



July 14, 2021

The Honorable Raul Grijalva, Chairman  
The Honorable Bruce Westerman, Ranking Member  
Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

**Re: *Ocean-Based Climate Solutions Act (H.R. 3764)***

Dear Chairman Grijalva and Ranking Member Westerman:

The American Sheep Industry Association (ASI), the National Cattlemen's Beef Association (NCBA) and the Public Lands Council (PLC) wish to express our concern regarding the Ocean-Based Climate Solutions Act of 2021 (H.R. 3764). Since 1865, ASI has been the national trade organization representing the interests of more than 100,000 sheep producers located throughout the country who produce America's lamb and wool. NCBA is the nation's largest and oldest trade association representing America's cattle producers, with over 250,000 producers represented directly and through its 46 state affiliate associations. PLC represents 22,000 federal grazing permit holders across the western United States.

Our groups support collaborative efforts to enhance the range, habitat, and environment in support of agriculture and the continued economic viability of rural America. This legislation, while introduced with the stated intent of increasing carbon storage and improving environmental outcomes, would compromise meaningful tools necessary for water infrastructure projects critical to western landscape resiliency. We are concerned that such significant mapping of "any upstream restrictions to the watershed process and conditions, including dams, dikes, and levees" as outlined in Section 102 of the bill will place the undue prejudice on those features which are often necessary in carrying out farming and ranching activities across the country. While this section purports to be limited to the defined "coastal zone" (16 U.S.C. Sec. 1453), further assessment of "any upstream structures or pollutions sources" greatly expands the scope and jurisdiction to include potentially every drainage in the nation, and across international borders.

By defining these features as "detrimental" and potential "pollution sources", the burden is fundamentally shifted against private property owners across the country, as nearly all drainage features are to some degree interconnected absent some limiting significant nexus. This and additional sections under Title I remain vague and undefined, making conditions ripe for litigation should this bill move forward.

We also express our concern that Section 308 of the bill addressing essential fish habitat will have a detrimental impact on our members' water supplies, specifically federal water supplies, that will be impacted by added federal priorities to "minimize and mitigate" adverse effects to habitat. This not only undermines existing federal authority, but also state collaborative efforts to manage scarce water resources across uses.

As previously highlighted, this bill raises the potential for more significant and more frequent litigation, giving interest groups a new suite of provisions on which to file suit against federal government action or inaction, litigating land and water management, rather than working collaboratively to address multiple needs across uses.

America's sheep and cattle producers actively cultivate healthy environments and habitat and stand ready to work collaboratively to address concerns. This legislation as drafted undermines that collaborative process and will only further create divisions that make it harder to find meaningful solutions.

Sincerely,

American Sheep Industry Association  
National Cattlemen's Beef Association  
Public Lands Council