and this is something of significant consequence. This is a big deal, and could have a significant imprint on what kind of future we have in and around areas of the grasslands.

Are we going to have families living out there under yard lights trying to run a farm on a ranch or are we not?

So the reason we called this hearing is this is an issue of great consequence and it needs to be addressed. This is not something that can't be repaired.

It can be repaired. It can be fixed. And my hope is the Chief of the Forest Service, Regional Forester and others will understand that this must be fixed. And the way to move forward is through consultation and working together. We have a common interest here.

Let me just finally say that while this has all has been very serious, I want to tell you about a rancher that I've told people about for years and years.

I grew up in western North Dakota and I got a call when I was in the U.S. House many, many years ago from a rancher who—and ranchers are plain spoken. They tell you exactly what's on their mind, and they use as few of words as possible.

He called me and he was furious. I forget what the issue was. It's been many years now. And he was so upset. He concluded his harangue at me by saying, "Byron, you either fix this or, by God, I'm going to fix you!"

I said to him, "Are you trying to threaten me?"

He said, "Hell, yes! I thought I made that clear."

I knew it wasn't physical. It was just he just wanted to give me a long—but you know, the fact is, you know, people are pretty plain spoken about things that get under their skin. This is one of those circumstances where we can't ignore this. This is an issue that should not and cannot be ignored because it will have great consequence for our state and for families who work and live in our state.

So let me thank all of you who have driven some ways to be here. The Bismarck location was just the most opportune location to do this as early as was possible. It also allowed some folks from Sheyenne to get over here more easily.

But I know many of you have driven a long, long ways coming in from Belfield this morning and Watford City and north of Williston and so on. Thank you for doing that.

Mr. WINTER. We'd also like to thank you for having this hearing and coming from Washington, DC.

Senator DORGAN. Well, we will continue to work on this, and I will look to hearing a response from the Chief of the Forest Service a week from Friday.

In the mean time, we have—if you've signed in, we have your sign-in name and we'll keep in touch with you about all that we have learned.

CONCLUSION OF HEARING

Thank you all very much for being here. That concludes our hearing.

[Whereupon, at 12:55 p.m., Tuesday, August 30, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

