

## **7 UNDERSTANDING THE CATTLE GRAZING CONTROVERSY**

There are a number of reasons for the controversy over cattle grazing. The biggest reason is that this activity has been going on in the US for centuries and has resulted in substantial cumulative impacts to the environment across the US. Livestock producers have been able to get away with such activities because they are often done in areas that are well out of the public eye. Even when cattle are grazing and people view the grazing from their automobiles at a distance as they drive down the freeway or a country road, they have no idea that there is much more going on than meets the eye from that distance.

The public is also getting taxed left and right. When taxpayers find that corporations and many wealthy ranchers are being subsidized by tax dollars, there is a natural sense of outrage. Taxpayers are naturally (no pun intended) irked when they realize that they are paying livestock producers through tax subsidies to damage public lands that contain cherished natural resources such as in the Sierras.

There is often a nostalgic perspective on most anything in the US. People often lament about the way things used to be. They fantasize about bringing back the past and having a chance to relive the way others lived in more primitive times when life used to be “simpler”. Being a cowboy is a fantasy of many. Hollywood has glorified the cowboy with television programs such as the Lone Ranger, Roy Rogers, Gene Autry and many others. This glorification has perpetuated many myths about the cowboy upon which livestock industry often relies in their efforts to persuade the public that their outmoded ways of doing business must be continued regardless of their impacts upon the environment. Such myths have been perpetuated without contention for many years. However, this is no longer the case. Ranching methods and cattle grazing are getting increasing scrutiny as the public’s dwindling and most treasured natural resources are being adversely affected.

### ***Livestock Industry Myths***

George Wuerthner, a freelance writer/photographer/ecologist from Oregon who studies the ecological impacts of livestock production, has addressed many of these livestock industry myths. These myths are used frequently by the livestock industry to perpetuate cattle grazing activities. The EBRPD is no exception, as they certainly reflect the livestock industry’s position when it comes to grazing matters.

The following paper written by Wuerthner refutes eleven of the most commonly used myths. Color and underlining in this paper were added for emphasis by the author.

# A Cowfree 21st Century

## LIVESTOCK INDUSTRY MYTHS

by George Wuerthner

(Reprinted from U.S. Forest Service message forum)

*As the issue of grazing fees on public lands has raised the visibility of public livestock grazing issues, the livestock industry has used the opportunity to perpetuate myths that have largely been unanswered or refuted by environmentalists.*

### **I. RANCHERS AS GOOD STEWARDS**

*One myth is that ranchers have been good "stewards" of the land. The emphasis on public lands has permitted people to overlook the fact that, by and large, private lands are actually in worse shape than the public lands. Although 160 million acres of public lands are considered to be in unsatisfactory condition, more than 270 million private acres fall into the same category. This is nearly equal in area to the eastern seaboard states with Missouri thrown in.*

*This is particularly disturbing because private holdings tend to be more productive and better watered than the public lands, thus more resilient to grazing abuse.*

*In total, according to the Soil Conservation Service more than 410 million acres of public and private lands are in unsatisfactory condition meaning that they are ecologically trashed. This equals 21% of the United States outside of Alaska. Nearly all that degraded land is concentrated in the West! Not an impressive record. Although there are obvious exceptions, **the fact remains livestock production is still one of the most destructive and wide-spread human activities in the West.***

### **II. RANGELANDS ARE IMPROVING**

*A second myth is that rangelands are "improving." There is a slight bit of truth to this. Rangelands were so trashed at the turn of the century that most lands could not get any worse. Nevertheless, rangeland degradation is still occurring. For example, on BLM lands according to statistics compiled by the Society for Range Management, range condition is improving on 15% of the lands. However, this is nearly matched by the 14% of its lands that continue to decline in condition. The vast majority of BLM holdings are "stable" neither improving or declining, in part because the majority of its lands are in fair or poor shape and can not get much worse.*

*Furthermore, despite an "improvement" on uplands primarily resulting from a decrease in livestock numbers, riparian areas continue to be devastated. **According to a 1990 EPA report, our riparian areas are in the "worst condition in history."** And a 1989 General Accounting Office report found that livestock were the major source of riparian degradation on public lands in the West. Since riparian areas are part of an entire allotment, overall "range condition" may improve while riparian areas continue to be devastated. Uplands which receive little use are averaged in with the declining riparian zones, thus masking the true degradation that is still occurring to our lands.*

*Though riparian areas make up only 1% of the landscape, they provide shelter and feed 60-80 percent of the species in the West. Properly functioning riparian areas also store water, reducing flooding and providing late season flows. While it may be possible to fence cattle out of these fragile areas, the magnitude of the problem makes the cost prohibitively expensive as a west-wide solution. There are hundreds of thousands of miles of riparian habitat on public lands in the West. Fencing averages more than \$5,000 dollars a mile. In addition, we need to ask whether the public wants or needs more fences on its lands in order to make these lands better livestock pastures for someone else's cattle?*

### **III. LIVESTOCK BENEFITS WILDLIFE**

*A third myth is that "livestock" benefits wildlife. There are two things wrong with this statement. The first is "wildlife" as defined by most range people and livestock advocates amounts to nothing more than deer and a few other big game species--typically animals that thrive on human disturbance or are the object of intensive wildlife management. You can mask the impact of dams on salmon by intensive management as well--i.e. hatchery production, but that does not mean dams are not detrimental to salmon populations.*

*Furthermore, the original decline in big game was due in a large part to market and year round meat hunting. Once these abuses were checked, big game numbers increased. It is not that livestock production is particularly compatible with big game, rather with better wildlife management, big game species have been able to increase. Many species like bighorn sheep and antelope, while at higher numbers than in the past, are still far below their potential because domestic livestock use continues to compromise the available habitat in ways detrimental to these species.*

*Many other species are not so fortunate. If you review the status of non-game and predators, hundreds of species are extinct or continue to decline largely due to impacts associated with livestock production. While its true that livestock production can increase the numbers of a few species, these are, without exception, animals that are widespread and abundant like brown-headed cowbirds, carp or whitetail deer--"weedy" species that thrive on disturbance and degraded habitat. On the other hand species that require undisturbed habitat or high quality landscapes have declined. Species as varied as the Bruneau Hot Springs Snail to the willow flycatcher to the Bonneville cutthroat trout are all endangered as a consequence of habitat loss or degradation due to livestock production.*

*A number of recent reviews articles looking at livestock effects on wildlife found that far more species have decreased or been harmed by livestock production than have benefited. This is true no matter whether we are discussing birds, fish, mammals, or amphibians. Other literature reviews have concluded that livestock production was the leading cause of decline in native plant species in the West, as well as one of the major agents responsible for the spread of weeds and exotics. In terms of impacts on biodiversity, livestock production (which includes dewatering of rivers for irrigation, predator control, "pest" control, forage competition, etc.) is responsible for the extinction and extirpation of more species than any other human activity in the West.*

#### **IV. PUBLIC LANDS GRAZING SUPPORTS THE FAMILY RANCHER**

A fourth myth is that access to public lands supports the family rancher. Grazing subsidies, like most agricultural subsidies, disproportionately benefits large land holders. According to a recent GAO report the largest 2000 allotment permittees in the West control 74% of the public lands forage. This gives the larger landowners, many of them corporations or extremely wealthy individuals, a competitive advantage over small operators.

This inequality is a factor of the way public lands allotments are distributed. Access is based upon ownership of private base operations. The wealthy ranchers own more land, thus more base property, hence wind up with more federal lands allotments. Only 10% of the public lands forage goes to permittees considered "small operators." Thus, *if we restricted access to public lands only to those operations that are truly the small ma and pa ranch operations, we'd still be able to eliminate livestock from 90% of the public lands.*

#### **V. WE "KNOW" HOW TO MANAGE RANGE ECOSYSTEMS**

A fifth myth perpetuated by the livestock community is that we know how to manage rangelands. In reality our knowledge of rangeland ecosystems is minimal. *Most range professionals know almost nothing about rangelands other than a bit about a few of the dominant grass species. The effects of livestock production on soils, lichens, insects, watersheds, wildlife and most ecological processes are virtually unknown.* For example, ask any range professional to identify common butterflies and bees in an area and have them explain how livestock affect them. If domestic animals remove the blossoms these insects fed upon, it's obvious it has an impact, yet, we hear almost nothing about these impacts. A similar lack of knowledge exists for the effects of domestic livestock upon nearly every living thing found on our rangelands. Considering the vast majority of the West is utilized for livestock production, it is reasonable to suggest that domestic animals may significantly affect many species. *How can one manage what one doesn't understand?*

#### **VI. YOU CAN GRAZE DOMESTIC ANIMALS & PROTECT BIODIVERSITY**

A sixth myth is that you can protect biodiversity or even enhance it with livestock production. Even many environmental groups spout this dogma. *Biodiversity by definition is preservation of NATIVE species in something approaching original distribution and numbers--allowing, of course, for natural population changes. You cannot be putting the majority of the forage into domestic animals and using the majority of the water in the West to grow livestock feed, without significantly impacting native species. Domestic animals are quite literally taking food, and water right out of the mouths of native species.* Grass does not follow the cow. The forage and water pie is only so big. If the majority of these resources are allotted to domestic animals as is the case, then you significantly reduce the amount available to native species. Every cow on public or private lands is reducing the overall potential habitat for most NATIVE species from grasshoppers to bighorn sheep. This results in smaller, fragmented populations, ultimately reducing the long term viability of species.

Biodiversity preservation also requires preservation of natural evolutionary processes like wildfire and predation—both of which have been significantly reduced as a consequence of livestock production. *Unfortunately this biological impoverishment has been going on so long, and is so pervasive, that most people are simply unaware of the degree that livestock have destroyed our native ecosystems.*

### **VII. CATTLE HAVE MERELY REPLACED THE BISON**

*A seventh myth is that domestic animals, primarily cattle, have replaced native herbivores like the bison. Though cattle and bison have a common evolutionary ancestor, so do polar bear and black bear, yet we would not suggest that they use the landscape in the same way. Cattle evolved in moist woodlands in Eurasia and are not well adapted to arid landscapes. They use more water than bison, spend more time in riparian areas, and have been bred for lack of mobility. They are poorly adapted to arid western rangelands, hence one reason why domestic livestock grazing has been so detrimental to these ecosystems.*

### **VIII. GRASSLANDS "NEED" TO BE GRAZED**

*The eighth myth follows the previous one, arguing that since cows emulate bison, and since rangelands were obviously grazed in the past, then domestic livestock grazing cannot be detrimental. Some even take this a step further to suggest that rangelands "need" to be grazed.*

*There are two objections to this line of reasoning. First, much of the public lands base in the western United States lies between the Sierra-Cascades and the Rocky Mountains. Most of this vast region never had large herds of grazing herbivores, hence the plants species and soils are not adapted to continual removal and trampling from domestic animals. The area without significant herd "impact" includes most of the Great Basin (bison occurred in a small portion of southeast Idaho and northeast Utah, but in no significant numbers elsewhere in the region), the southwestern grasslands, the Palouse prairie, California grasslands, and various deserts like the Mohave, Sonoran, and Chihuahuan. Even herds of antelope, bighorn sheep, and other herbivores although found throughout this region, were never more than locally abundant.*

*Secondly, even where large herds of bison, elk and antelope were common such as on the Great Plains, the plant species found there "tolerated" grazing. They have adaptations that permit them to thrive in spite of grazing, but not necessarily because they "need" grazing. Just as exploited (read trapped, shot, and poisoned) coyote populations can compensate for losses by producing larger litters, some rangeland plants can compensate for some grazing losses. However, it would be wrong to argue that coyotes "need" to be trapped, shot, and poisoned to be "healthy" just as it is wrong to conclude that most rangelands plants require grazing to remain "healthy."*

*Furthermore, if cropping is necessary, there is no reason why this shouldn't be done by native species from grasshoppers to prairie dogs to bison rather than by domestic animals-- at least on our public lands.*

### **IX. RANCHING IS ESSENTIAL TO RURAL ECONOMIES**

*The ninth myth is that livestock production is important employer in rural communities. It's easy to see the fallacy in this argument if you think about the numbers involved. In all of Nevada, there are only 880 permittees that graze upon public lands. And in the entire state less than 2,000 people are engaged in any kind of agriculture including farming. One casino in Las Vegas employs more people than the entire agricultural economy in the state. Although other states may have higher numbers of people involved in ranching, their overall numbers are typically a small proportion of the state's economic picture. **Livestock production is a labor unintensiv industry. It requires a lot of land, but doesn't provide many jobs.** This is partly the result of the limited productivity of the western rangelands. Idaho, for example, ranks 21st in the nation in beef production, though the majority of its landscape is devoted to livestock production. Wyoming, the "cowboy" state, is 30th. Nevada, Utah, and Arizona fall somewhere well below these states.*

*One recent study done by the University of Arizona in Tucson found that rural communities rather than being dependent upon the livestock industry for their jobs, found the opposite to be true. Ranch families actually depended upon the town for their economic survival. Since all but the largest western livestock operations are marginally profitable, most ranch families have at least one or more people working full or part jobs in town to help support the ranch. Without the income from positions as school teachers, local government, or whatever, ranch ownership would not be possible. The vast majority of people who call themselves ranchers do so because they enjoy the lifestyle and the prestige that comes with being a rancher, not because it's a viable economic activity. As a consequence their contribution to rural economies is minimal. The towns would survive without the ranches, but most ranchers could not survive without the towns.*

### **X. IT'S EITHER RANCHING OR SUBDIVISIONS**

*The tenth myth concerns subdivisions. Ranchers always try to silence critics by suggesting that reducing or eliminating livestock from our public lands, will lead to subdivisions. Supporting the livestock industry, even increasing its subsidies, will not stop the subdivision of ranchland into housing tracts. Those who advocate such a strategy will fail because they don't understand the root of the problem.*

***Ranching in the West is dead. As an industry it has always depended upon marginal, inexpensive land. Ranchers in the West compete with livestock productions in more productive, humid regions by an economy of scale. They use more land. But when land prices rise, this is no longer an option. Ranchers in the West can no longer compete.***

*Furthermore, subdivisions are market driven, not supply driven. You can have millions of acres of land for sale (as is the case over most of the Great Plains), but if it's not in a location that has some other attractive qualities, it will not sell--at least not for subdivision development. It is the availability of jobs, amenities like good fishing, skiing, scenery, bookstores, good restaurants and other values that leads to subdivisions.*

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*However, it is a fallacy to suggest access to public lands grazing allotments has prevented subdivisions anyplace in the West, nor will it in the future. It does not make any more sense to support an industry that has degraded more of the West than any other human activity to avoid further degradation from subdivisions, than it is for someone to accept the slow death from cancer because they otherwise might die from a heart attack. Neither is a good choice and one would be wise to avoid both.*

*Furthermore, while subdivisions are a major impact upon the landscape they influence, compared to livestock production, they affect a tiny percentage of the land base. If livestock production were significantly reduced over the entire West, we'd find the situation closely analogous to Alaska; urban centers are surrounded by relatively wild country. There is no reason why much of the West cannot be restored to a near-pristine condition outside of the major and minor urban areas. The only part of Colorado where subdivisions and urban areas influence a significant proportion of the landscape is the Fort Collins-Colorado Springs area. Ditto for Utah's Wasatch Front, Nevada's Reno and Las Vegas or Oregon's Willamette Valley. The West is, by and large, an urban population. We live in cities or small towns. In between is a lot of space with almost no human habitation. If the degradation resulting from marginal land uses like livestock production and logging were eliminated or reduced, landscape ecosystem restoration across much of the West would be possible.*

*If we wish to preserve open space, and biodiversity, there are only three tools that have been shown to work effectively—zoning, conservation easements and outright fee purchase. Of the three, fee purchase provides the strongest long term protection. If we devoted the same amount of money we currently waste propping up the livestock industry and paying for all the environmental damage wrought by the industry including loss of species, soil erosion, water pollution, and other costs, we could easily purchase most of the critical wildlife habitat in the West.*

*It's not a choice between condos and cows. Right now, following the strategy most advocate of propping up the livestock industry, all we will have is both condos and cows.*

**XI. GOOD LIVESTOCK PRODUCTION AND ECOSYSTEM PROTECTION CAN CO-EXIST**

*Perhaps the biggest myth, accepted as much by some conservationists as by the industry is the idea that if we only reform or modify livestock practices, there's room for both livestock and ecosystem functioning, landscape restoration and native species on the public lands. Unfortunately, if we are giving a large percentage of our landscape and resources from water to forage over to livestock production, we are reducing that land's capacity for native species and landscape functions. The choice is really between whether our public lands should be used to subsidize private industry or might not serve a greater good if we attempted to maximize and enhance natural ecosystems. After all, preservation of native species on private lands faces an uncertain future. Perhaps we will learn how to use the land while sustaining native species and ecosystems. But we should admit that we have not successfully done this on any kind of a landscape-wide scale anyplace. It would be a prudent and reasonable goal to make preservation of biological diversity and ecosystem functioning the primary function of public lands.*

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*These lands are the only places where landscape-wide management can be effected. To suggest that we know how to support logging, grazing or other resource consumptive uses while sustaining native biodiversity is to perpetuate the greatest myth of all.*

### **Perspectives – To Graze or Not To Graze EBRPD Parks**

When one considers the controversy over cattle grazing, one must start with two facts:

1. **Pro-grazers** operating in the *publicly* owned EBRPD parks are running a *private* business and are motivated first and foremost by making a profit.
2. **Anti-grazers** simply desire to *enjoy* the natural aspects of their publicly owned EBRPD parks and are only asking that *nature be preserved* – let the natural processes take their own course without the intervention of man or cow.

These are two very important facts that set the stage for the manner in which both sides of the controversy communicate their positions.

It has become quite clear that pro-grazers have a much different view of what is considered natural, what is meant by preservation and what is meant by stewardship. The pro-grazers are well aware that cattle-grazing is harmful to the environment. So they have gone to great lengths to counter every known criticism with a corresponding corollary to support their position.

The pro-grazers have done this quite effectively. So effectively, that even well educated individuals who might be considered anti-grazers, have fallen prey to pro-grazing antics. In addition, the results of the pro-grazers campaign to redefine nature and natural events has got some anti-grazers so confused that they are convinced that the issue of cattle-grazing is a complex one.

The following two subsections visit some examples of the contrast in definitions of nature and natural events in the context of cattle-grazing. The third subsection visits the complexity of the cattle-grazing issue.

### **Environmental Perspectives – Traditional (Naturalists)**

The traditional environmental perspective on park wildlands is quite simple:

- Allow the land and its associated wildlife to develop naturally
- When necessary, restore natural conditions to enhance natural development
- Protect wildlands from negative human intervention as is necessary.

Giving natural processes top priority on our public wildlands should be the District's primary objective in achieving preservation. Restoration should be the second objective. Cattle-grazing has been scientifically shown to have no useful purpose in preserving public wildlands and has been the principal source of its destruction.

### **Environmental Perspectives – Bovinical (Livestock Industry)**

The bovinical environmental perspective on park wildlands is apparently extremely complex to most individuals. The complexity arises from the fact that bovinicals redefine enough of the English language so to completely confuse existing environmental terms. Then to confuse the matter even further, these terms are used in whatever manner

possible so that they appear to support the illogical defenses made by the bovinical pro-grazing advocates.

The term *bovinical* means as viewed by a bovine (new term inspired by the GRTF Review process). Webster defines *bovine* as follows:

**bovine** (*adj.*) 1. Of, pertaining to, or resembling an ox, cow, or other animal of the genus *Bos*. 2. Sluggish; dull; stolid (i.e. stupid)

A bovinical perspective is one that is highly non-traditional but deemed to be quite effective by pro-grazers. The *Bovinal Method (BM)* attempts to redefine nature and natural events so that they can be interpreted in a way that universally supports all aspects of cattle-grazing.

The basic premise of the BM is:

*It is only the natural event that is in error and cattle-grazing is the tool-of-choice that is simply correcting nature's erroneous processes.*

The BM assures that there can never be any negative environmental consequence that could result from cattle-grazing. BM is the least about truth and the most about public deception.

The followers of the BM are constantly looking for the occurrence of any *seemingly* positive effect from grazing. If such an occurrence could, in any way, be touted, whether actually true or not, as a non-negative impact then it becomes an immutable law and part of the BM "spin" machine.

For example, during the GRTF review, site visits by some of the EBRPD staff found California red-legged frogs in the parks where cows had been grazing. So using the BM to make a logical deduction, GRTF members concluded (notably without scientific basis) that the red-legged frog population is thriving extremely well in the parks and that their habitat is unaffected by the presence of cattle. This became the "spin" topic of choice during the June 5, 2001 Board meeting where the results of the GRTF process were unanimously approved without scientific basis. For example, Director Lane heralded that "*red-legged frogs were being pulled from everywhere*". Another example is that if a wildflower is found in an area where cattle are or were grazing, then the BM follower concludes that it was the cattle-grazing that caused the flower to grow in this location.

The BM was not well known outside of ranching circles (the EBRPD is included in this circle) up until the completion of the GRTF Review. The GRTF process convinced many that the GRTF was expressing itself with some sort of double-talk. Now that the GRTF Review process is complete and the final report released, the general public has now discovered this most effective environmental communications tool. *Speak like it's true but act and spin as necessary to meet the hidden BM agenda and objectives.* This tactic was amply demonstrated in nearly all of the EBRPD documents that were produced for the GRTF.

The remainder of this section will demonstrate the strategic use of the BM method used by pro-grazers through specific examples. Remember the key objectives are to maximize

the production of cattle while at the same time countering the negative criticisms of cattle-grazing with the BM “spin” machine.

### **Maximize the Forage Production**

The primary goal of the BM is to maximize the forage production on any piece of land. Therefore any vegetation, other than grass, that is found on grazing land is a prime target for classification as either an encroacher, non-native species, exotic weed, plant pest or fuel load (i.e. fire hazard). If the plant happens to be a large species, already in existence before the introduction of cattle (such as a mature oak tree) then it may survive the plight of the BM.

Once this primary goal of the BM is known it then becomes easy to understand why every piece of grazing land ends up barren and lifeless except for overgrazed range grasses and exotic weeds.

### **Fire Threat is the Big Hammer**

Fear is a formidable foe. The fear factor can be effectively invoked to scare the bejeebers out of anyone who dares to consider terminating grazing on any public lands. This is one of the most popular means of coercing anti-grazers into submission. The ranchers and the fire department touted this as THE principal reason why grazing should never be stopped on EBRPD lands.

District staff and ranchers will go so far as to say that if any vegetation other than grass is allowed to grow then it will provide fuel for the most treacherous fire, so treacherous that it will cause the destruction of the majority of all mature oak trees on a piece of land.

The following quote illustrates the BM spin machine in action:

*“We’ve always had a good relationship with the [EBRPD] parks. I think grazing is the most important tool we have for preventing fire and for preserving wildlife.”*

Jackie Stewart, who is a rancher and president of the Contra Costa County Farm Bureau, made this quote. Note the effective use of BM spin in making the non-scientifically based declaration that cattle-grazing preserves wildlife.

### **The Only Cost Effective Way to Manage Fire Threat is Cattle-Grazing**

The BM regiment insists that cattle-grazing is the only cost effective method to protect the urban interface against the possibility of fire. The EBRPD’s *Wildland Management Policies & Guidelines* contains a section on Vegetation Management Alternatives. The BM has influenced this policy document as well. Observe the comments about the four common vegetation management categories described in this document:

1. *Fire* – prescribed burns have many safety issues and so the use of this alternative on EBRPD lands is limited.
2. *Mechanical* – such methods, while effective, are time consuming, costly, inappropriate on steep terrain, and can cause soil disturbance, which greatly increases the potential for soil erosion and weed invasion.

3. **Chemical** – District policy seeks to eliminate the use of chemical treatments and use alternative methods whenever possible.
4. **Biological (Method 1 Host-Specific Biological Agent)** – considerable time, energy, and resources are invested into research and development of these agents only to discover that they are ineffective or that complications arise from their subsequent use.
5. **Biological (Method 2 Grazing)** – grazing is a practical, readily available, diverse, cost-effective, and easily regulated resource management tool used to accomplish various vegetation management objectives.

The District's logic and most convincing perspective makes the obvious choice #5. Another example of how the BM has infiltrated the EBRPD.

### **All Vegetation Is Fair Game**

As indicated at the beginning of this section, any vegetation that is not grass will become a prime target for destruction through consumption. Therefore the BM guidelines recommend fabricating a reason that will justify the plant's consumption and defends the elimination of the plant species and/or wildlife habitat. Such an approach seriously increases the confusion factor when dealing with anti-grazers.

This allows Board members such as Director Lane to proclaim "*I didn't realize that the [cattle grazing] issue was so complex!*"

### **Soil Disturbance Is Universally Good for the Land**

Cattle are responsible for punching hundreds of thousands of holes in the park hillsides and trampling an equal number of small creatures that may reside in the top 12 inches of topsoil. Cattle are also responsible for the majority of erosion in the parks. In order to cover up this fact, the BM suggests that soil disturbance is not only necessary but universally good for the land as well as all habitat on such land.

### **Park Users Should Not Be Frightened by Cattle – Never Hurt a Soul**

Director Siri at the June 5, 2001 Board meeting made this comment:

*"The public should know to avoid cows and calves. Don't they know about the maternal instinct?"*

Such a statement by a Director of the EBRPD is astounding. This director is directly admitting that cows with calves are a hazard that should be avoided. But pardon me, these parks are advertised as public parks not cow parks. Does the District ever identify Johnny and Joy Bovine (his mother) so that Mr. and Mrs. Public can avoid getting between them? It is the District's responsibility to protect the public from such hazards, not the public's responsibility to avoid the cattle and the potential hazards they create.

At this June 5, 2001 meeting the directors unanimously approved the grazing policy document changes. One of the recommendations of the GRTF was to further educate the public on the District's grazing program. So when park users complain that they are frightened by the presence of cattle or their pets are seriously injured by cattle in the parks, the BM simply shifts the blame back to a public that is simply uninformed,

and that is where the problem lies. Hence the GRTF recommendations included a public education program on the District's cattle grazing program.

A newspaper article, published after the EBRPD announced that it would review its grazing policy, stated concerns of the public about trail safety:

*"And hikers also complained in 1998 about the abundance of cattle, after some hikers were chased by aggressive bulls and cows."*

Two dozen cattle once chased the author and it was an extremely frightening experience. During the 2001 grazing season the author and his dogs were harassed not less than five times at SVOS-N.

Another aspect of safety, never mentioned or acknowledged by EBRPD staff, is the hazardous condition of the hillsides off trail. The deep impressions caused by cattle hooves make it very difficult and extremely dangerous to walk off trail. Attempting to hike off trail to the hillsides is a very unstable situation. The most treacherous aspect of this hazard is that grasses can grow over deep cattle hoof impressions and make them invisible. Unfortunately this situation does not just occur sporadically, nearly all the land grazed exhibits this unsafe condition. On several occasions, the author has suffered hyperextensions of the knee and ankle sprains from such situations encountered on the EBRPD trails.

So the common BM techniques used to deal with safety issues are:

- play down unsafe conditions caused by cattle-grazing
- put the blame on the public for not mitigating the unsafe conditions caused by cattle-grazing
- avoiding references to or acknowledgement of hazardous conditions caused by cattle-grazing

### ***Wildlife Are Cattle Predators***

Once ranchers establish a presence on public land with their cattle then the priority turns to protecting the cattle at all costs – remember this is a for-profit business. The BM then proceeds to re-categorize the wildlife, whose habitat was the now-grazed land, as predators. The BM spin sounds something like this...

*"The main thing people don't understand is that we don't have the original predator-prey balance because all the environment has been modified. Nature is crying out for people to be a surrogate predator to fill that need."*

This was a quote by Walter Howard, a professor from the University of California, Davis. (UC Davis, an agricultural school, is a known supporter and source of skewed non-scientific data for the BM followers in Northern California) This comment was published in the *Tri-Valley Herald* during the spring of 2001 in an Associated Press article titled *Ranchers lay herd deaths to 1998 law – Coyotes portrayed as major culprits*. The article was discussing the voter-approved 1998 law that bans the use of leg traps and poisons by ranchers against "predators". This BM spin example attempts to convince the public that wildlife should not be present on public land

because they may kill cattle, and therefore it is now necessary to allow the ranchers to become the counter-predators. This plea also attempted to sway public opinion away from the voter-approved law.

The same article went on to further utilize BM spin...

*"Forbidding the use of leg traps and poison may well have led to the spike in predator attacks on beef cattle."*

This was a quote by Wildlife Services spokesman Larry Hawkins. Note the effective use of non-scientific claims, a trademark of BM. This quote also illustrates another effectively misleading BM technique: associate BM followers and spokesmen with organizations whose names lead the public to believe that they represent environmentally conscious organizations.

### ***Cattle-Grazing Is Based on Sound Scientific Practices***

The author requested the District to provide scientific evidence to support their current grazing policies. Mr. Tom Mikkelsen, the man ultimately responsible for all grazing decisions at the EBRPD, provided a stack of scientific papers. These papers provided no data that supported the use of cattle grazing as a public wildlands preservation tool. The majority of these papers provided studies relating to maximizing range forage production for livestock production, and nothing relating to ecological implications of cattle grazing. The remainder of these papers consisted of pseudo-science. They were non peer-reviewed articles providing anecdotal conclusions on topics such as how livestock benefit vernal pools.

During the GRTF the District hired a graduate student from UC Santa Cruz to provide valuable scientific data to the GRTF. This individual had done a study on the effects of trampling by placing cow hooves on the end of sticks and then emulating a hoofing action with his hands and arms. This certainly provided the District with valuable scientific data upon which to base its scientific grazing practices.

### ***Complaints of Damage Unfounded – Impacts Are Cosmetic***

Reviewing once again the primary goal of the BM:

*"to redefine nature and natural events so that they can be interpreted in a way that universally supports all aspects cattle-grazing."*

One of the most difficult aspects of cattle-grazing to dispute is the ecological damage and the corresponding visual degradation of grazing lands. Those who are intellectually inclined might expect that BM followers would have difficulty in this area. However, for BM followers this is easily overcome. Simply make the hypothesis that all of the population is gullible and that they will trust any statement made by a BM follower, especially if the BM follower is speaking from a position of perceived authority (e.g. EBRPD Director).

For example, the following quotes from the *San Ramon Valley Times*, June 5, 2001 were made at the conclusion of the GRTF Review process by GRTF chairperson and EBRPD board member, Director Beverly Lane:

*"...any problems that were found were merely aesthetic and that the task force found no evidence that cows were causing ecological damage."*

*"We found that there was visual damage, but in terms of the critters and interaction with red-legged frogs, there really was no connection."*

*"Every time we went out, people were pulling up red-legged frogs. There was wildlife everywhere."*

Thus one can see how easily the BM allows its followers to make seemingly authoritative statements that will even receive press coverage, regardless of the fact that there is no scientific basis for the alleged findings and conclusions.

### ***No EIR Required – Cattle-Grazing Has No Environmental Impact***

Correct use of the BM is to simply avoid doing Environmental Impact Reports (EIRs) through the use of a campaign of confusion and Negative Declarations (ND). The avoidance technique has been used effectively by the EBRPD. How this is done is described in the remainder of this section.

One of the most troubling aspects of the EBRPD cattle-grazing program is the fact that the District perpetuates this program on the basis of a ND (see Appendix B). In its numerous NDs the District avoids having to directly address the impacts of a cattle-grazing program by indicating that the proposed project (i.e. policy) *"...does not specify any specific action at any specific location or time. Thus identification of impacts becomes speculative..."*

The *California Environmental Quality Act (CEQA)* Guideline relating to *Speculation*, states specifically:

#### *15145. Speculation*

*If, after **thorough investigation**, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.*

*Note:* *Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21003, 21061, and 21100, Public Resources Code; Topanga Beach Renters Association v. Department of General Services, (1976) 58 Cal. App. 3d 712.*

*Discussion:* *This section deals with a difficulty in forecasting where a thorough investigation is unable to resolve an issue and the answer remains purely speculative. This section is necessary to relieve the Lead Agency from a requirement to engage in idle speculation. Once an agency finds that a particular effect is too speculative for evaluation, discussion of that effect should be terminated. This section provides authority to do so.*

*In Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal. 3d 376, the court noted that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences.*

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The District's position with respect to *Speculation* is truly a stretch of the imagination and clearly intended as a means to avoid having to address the negative impacts of cattle grazing. Note that the pre-cursor to declaring a speculative condition according to the CEQA Guideline is that *a thorough investigation must be completed first*. No such investigation was ever done. The author requested a copy of the investigation and the District was unable to comply. The only document that was available was the ND checklist.

The District's ND defers the CEQA evaluation required by stating that "*This procedure requires CEQA compliance at a time when specific actions are identified.*" This is analogous to saying that a developer need not do an EIR for a development project because the area upon which each home is being built has unique circumstances. Therefore, the EIR will be done later when each home is built. This is ludicrous, as it tends to disregard the impact of the project as a whole. What the District is implying by this statement is that there are no related actions to this policy at the time of the ND. The fact is that the District has been performing cattle-grazing actions on parklands since its inception without ever doing an EIR. The "*specific actions*" have already been taken for most parks and could have been defined without being speculative. Then the District acquires new parklands such as Sycamore Valley and begins cattle-grazing actions without any consideration whatsoever of the potential negative impacts (e.g. the destruction of red-legged frog habitat by cattle for nearly a year). The "*specific actions*" that will be taken within all parks are summarized in the District's *Wildlands Management Policies & Guidelines* document, the very document for which the ND was issued.

The District further defers the necessary action for CEQA compliance to its *Land Use-Development Plans* (LUP) for each of its parklands. If this indeed was the process that the District prescribed to, then all parks having LUPs prior to the date of this negative declaration would have fulfilled the necessary requirements for CEQA compliance. The fact of the matter is that the District's documents (e.g. Briones LUP; adopted September 22, 1981 with Resolution 1981-9-263) prior to the issuance of this negative declaration did not address impacts of grazing to a level that even compares to that which would be required for even an Initial Study, as defined by CEQA. To date, such an analysis has yet to be completed for Briones or any of the District's parks.

Similarly the LUP for Wildcat Canyon (adopted September 26, 1985 with No Resolution # identified) does not fully address grazing impacts. On page 50 of this LUP was identified a future "*...long-range grazing management program to study the effects of seasonal rotation of cattle, pasture deferral, and soil management as well as the relationship, if any, of pest plant species and grazing. This program will be developed by the District Grazing Manager and the WCRP Supervisor.*" This program and corresponding study was never undertaken by District staff as indicated.

According to documentation provided by Mr. Mikkelsen of the EBRPD, there are 56 areas that are being grazed, of which 22 have LUP/EIRs. Of those 22 only Las Trampas and Carquinez Strait LUP/EIRs have been written since the subject ND. At the time of the writing of this document, a LUP/EIR that addresses the negative

impacts of cattle-grazing did not exist for any of the 56 areas identified as being under Grazing Management.

This summary of LUP/EIR completions is telling. Even though the negative declaration indicates that each LUP/EIR process will address the specific grazing impacts in each park, **the District has failed to update even one of those LUP/EIRs written before the issuance of the Negative Declaration** with respect to the negative impacts of cattle-grazing. And subsequent LUP/EIRs still do not address the negative impacts of cattle-grazing.

***No Cattle-Grazing Studies Ever Completed by the EBRPD***

The author requested from the District all recorded scientific studies on the environmental impacts of cattle-grazing on public wildlands that had been done by or for the District. The District's response to this request was to send the author every LUP/EIR ever written by the District. While some of these LUPs contained range analysis studies (i.e. how many cattle can we support with the type of forage on this land), the **District was not able to produce even one study on the environmental impacts of cattle-grazing.**

Section 15002 of the CEQA law states *that an EIR must be prepared when the lead agency [General Manager in this case] finds substantial evidence that a project may have a significant environmental effect. After an initial study, if the lead agency [General Manager] finds that there is no significant environmental effect then a negative declaration will be prepared instead of an EIR.*

The study that formed the basis for the decision that only a ND was required can be found in Appendix B. This initial study consisted of a checklist that was abandoned for purposes of convenience. The majority of the pertinent answers to the questionnaire in this checklist were not provided.

What the District failed to do is stated in section 15065 of the CEQA law:

*15065. Mandatory Findings of Significance*

*A lead agency [General Manager] shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where any of the following conditions occur:*

*(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.*

*(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.*

*(c) The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means*

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*that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in Section 15130.*

*(d) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.*

Certainly the impacts of cattle grazing fall under paragraphs a), b) & c). If you consider public safety, then paragraph d) can be included as well.

This information further illustrates the level of environmental incompetence within the District. This incompetence extends from the General Manager and Board level down to upper and middle management based upon the findings of this report.