PLC Statement on BLM Cattle Gather in Nevada

This week, livestock industry leaders are in Washington DC for our annual Public Lands Council (PLC) fly-in. We are on the front lines, pushing back against federal overreach across many agencies. We believe that private property rights are at the foundation of our country and our liberty, and we know that the rule of law protects those property rights. PLC and our policy supports private property interests that exist on public lands, including water rights and grazing rights. We also support the continued multiple-use of public lands, as required by law and confirmed by the courts. It is under the framework of the rule of law that our property rights and multiple uses are protected.

The multiple-use statutes call for allowing timber, grazing, wildlife, recreation and other uses to carry on side-by-side in a way that, as the statute reads, “will best meet the needs of the American people.” Increasingly, we see the federal government placing higher priority on uses other than grazing. This not only violates the multiple-use statutes, it violates the grazing and water rights that are also protected by laws such as the Taylor Grazing Act (TGA). Under TGA, ranchers have a right to graze livestock on federal lands based on historical utilization. While this property interest is complex by nature—given that it exists on surfaces owned by the federal government—it is nonetheless a real property interest that is taxed and saleable. It must be protected. On the same token, ranchers who exercise their grazing rights are obligated to pay a grazing fee as established by law. Ranchers cannot expect protection of their rights under the law if they fail to pay this fee.

Ranchers such as Mr. Bundy have found themselves with their backs against the wall as, increasingly, federal regulations have infringed on their public land grazing rights and the multiple use management principle. This is not only devastating to individual ranching families, it is also causing rural communities in the west to wither on the vine. In the west, one in every two acres is owned by the federal government. Therefore, the integrity of the laws protecting productive multiple use is paramount to the communities that exist there.

The situation in Nevada stands as an example the federal agencies’ steady trend toward elevating environmental and wildlife issues over livestock grazing – in violation of the abovementioned laws and principles. Well-intentioned laws such as the Endangered Species Act—which comes into play in Mr. Bundy’s case—are being implemented in a way that are damaging to our rights and to our western families and communities. In accordance with the rule of law, we must use the system set forth in our Constitution to change those laws and regulations. PLC does not condone actions that are outside the law.

The problems at hand bring to light the question of whether the federal government is best suited to manage these lands, which our members care for and depend upon. While transfer of the ownership and management of those lands is a viable policy discussion, we recognize that, under current law, the federal government does own land upon which our members operate. Until such time that Congress or the Supreme Court divests those lands to state, county or private ownership, we will continue to abide by the statutes that recognize federal government ownership.

While the federal government does own those lands, the laws that oversee the federal lands also uphold the authority of local governments and law enforcement with respect to the health, safety and wellbeing of their citizens. We strongly stand behind the statutory mandate that the federal agencies coordinate with local governments and law enforcement in the management of federal lands.

We regret that this situation was not avoided through local government involvement and better implementation of federal regulations, laws, and court decisions. While we cannot advocate operating outside the law to solve problems, we also sympathize with Mr. Bundy’s dilemma. PLC will continue working to protect private property rights and our members’ way of life.