



**National Cattlemen's
Beef Association**

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Beltway Beef is a weekly report from Washington, D.C., giving an up-to-date summary of top policy initiatives concerning the cattle industry; direct from the National Cattlemen's Beef Association (NCBA). Please feel free to reprint in full or in part. If you would like to include NCBA's logo, contact us at 303-694-0305.



Beltway Beef

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Cattlemen's Capitol Concerns

Supreme Court Rules in Favor of Property Owners' Right to Challenge Agency Orders

The United States Supreme Court ruled unanimously in support of the right of landowners to seek judicial review prior to enforcement of compliance orders. Ashley Lyon McDonald, National Cattlemen's Beef Association deputy environmental counsel, called the decision in the Sackett v. Environmental Protection Agency (EPA) a decisive victory for private landowners nationwide.

"The uncertainty and mountains of bureaucratic red tape surrounding the Clean Water Act (CWA) permitting process left the Sacketts in a lose-lose situation. Fortunately, this ruling will allow private property owners to challenge decisions before facing the threat of costly and burdensome fines," McDonald said. "While the decision did

not reach the question of the limits of CWA jurisdiction, it made clear the agency cannot threaten property owners with large fines without having a court review their decision."

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~ Ashley Lyon McDonald

Specifically, the court held that Chantell and Michael Sackett can challenge EPA's "Administrative Compliance Order" (ACO), which alleged that private land the Sacketts purchased in rural Idaho to build a vacation home was a wetland and subject to CWA jurisdiction. It ordered the Sacketts to restore the land to its

original condition or face tens of thousands of dollars in fines for each day of noncompliance.

McDonald said the Sacketts disagreed that the land was a wetland and

appealed for a hearing on the alleged violation but were denied by EPA and the Ninth Circuit Court of Appeals. She said the Ninth Circuit threw out the case because it determined that the CWA prevented judicial reviews of ACOs until

enforcement action is taken by federal agencies. However, she noted that the Sacketts could not challenge the order until they refused to do what it instructed and were forced to pay thousands of dollars in fines.

Make Your Voice Heard Register Today to Attend the 2012 NCBA Legislative Conference

From the estate tax to the 2012 Farm Bill and the Department of Labor's proposed on-farm child labor regulations, lawmakers in Washington, D.C., need to hear from cattlemen and women about how legislation and regulations impact cattle operations nationwide. Attending the 2012 NCBA Legislative Conference April 17-19 in Washington, D.C., will give cattlemen and women the opportunity to meet with key congressional and agency influencers and articulate policy priorities of our industry for the future. [Click here](#) for more information about the conference.

Registration for the conference can be completed [online](#) or by [downloading](#) a registration form and mailing it to NCBA.

The conferences will be held at the [Dupont Circle Hotel in Washington, D.C.](#) For room reservations, please call (202) 483-6000 or (866) 534-6835 Mon.-Fri. 9:00 a.m. - 5:00 p.m. EDT. Please reference "NCBA 2012" for a group rate.

If you have questions or need assistance registering for the conference, contact Valerie Proni at vproni@beef.org or 303-850-3326.

Federal Lands Grazing Reform Addressed on Capitol Hill

Lawmakers on both sides of Capitol Hill this week set sights on reforming federal lands grazing by improving the efficiency and stability of the grazing permit process. Congressman Raul Labrador (R-Idaho) introduced the Grazing Improvement Act (H.R. 4234) and the U.S. Senate Subcommittee on Public Lands and Forests considered the Senate companion legislation to H.R. 4234, which was introduced by Senator John Barrasso (R-Wyo.) in 2011.

[Rep. Labrador](#) said he introduced H.R. 4234 to ensure future generations of public lands ranching across the West.

“We can no longer allow the federal government to maintain an enormous backlog in processing grazing permits. I am proud to introduce the Grazing Improvement Act of 2012, in hopes of ensuring grazing certainty and stability for America’s livestock producers,” Congressman Labrador said. “Ranching is a time-honored tradition in Idaho and across the American West. It is an integral part of our cultural fabric and our economic security. As such, we must preserve it for future generations.”

Jim Magagna, Wyoming Stock Growers Association executive vice president, testified in support of Senator Barrasso’s Grazing Improvement Act (S. 1129). He said livestock grazing on federal lands has a long history but said changes need to be made to the grazing permit process to restore stability to the industry. Magagna said over the years, the grazing permit renewal process has morphed from an “administrative exercise” to a complex, timely and

unstable process.

“When I began my career in ranching in the 1960s, renewal of my term grazing permits every ten years on both Bureau of Land Management land and U.S. Forest Service land was little more than an administrative exercise,” he said. “Today, my permit renewals are subject to compatibility with a Resource Management Plan or Forest Plan, prior environmental analysis, a potential need for consultation under the Endangered Species Act and likely appeal by an anti-grazing organization.”

Magagna said S. 1129 would make necessary changes to the grazing permit process, citing specific reforms included in S. 1129 to codify language that has been included in annual appropriations bills to allow the U.S. Forest Service and the Bureau of Land Management to renew grazing permits on federal lands under current terms and conditions until the renewal process is complete, as well as reforms to extend the life of grazing permits from 10 to 20 years and implement a more balanced appeal process.

“There are certain times when small steps can produce large results. In the Grazing Improvement Act, those small steps are taken,” Magagna said. “The results will include greater stability for the livestock industry, a renewed focus on long-term resource management, enhanced agency efficiency and continuation of the broad public benefits provided by both public and private lands in the West.”

Legislative Watch

H.R. 4153 – Chesapeake Bay Program Reauthorization and Improvement Act

To support efforts to reduce pollution of the Chesapeake Bay watershed, and to increase transparency in the Chesapeake Bay Program.

NCBA urges a **YES** vote the Chesapeake Bay Program Reauthorization and Improvement Act.

Key Sponsors: Reps. Bob Goodlatte (R-Va.), Tim Holden (D-Pa.)

S. 1129 / H.R. 4234 – Grazing Improvement Act

To make improvements to the efficiency and stability of the federal lands grazing permit process.

NCBA urges a **YES** vote on S. 1129 / H.R. 4234

Key Sponsors: Sen. John Barrasso (R-Wyo.), Rep. Raul Labrador (R-Idaho)

H.R. 3798 – Egg Inspection Act Amendments of 2012

To amend the Egg Inspection Act to mandate on farm production practices.

NCBA urges a **NO** vote on H.R. 3798. Key Sponsor: Rep. Kurt Schrader (D-Ore.)

H.R. 2414 – Farmers’ Freedom Act of 2011

Exempts certain farm vehicles from certain federal requirements (for a commercial driver’s license, drug testing, medical certificates and hours of service). Prohibits federal transportation funding to a state from being terminated, limited, or otherwise interfered with as a result of the state’s exempting a covered farm vehicle from any state requirements governing the operation of that vehicle.

NCBA urges a **YES** vote on H.R. 2414. Key Sponsor: Rep. James Lankford (R-Okla.)

For a full list of legislation NCBA is monitoring [click here](#).

New on the Web

Check out the [Beltway Beef blog](#) for inside perspectives on issues affecting U.S. cattlemen and women. You will find updates on the Chesapeake Bay Program and more. You can sign up on the blog to receive an email when new information is posted. You can also follow us on [Twitter](#), be a fan of us on [Facebook](#), check out our latest photos

on [Flickr](#) or watch video updates on our [YouTube](#) page. For audio, visit and subscribe to the Beltway Beef [Podcast](#). You can also subscribe to our [podcast](#) on iTunes.

Preventing Barbecued Chicken since the 1800s

By Mike Deering, NCBA Director of Communications



Livestock have been roaming the western range since post-Civil War years because ranchers didn't have a dime to buy their own ground after the war. Today, ranchers still utilize 157 million acres of public lands to feed a world population that is expected to grow from 7 billion today to 10 billion people by 2050. America's ranchers haven't missed a beat in producing safe, nutritious beef for a growing global population. They do this by adopting the most sustainable production practices. An important part of this equation is the cattle still roaming the public lands out West. Without a viable public lands sector of the livestock industry, food security would undoubtedly be hindered. Beyond food, grazing on public lands keeps wildlife and the land healthy and vibrant. Quite simply, it prevents a massive chicken barbecue. Stay with me and I will eventually get to the point.

A brief history lesson on the whole public lands ordeal is needed before further bantering. According to the Bureau of Land Management (BLM), federal lands were almost depleted by the late 1800s. BLM reports that in 1870, there were 4.1 million beef cattle and 4.8 million sheep in the 17 western states. BLM notes that in 1900, there were 19.6 million beef cattle and 25.1 million sheep. A bunch of activists, primarily ranchers, saw a need to gain control of the situation in order to protect and sustain the range for their future use. A lot happened in-between but let's jump to 1934 when the Taylor Grazing Act was enacted. This act basically put some structure to the public lands grazing process to ensure responsible land management from all angles.

Today, public lands ranchers operate under an organized system. They realize in order to keep money in their pockets, food on the table and sustain their family business for future generations they must be the topnotch stewards of the land. However, there are a lot of over-the-top, narrow-minded environmental extremists out there who would like nothing more than to turn the 157 million acres into a vast national park and completely eradicate all livestock off the range. Notice how I said extremists and not activists. The difference is a little thing cowboys call common sense. Activists are fighting for a cause. Extremists couldn't care less about the consequences of their actions to their alleged cause. In my words, I call them wackos, although that's not at all politically correct.

I admit, those are some pretty inflammatory words. But these extremists deserve every ounce of it and I will back it up with one of many examples. Let's hone in on that barbecued chicken I mentioned earlier. Extremists, for the most part, have refused any meaningful reform to the Endangered Species Act, which has resulted in a less than two percent species recovery rate over the past 40 years. Instead of looking at ranching as part of the solution, they spout rhetoric over facts. Look no further than the chicken debacle – officially called the greater sage grouse. Instead of working aggressively to prevent the listing of the sage grouse on the Endangered Species List, they are working aggressively to ignore the chicken and set their sights on ranchers. Say what? Yeah, their end goal is to end ranching; not protect the chicken.

The wackos – as I still prefer to call them – have successfully weaseled their way to the front steps of BLM and the U.S. Forest Service. Late last year, the agencies released a plan to implement sage grouse protections on 45 million acres of federal lands with the goal of preventing the listing of sage grouse. While that's a worthy goal, the plan fails to recognize that grazing is responsible for retaining expansive tracts of sagebrush-dominated rangeland, stimulating growth of grasses, eliminating invasive weeds and reducing the risk of wildfire. These services can only be provided by ranches that are stable and viable. Without grazing, sustaining and increasing the sage grouse population would be nearly impossible.

Grazing prevents fires. Fires cause death. Death equals barbecued chicken. It is that simple.

Ranchers stand ready to work with the government to prevent the listing of the sage grouse, which has the potential to put public lands grazing to a complete halt (according to Dave White, Chief of the Natural Resources Conservation Service, March 7, 2012).

To sustain native species, like the sage grouse and prevent the critters' extinction, these extremists who spend their days gathered around the old oak tree, bunny in hand playing Wheel of Fortune with livestock producers' livelihood must be forced to retreat. The extremists don't care about the sage grouse. They care about ending public lands grazing and see this as their opportunity at the expense of ranchers, food security and the innocent sage grouse.

CattleFax Update

On Wed., March 21, the broader commodity markets traded at mixed prices on the day. Live cattle futures closed about \$0.40/cwt. higher as cash traded from \$126 to \$127.50/cwt. live and \$202 to \$204/cwt. dressed. There was active trading in feeder cattle futures, and prices closed about \$0.70/cwt. higher. The CME reported the Feeder Index at \$154.41/cwt., up \$0.09. Boxed beef values traded more than \$1/cwt. lower. Choice beef is trading on par with last year. Rounds, chucks, and 50s trimmings are all trading below last year's prices. Lean hog futures continue to find selling - April futures are nearing last summer's support near \$84/cwt. According to Dow Jones estimates, pork packer margins are at their lowest levels since 2008-2009. Grains traded mixed. Corn futures fell about \$0.06/bu. on old crop and about \$0.04/bu. on new crop. Soybeans gained about \$0.10/bu. Chicago wheat futures slipped about \$0.06/bu.

For recent market news and analysis, visit www.CattleFax.com.

Don't Miss Out on NCBA's Cattlemen to Cattlemen!

Next week on NCBA's *Cattlemen to Cattlemen*, viewers will hear from experts who see a growing interest in the use and improvement of forages. Plus, we'll take a look at why one Ohio man returned home after college to focus on beef cattle.

NCBA's *Cattlemen to Cattlemen* debuts each Tuesday at 8:30 p.m. The show also airs Wednesday at 10:30 a.m. and on Saturday at 9 a.m. (all times are Eastern). Don't forget that you can also [watch NCBA's Cattlemen to Cattlemen online](#) anytime by visiting our website. Follow us on [Twitter](#) and become a fan on [Facebook](#).



Your NCBA

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NCBA-PAC In Action: Congressman Bill Flores (R-Texas) and Congressman Greg Walden (R-Ore.) stopped by NCBA's Washington, D.C., office this week to meet with NCBA staff about key policy issues, including the fiscal year 2013 federal budget, the 2012 Farm Bill, the estate tax and more.

NCBA-PAC is gearing up for the 2012 Young Cattlemen's Conference (YCC) May 31-June 7, 2012. The 2011 YCC class raised a record-breaking \$74,000 for the NCBA-PAC during a live auction. We need your help surpassing that record. This is possible with your generous contributions of items for the 2012 YCC auction. If you have an item to donate to the auction, please contact NCBA-PAC Director Anna Lee at alee@beef.org or at 202-879-9129. All items must be received by June 1, 2012.



National Cattlemen's Beef Association

The National Cattlemen's Beef Association (NCBA) has represented America's cattle producers since 1898, preserving the heritage and strength of the industry through education and public policy. As the largest association of cattle producers, NCBA works to create new markets and increase demand for beef. Efforts are made possible through membership contributions. To join, contact NCBA at 1-866-BEEF-USA or membership@beef.org.