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ENVIRONMENTAL CHALLENGES FOR THE RANCHING COMMUNITY

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My grandfather used to love to tell the story of a preacher who came to the ranch to visit. "My goodness, Joe, you have a beautiful place," said the minister. "The green grass blowing in the wind, the cottonwood trees filled with singing birds, the abundant wildlife, and the sparkling streams, it is amazing what you and the good Lord have done."

"Yes," my grandfather said, "It is beautiful. But you should have seen it when the Lord was doing it by himself."

There is a great message in that story. Man can improve the environment. Man can enhance mother nature's handiwork. In today's world, especially in today's environmental world, there is a common belief, almost a religious belief, that man has raped and pillaged the environment at every opportunity. There is a notion that before man arrived at the scene, a utopia existed that was without equal; fish were jumping in every stream, and wildlife hid behind every sagebrush.

I will freely admit that there have been instances where man has not taken care of the environment. We all know that we have made mistakes along the way, but many of those mistakes can and have been rectified. As we learn more about the proper way to treat our renewable resources, we will continue to do better.

But in many instances, especially in the west, man has enhanced the environment. The early settlers recognized that one of the first agricultural practices needed for the arid west was to scatter water and irrigate the dry soil. In the process, wildlife habitat was created, stream-bank stabilization occurred, and the environment improved. My grandfather, who was born in 1898, never saw a deer until he was 14 years old. He often told the story of when he was a young man and riding out on the range in the fall, waking up one morning to a skiff of snow. As he was saddling his horse, he noticed a deer track. He followed that deer track all morning hoping to see the deer, because he had never seen a deer before. After years of predator control and habitat improvement, deer and other wildlife are an everyday sight for many people in the west.

Unfortunately, in today's world, ranchers are feeling the frustration of a society that blames them for every conceivable problem in the natural resource arena. On a daily basis, the agriculture community is being over-run by zealots who are armed with such weapons as the Clean Water Act, the Endangered Species Act, the National Environmental Protection Act, the National Pollutant Discharge Elimination Act, and on, and on, and on.

The most alarming attack in the West is over water. We in the west understand that if you can control the water in the est, you literally control the west. Since the authority for the adjudication

of water has clearly been given to the states, the attacks have come, not through water quantity issues, but rather through water quality issues. We have seen a constant barrage of regulations trying to regulate water quality in the states with the notion that the Clean Water Act trumps the state authority over water quantity. We have seen attempts to control non-point source pollution, to regulate water temperature, to control instream flows, or to dictate terms for animal feeding operations through water discharges. Many of us have feared that it is just a matter of time before the water quality debate will run head long into the water quantity issues. There is evidence to show that debate has begun. Certainly the recent fiasco in Klamath Falls, Oregon would indicate that an adjudicated water right does not have the full force and effect of law that we had previously hoped that it did.

The Endangered Species Act has deviated from its original intent so far that it is barely recognizable. Some believe that the enforcement of this act has nothing to do with promulgation of species, but rather everything to do with land use management. We have had several instances of this in our region. We are currently dealing with a petition to list the black-tailed prairie dog as endangered. The petitioner claims that 90% of the historic range of the prairie dog has been lost and yet we calculate that we have about 360,000 acres of black tailed prairie dogs in Wyoming alone. If you extrapolate 10 holes per acre and 5 prairie dogs per hole, we would estimate that we have somewhere in the neighborhood of 18 million black-tailed prairie dogs in Wyoming. It is a little difficult to convince ranchers that the black-tailed prairie dog is truly endangered with those kind of statistics. Nevertheless, we have already seen the U.S. Forest Service slap a ban on poisoning and hunting of the little critter on forest service land, this even before the animal is listed. Now we have word that a similar petition will be filed shortly for the white-tailed prairie dog. Environmental groups have publicly trumpeted the fact that the prairie dog will become the “spotted owl” of the short grass prairie. We are also expecting a petition for the sage grouse to be listed as endangered. The petitioners have already alleged that the cause of the decline in the sage grouse population is overgrazing on public lands. This, despite the fact that there has been a 40% reduction of AUM’s on public lands in the last 40 years.

Ranchers in Wyoming are dealing with the listing of the grizzly bear, the grey wolf, the mountain plover, and the Preble’s Jumping Mouse as endangered and threatened animals. Livestock have been lost, ditches not allowed to be cleaned or burned, land not cultivated, and irrigation water lost, all in the name of the Endangered Species Act. In many cases, the listing of these animals has been done without adequate science or documentation that the animal can either be identified or that it truly is endangered.

A classic example of environmental activists intentionally misusing the Endangered Species Act (ESA) to destroy the livelihood of farmers, ranchers and others who depend on the land, is the listing of the coho salmon in Oregon. In 1998, the National Marine Fisheries Service listed the coho salmon as endangered under the ESA. They listed the Oregon coast salmon as a distinct “population segment” of salmon and differentiated it from the genetically identical salmon that were being produced in hatcheries although there was absolutely no science to support such a listing. The situation became so outrageous that 23 other “population segments” of coho salmon throughout the west coast states were also protected under the endangered species act. One of those is the Southern Oregon/Northern California coast coho salmon which is found in the Klamath Basin.

Fortunately, a U.S. District Judge has ruled that the listing of the salmon was “arbitrary and capricious” and set aside the listing and said the agency must include both hatchery and wild salmon in determining whether they were endangered. The ruling is a major setback for those who have misused the ESA and gives some hope that we may have reached a turning point in this troublesome issue.

We are very concerned about proposed rules for confined animal feeding operations. The Environmental Protection Agency (EPA) has drafted rules that will greatly expand the numbers of operators who will have to comply with the Clean Water Act. The proposed rules will lower the number of Animal Units defined as an animal feeding operation from 1000 to 300. It will also require the development of a nutrient management plan on these units, as well as the need for a NPDES permit. In some cases, where a direct discharge occurs into a stream, a permit may be required regardless of the number of animals in the confined area. The settlement pattern in the west almost always occurred along existing streams. In many cases, a barn and a corral were constructed before a house was built. These corrals usually had direct access to the stream. Under the proposed rules, that would constitute a confined animal feeding operation and would require a permit.

Increased bureaucracy and regulations continue to cause problems for ranchers who have public land permits. In Wyoming, 70% of all ranches have some type of public land in their operation. As regulations continue to descend from above, it becomes increasingly difficult to deal with public land grazing. Just one example is the roadless initiative that was put in place in the last days of the previous administration. The ability to access a permit with a truck and trailer could be seriously impacted if roads leading to the permit are allowed to be closed.

These are just a few of the myriad of rules and regulations that are coming down on the ranching community at a time when it is difficult to make ends meet financially. It is important that every rancher become informed and up-to-date on these issues. I fully acknowledge that time spent with these issues will not add a penny to your bottom line and that it is time that could be spent on productive decisions. Nevertheless, each one of these issues has the potential to dictate the very existence of your ranch in the future. We need to be informed to the extent that we can have some impact on the decisions that are being made by so many who have little common sense when it comes to agricultural practices.

It is my hope that at some point in time, the environmental community and the federal government will come to the realization that the most effective way to protect the environment is to insure that the rancher and farmer stays on the land. The bumper sticker that reads, “Cows not Condos” says it all. Ranchers provide habitat for wildlife, clean water, and most of all, open spaces. They do all that at virtually no cost to the American public. The alternative is parking lots, pavement, and concrete in the form of housing subdivisions; a situation that is anything but environmentally friendly. The irony, to me, is that the rancher and the environmentalist are on the same side. We both want open spaces. We both love wildlife and clean water. We want to maintain a good environment.

Just as my grandfather joined together with the good Lord to create a beautiful ranch, so too can

we join together to improve our environment. It can not be done with punitive rules and regulations from the federal government. It must be done with voluntary, incentive based initiatives that benefit both society and agriculture. If the incentives are in place, ranchers will provide for any kind of an environment that society demands. On the other hand, it is very difficult to force compliance on an unwilling rancher. Together, we can create the same beautiful landscape that has been enjoyed by westerners throughout the ages. The choice is up to us.