

December 12, 2017

Senator Jon Tester

208 N Montana Ave # 202,

Helena, MT 59601

Dear Senator Tester:

We, the undersigned organizations, write collectively to express our strong support for the USDA Agriculture Research Service's (ARS) United States Sheep Experiment Station (USSES) located in Dubois, Idaho. We write as stakeholders and as the beneficiaries of the critical agriculture research conducted at this facility.

We are aware of and troubled by the recent attacks brought against this facility by special interest groups that are promoting their narrow and short-sighted interests. We are particularly concerned about the frivolous litigation that is continually being filed against this important agricultural research facility. We find such litigation practices to be particularly troubling because the federal court system should not be used as a tool to attack Montana's largest economic generator – agriculture. What is more, recent efforts to close down the facility and/or convince Congress to turn the Station into a wildlife research facility do not reflect local needs or the importance of keeping agriculture competitive in a global economy.

As you know, the USSES is the only research facility site in the entire United States with the rangeland infrastructure and dedicated mission to provide solutions to issues that arise at the livestock-wildlife range interface and related to high altitude livestock grazing. Further, the facility engages in food security research. One of the greatest threats to U.S. food security is the need for more knowledge concerning the damage done to rangeland health as a result of wildfires. The Sheep Station engages in this important research and will continue to do so if the Station is allowed to carry out its existing mission unencumbered.

In addition, Sage Grouse population and habitat has been studied for 50 years at the USSES, leading to irreplaceable historical rangeland data. Sage grouse populations thrive on USSES lands where sheep graze, with annual USSES lek counts often exceeding regional counts. Efforts are underway to:

enhance current monitoring programs for grizzly bear and sage grouse; combine USSES sage grouse records with the USSES Rangeland and Climate Databases; and research the effects of fire, climate, and grazing management on sage grouse lek populations. These efforts are needed to identify factors most associated with sage grouse presence and viability, which in turn will be used to craft science-based strategies for effective and responsible management of rangelands and wildlife. The Sheep Station engages in this important research and will continue to do so if the Station is allowed to carry out its existing mission unencumbered.

The value of the USSES is by no means limited to its research program. ARS' Animal Disease Research Unit (ADRU) co-located at the University of Idaho and Washington State University is dependent on USSES to carry out its infectious disease problem solving mission. The ADRU's research mission concerning livestock-wildlife interface infectious disease is critical to the future of food and fiber production in the U. S. Special interest groups fully understand that the loss of the unique, one of a kind USSES means stopping research based solutions to multiple challenges facing our western ranges. Its loss also severely hampers if not eliminates research concerning multiple infectious diseases of livestock and, in some cases, humans. For instance, the ADRU collaboration is necessary for research on prion diseases and Q fever. Science is often criticized for not working in statistically significant populations and/or under natural conditions. The USSES is unique in that it provides for both, i.e. statistically significant populations and research under natural range conditions.

Recognizing the vital role USSES plays on a multitude of fronts, we provide the following recommendations for redressing problems being caused due to lack of funding and inefficiencies caused by sue and settle groups, such as those that have written your office to encourage the Station either be closed or its mission altered.

1. The Dubois Sheep Station should be fully funded so that the two open research positions can be filled.

For the last several years, critical research positions at the Station have gone unfilled due to a lack of adequate appropriations. As a result, important agriculture questions are left unresolved, allowing federal land management agencies to make decisions in a "science vacuum". This science vacuum causes direct harm to the competitiveness of Montana's agriculture industry.

Part of the reason for the funding shortage is the Station having to continually expend funds to fend off lawsuits. For example, the Station is currently defending itself against two separate lawsuits filed in federal courts in Idaho and Montana.

To resolve this funding issue, the undersigned propose the following solutions: (1) the facility should be fully funded at a level of \$2 million above the fiscal year 2017 amount and (2) the facility's grazing allotments should be exempted from NEPA challenge.

As you know, the USD-ARS lands associated with the USSES were withdrawn from the public domain under executive orders issued by Presidents Wilson and Harding. The Sheep Station is designated by Congress as a research facility and for agriculture research purposes. ARS lands are considered and

managed as 'living laboratories'. This outdoor lab is managed as any lab located inside a building would be – to minimize human-caused manipulations, as such manipulations may distort the quality of the research performed.

In this vein, because the Station's lands have been withdrawn from the public domain, the lands should not be subject to NEPA review in the first instance. This is demonstrated by the fact that we are not aware of any other federal research facility that is subject to NEPA review and/or incessant litigation. The positive reality for Congress is this: Were the continual litigation against the facility to end and the appropriated funding increased, the Station would have sufficient funding to carry out its mission. This outcome would result in a win-win for all interested parties.

2. The mission of the Sheep Station does not need revision but rather an addition.

The present mission of the Station is “ . . . *to develop integrated methods for increasing production efficiency of sheep and to simultaneously improve the sustainability of rangeland ecosystems.*”

This mission statement is as relevant in 2017 as it was in 1917. This mission has led to the development of new sheep breeds, rangeland conservation practices, and improvements in targeted livestock grazing.

Wildlife special interest groups are proposing to change the Station's mission statement, thereby changing the Station's purpose. We oppose this effort.

The sheep station is an agriculture research facility. It is not, and never has been a wildlife research facility. However, as mentioned above, a collaboration with a sister laboratory (ADRU) will provide for statistically sound research in a living laboratory at the USSS where domestic sheep and wildlife health can be studied.

In sum, no effort to change the Station's core mission statement or footprint should be allowed.

3. In the alternative, were the two open research positions to be fully funded by Congress, one of the positions could be tasked with engaging in bighorn health research.

As noted above, two research positions at the facility remain unfilled due to funding issues. Through report language included in previous appropriations bills, Congress has recognized the research opportunities lost due to this funding shortfall.

And, as noted above, should these two open positions be filled, such an outcome presents an opportunity for the Station to engage in new areas of research. Such research opportunities could include the Station partnering with Montana State University and ARS' ADRU, to engage in livestock and wildlife interaction and pathogen research.

We strongly support and encourage the Montana delegation's immediately requesting that Chairmen Aderholt and Hoeven and Ranking Members Bishop and Merkley include the following language in the FY2018 Ag Appropriations Conference Report:

**“The Conferees recognize the multiple-use challenges on federal grazing lands, from sage grouse habitat, to livestock and wildlife interaction and pathogen research. The agreement provides \$1,000,000 above the fiscal year 2017 funding level for the Western region to hire vacant rangeland research positions and expand research and inter-unit collaboration on sheep related rangeland systems and wildlife interaction research.”**

4. The USSES is exhibit “a” as to why there must be immediate reform of the equal access to justice act (EAJA).

Frivolous litigation filed against the Station is the number one problem faced by the facility. The Station has seen sued in federal court multiple times over the last 7 years. Absolutely none of these suits involved challenging the actual research performed by the Station. Rather, the suits all involved alleged harm to wildlife species, such as the Yellowstone Grizzly Bear population, supposedly caused by the presence of the Station’s research flock.

Just recently, the sheep Station completed the environmental review and analysis requested by the obstructionist groups that filed suit requesting such environmental review be performed. Not surprisingly, the environmental analysis determined that the sheep Station and its grazing practices had and have no harmful impact either on the physical environment or any protected or listed species, namely the grizzly bear.

Predictably, when the environmental analysis and science did not go their way, these same obstructionist groups filed another suit alleging the environmental analysis failed to analyze whether grizzly bears could chase hikers on that portion of the continental divide trail that runs through sheep Station lands. On its face, this suit is as frivolous as it sounds. Unfortunately, the suit will end up wasting additional resources the Sheep Station could use for productive agricultural research purposes.

The endless litigation faced by this important federal research facility is the case-in-chief for why EAJA reform is necessary. Congress must step up and redress the massive abuse of the EAJA by sue-and-settle groups, which such abuse is interfering with proper wildlife management decisions and our nation’s agriculture production.

5. Congress should condition any increased hunting access on ARS lands on exempting those same lands from NEPA review.

The undersigned organizations are aware that certain “sportsmen” groups have written to the Montana delegation demanding that Congress order the Sheep Station to open up the lands withdrawn from the public domain to allow hunting on those lands. The stated basis espoused by these groups for opening up lands that were set aside by two Presidents for agriculture research and agriculture advancement purposes, is that access to these lands is their “birthright”.

Setting aside the overblown hyperbole advanced by these groups for their position, the Sheep Station has set forth the scientific basis for why public access to the Station's grazing lands is limited. This is because the lands are a "living laboratory" where federal research is performed. Therefore, unlike public lands administered by the United States Forest Service or the Bureau of Land Management, these lands are not appropriate for year-round, unlimited public use. A copy of the relevant portion of the USDA ARS Sheep Station environmental analysis is appended hereto for review.

In addition, the assertion that the Station does not allow for hiking on its lands is clearly false. A portion of the continental divide trail traverses across ARS properties and that trail is open for hikers and recreationalists. The false assertions advanced for harming the Station's research mission clearly undermine the pretext advanced for allowing motorized use and unlimited hunting on ARS property.

We do however believe there is a collaborative opportunity to make ARS properties available to hunters during the period of the year when the research lands are not being used for grazing and similarly situated research purposes. These time periods being late fall and winter when the high elevation lands are not being utilized.

However, that outcome is dependent on a number of factors, including executing cooperative agreements with Montana Fish, Wildlife and Parks, restricting motorized use, and requiring members of the public to respect the natural environment. What is more, no amount of increased public access will be successful without Congress exempting those lands from NEPA. This is because any effort to increase public use will surely be met with and followed by additional federal lawsuits being filed against the facility on the grounds that an increased human presence will have a detrimental impact on grizzly bears. And, so it goes.

Again, the undersigned, believe there is opportunity to make progress in this area. But, our efforts to reach out and work with groups that have contacted your office regarding the Sheep Station have sadly revealed that their agenda is not to advance the mission of the facility but to close it. Such an extreme position is neither productive nor effective.

As agriculture producers, businessmen, conservationists, hunters, anglers, and recreationalists, we join together in expressing our support for the USDA/ARS United States Sheep Experiment Station, its mission, and its people. As we have discussed with you on numerous occasions, the USSS is absolutely key to research for the sheep industry specifically, and agriculture production, generally. The research performed for more than 100 years at the facility cannot be duplicated elsewhere, and to lose it would undermine years of hard work, labor, and beneficial collaboration.

The undersigned appreciate your support to secure the continued growth of Montana's agriculture production, its producers, and its research partners. We look forward to working with you to address the issues identified above. And, we look forward to your continued partnership with us in our efforts to feed and clothe the world.

Signed

Montana Wool Growers Association

Public Lands Council

American Sheep Industry Association, Inc.

Montana Farm Bureau Federation