



Position Statement

Livestock Grazing on BLM Public Lands

Executive Summary

The BLM manages livestock grazing on 155 million acres of America's public lands through processing and issuance of permits and leases containing the terms and conditions for grazing on BLM-managed lands. There are nearly 18,000 permits and leases administered by the BLM on more than 21,000 allotments. Most of these permits and leases are for grazing cattle and sheep although other livestock have been authorized.

Permits and leases are generally for a 10-year period and may be renewed if the BLM determines the terms and conditions of the expiring permit or lease are being met. The amount of actual grazing varies from year to year because of such factors as forage and water availability, drought, wildfire, and market conditions. The Public Lands Foundation (PLF) continues to support an active livestock grazing program on suitable BLM-managed lands as part of its multiple use mandate under the Federal Land Policy and Management Act (FLPMA). The BLM, however, needs adequate staffing and resources to ensure it can meet the substantial workload.

Background

Grazing of western public lands dates to the settlement era of the 1800's when it was an important economic base for the western expansion of the country. Today, many rural western communities rely on the economic benefits generated from local ranching for their economic livelihood. It supports thousands of jobs west wide and contributes millions of dollars to local economies. In 1934, Congress passed the Taylor Grazing Act which provided for the authorization and regulation of livestock grazing on the Nation's public lands. This Act has been amended several times since then. The 1976 Federal Land Policy and Management Act and the 1978 Public Rangelands Improvement Act also authorized and guides livestock grazing policy.

Grazing Regulations (43 CFR 4100)

The BLM published and implemented comprehensive changes to the grazing regulations in 1995 (43 CFR 4100). A portion of the regulations regarding Conservation Use was subsequently enjoined. These would have allowed longer term resting or retirement of the grazing permit or lease, which is more appropriately a planning decision regarding whether an area should be grazed or retired from grazing. The regulations were again modified in 2006, however, the changes were subsequently permanently enjoined from implementation by the

U.S. District Court of Idaho in 2007. The Ninth Circuit Court of Appeals affirmed the permanent injunction enjoining the 2006 grazing rule. However, the published 43 CFR 4100 regulations have not been updated to comply with the Court's injunction. As a result, the current grazing regulations are those published in 1995, not those currently published in the CFR. This leads to confusion for the public, permittees, and employees, because the rule published in 2006 has been enjoined and the 1995 rule is not available in the current CFR. The BLM initiated a regulatory effort in 2019 to update the current regulations and to provide more flexibility in administration of grazing and more efficiency in processing permits and leases. However, in 2023 the BLM discontinued work on the update of the grazing regulations and decided to instead focus efforts on implementing management changes to the grazing program through policy updates and internal guidance to BLM Field Offices. Regarding the enjoined portion of the regulations, the PLF considers the decision on whether or not to authorize grazing on public land is an appropriate one if BLM has determined to manage an area for multiple use without livestock grazing as a component.

Another issue that has arisen recently is the consideration of authorizing other classes of livestock, such as bison, through the use of a grazing permit or lease. This has been done appropriately in several areas of BLM-managed lands under the existing regulations. In the case of bison on public land, they will be managed as “livestock” unless the state within which they are located considers them as “wildlife” and therefore under the jurisdiction of the state.

Land Health

Prior to 1934, grazing of federal public lands was unregulated leading to overgrazing and adverse resource impacts to the rangeland and water resources. In 1934, Congress passed the Taylor Grazing Act, the first federal effort to regulate grazing on federal lands to improve rangeland conditions. Over time, the science and regulation have evolved to allow better management of grazing to maintain or improve rangeland health. The Fundamentals for Rangeland Health were developed and adopted through the 43 CFR 4180 regulations which were published February 22, 1995. They include fundamentals for watershed health, ecological processes, water quality and species habitat. These regulations also included the requirement that each BLM State Director develop land health standards and guidelines for livestock grazing, specifically addressing range conditions within their jurisdiction. The regulation also requires consultation with the BLM Resource Advisory Councils established in Section 309 of FLPMA in the development of the standards and guidelines.

Today, the terms and conditions of grazing permits and leases are based on having to meet standards or to improve rangelands toward meeting the standards for rangeland health. However, grazing continues to be the only resource use or program requiring that land health standards be met. The application of the guidelines is generally done on an allotment-by-allotment basis and is not often based on an ecological unit such as a watershed. This puts pressure on the BLM and grazing permittees to manage the allotments to meet the standards for rangeland health when other uses such as mineral development, wildfire, or wild horse grazing may actually be the causal factors for the lands not meeting the rangeland health standards.

Permit/Lease Processing Backlog

BLM grazing permits and leases are typically issued for 10-year terms. Each permit or lease needs to be reevaluated and a new one issued when the existing one expires, when there is a proposed change in livestock management, and/or when there is a change in ownership or control of base property. For decades, the BLM has not been able to evaluate and process the expiring permits/leases due to reduced staffing in the range management program and other supporting programs, frequent legal challenges, and time-consuming processing steps including land health evaluations and NEPA analysis conducted on an allotment-by-allotment basis. In 2015, FLPMA was amended to require the BLM to continue the existing terms and conditions of the expired permit by issuing a new permit with the same terms and conditions where current management has been determined as appropriate. Yet there remains considerable emphasis by employees and the public on reducing the “backlog” of unprocessed grazing permits and leases.

Specialist and Managers Understanding of the Permit/Lease Authorization Process

The demographics of the BLM workforce have changed substantially in the last decade, with a substantial loss of experience and corporate knowledge in the grazing program. The number of range management specialists has declined, with experienced staff often not being replaced upon retirement. In the past, many BLM managers came up through the range program. This has changed with many managers having backgrounds and experience in other programs and/or outside the BLM. As a result, many managers and staff have less knowledge of the grazing program than in the past.

Outcome-Based Grazing

Currently most permits/leases are managed on calendar dates for turnout and removal of livestock along with requirements related to permitted numbers of livestock. These requirements limit the number of year-to-year adjustments that can be authorized in a given permit/lease. However, climate change has modified seasonal precipitation patterns and has caused prolonged drought and higher temperatures across the west. As a result, forage production and water availability fluctuate greatly from year to year. The regulations allow for allotments to be managed using an outcome-based approach with more flexibility in timing, numbers, and management of livestock on the ground through an allotment management plan. The goal is to promote shared conservation stewardship of the public lands while supporting uses such as livestock grazing. Outcome-based grazing emphasizes conservation performance, ecological, economic and social outcomes, and cooperative management of the public lands. Outcome-based grazing also helps demonstrate that permitted livestock grazing on the public lands can operate under a less rigid framework than is commonly used in order to better reach agreed upon habitat and vegetation goals. However, this tool has limited use because, as mentioned above, the BLM has not had the staff or resources to allow for the development of allotment management plans when evaluating and processing permits and leases.

Targeted Grazing for Fuel Reduction

Wildfire season has become year-round in many areas in the west due to prolonged drought, less snowpack during the winters, more frequent and higher intensity wind events, and

increasing human activity on the public lands. The BLM has increased the level of hazardous fuels treatments, especially around communities. However, the level of fuel treatments is limited by budgets and available fuel management expertise and labor force resulting in significantly more acres burned each year than fuel treatments accomplished. These wildfires result in restrictions on grazing in the burned area for a number of years, loss of wildlife habitat, and conversion to non-native grasses such as cheatgrass that increases the fire return interval. The BLM fuels and grazing programs have worked on limited application of grazing as a tool to reduce fuels. There have been benefits demonstrated in some projects; however, the use of grazing permits/leases in this manner may not provide the appropriate management instrument for achieving fuels reduction. Contracting of grazing services may be a more appropriate tool to allow individuals to bring grazing animals into an area to reduce the fuels load.

PLF Position

1. The Public Lands Foundation (PLF) supports continued grazing of the public lands where the rangeland is suitable and the available resources would sustain it. The BLM's relationship with local communities is strengthened with continued support for appropriately managed grazing.
2. The PLF supports updating and publishing the current grazing regulations at 43 CFR 4100 to reflect the correct rule and current legislation. The PLF submitted comments on the regulations during the public scoping period. Therefore, the regulation update process should continue until concluded with a final rule published in the CFR.
3. The PLF supports applying rangeland health standards to an ecologically meaningful unit such as a watershed. The land health standards should apply to all public lands and should be addressed in all activities that manipulate or impact vegetation and soils. This allows for a more meaningful application of the standards and guidelines for maintaining or improving rangeland health across all programs and activities. The recent Public Lands Rule published by BLM in the Federal Register on May 9, 2024 attempts to balance the application of land health standards across all programs and activities.
4. The PLF supports processing permits/leases on a priority basis. This would allow the BLM to reissue without further processing a permit/lease in instances where there is no change in management and the permit/lease is meeting or progressing toward meeting land health standards. This reduces the BLM workload, allowing employees to focus on permits/leases that need changes in management to meet or move toward meeting land health standards and guidelines. It also provides use continuity by limiting administrative challenges. This process would include communicating to managers, staff, and the public that there is no longer a backlog and that processing is proceeding according to priority in accordance with current legislation. The BLM has issued a permanent Instruction Memorandum – PIM 2025-004, Setting Priorities and Processing of Grazing Authorizations and Related Livestock Grazing Monitoring and Incorporating Thresholds and Responses into Grazing Permits/Leases. This will assist BLM field staff moving forward.

5. The PLF supports the BLM conducting specialized training for both managers and staff in the grazing permitting/leasing process. For example, the BLM could institute a "Range Management for Managers" course and specific courses for other staff.
6. The PLF supports a certification program for range management staff such as the one used for wildfire qualifications or for petroleum engineering technicians. This will ensure adequate and consistent training and knowledge for journey-level specialists.
7. The PLF supports the BLM in increasing management flexibility in grazing permits/leases as appropriate through the use of outcome-based allotment management plans. This would allow more flexibility in the timing, livestock numbers, and on-the-ground management of livestock, including the use of new virtual fencing technologies, to protect sensitive areas and account for the annual variations in forage and water availability. The BLM recently issued IM 2025-011, Flexibility in Livestock Grazing Management, to provide support and guidance for this effort.
8. The PLF supports the BLM's continued efforts to use livestock grazing in the reduction of hazardous fine fuels through cooperation between the hazardous fuel treatment and grazing programs.
9. The PLF supports a renewed effort by BLM to address longstanding livestock trespass cases such as those found in the Gold Butte National Monument, Nevada and the San Pedro Riparian National Conservation Area, Arizona. Additionally, the BLM needs to utilize the current administrative and management tools available and to explore new and advanced technologies to assist in deterring unauthorized use and trespass in the future.

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