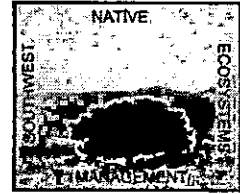


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SWNEM

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Greetings,

It has been brought to my attention that the Colorado General Assembly is currently considering HB17-1141 *Equal Protection From Federal Employee Personal Attack*. Since I was employed by the US Forest Service for approximately 38 years as Rangeland Management professional I have an interest in this proposed legislation and would like to offer the following comment.

I would like to comment concerning the statement found in the summary of the proposed bill where it is stated *"The bill makes it illegal for a person who is a federal employee acting under color of law to take any action:*

- *That deprives a range allotment owner of any property right appurtenant, inherent, or related to the range allotment, including the right to possess, use, dispose of, exclude other from, or defend the range allotment; and*
- *For which the deprivation offends due process or is a physical or regulatory taking without the payment of just compensation."*

First, I would like to point out that there are numerous Federal District Court cases where the question of property rights appurtenant, inherent, or related to a range allotment has been addressed. (i.e. Hage vs US, US vs Laney, US vs Walker)

In all of these range allotment/property rights cases it has been found that anyone who grazes livestock on federal lands must apply for and hold a federal land management agency issued permit. Also, all of these cases have found that a grazing permittee holder does not possess any property rights or rights to use, dispose of, exclude others from, or defend the range allotment in question.

The courts have found that grazing livestock on federal lands and holding a federal grazing permit is a privilege, not a right. Also, that the federal land management agencies have the full authority and responsibility for the administration of grazing permits and the lands that make up a range allotments.

Second, it needs to be pointed out that federal grazing permit holders have no property ownership related constitutional rights associated with the privilege to graze livestock on federal land. Since it has been found numerous times that there are not, and never have been, property rights associated grazing livestock on federal grazing allotments, there can be no regulatory takings, nor payment of just compensation.

It is clear when reviewing the long history of livestock grazing on federal lands that there have been multiple attempts of various State governments to interject themselves into the management of livestock grazing on federal lands. These efforts all have failed due mainly to the lack of knowledge pertaining to the laws and regulations that deal with federal livestock grazing by the State legislators. This attempt looks to be another misinformed effort.

Respectfully Submitted By:

Ralph D Pope
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