

Public Lands Foundation

Comments

Revision of Regulations for Grazing Administration, Exclusive of Alaska – 43 CFR Parts 4, 1700 and 4100

Proposed Rule

RIN 1004-AE82

Submitted to www.regulations.gov

The Public Lands Foundation (PLF) is a national membership organization that advocates for and works to ensure the retention of America's Public Lands in public hands, professionally and sustainably managed for responsible common multiple use and enjoyment. The public lands that we focus on are those that are managed by the Bureau of Land Management (BLM). The BLM is guided in its management of public lands under the principles of "multiple use and sustained yield" in the Federal Land Policy and Management Act of 1976 (FLPMA). The 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.

The BLM published a Proposed Rule for public review and comment on May 12, 2026 that would update the grazing regulations. The PLF supports the two major actions addressed in the rule--streamlining grazing administration and expanding the application of rangeland health standards. The actions proposed to streamline grazing administration focus on updating definitions, simplifying processes and clarifying regulatory language. The stated intent is to make it easier for ranchers to respond quickly to changing conditions on the land. Hopefully these changes will also facilitate the work of the BLM employees. The proposed rule does continue to rely on land health standards to assess land health. The change is to expand their use in all programs that BLM manages and to move the rules to Section 1700. The PLF supports this change. Finally, the proposed changes also include adjustments to the appeals process for grazing decisions.

The actions and stated intent are laudable and we agree that changes are overdue. The need to streamline administrative processes is especially important because BLM staffing in the grazing program has been significantly reduced and there is a major backlog in the permit renewal process. In 2015, Congress amended FLPMA to require the BLM to continue the existing terms and conditions of the expired permits 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.

The last major overhaul was 30 years ago and the attempt to update the regulations in 2006 was enjoined by the court. We appreciate the work of BLM employees who contributed to this Proposed Rule. The position of the PLF with regard to livestock grazing on the public lands is outlined below:

PLF Position

1. The 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 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 and is providing comments on the Proposed Rule. The regulation update process should continue until concluded with publication of a Final Rule.
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 PLF also supports moving this section of the rules to 43 CFR 1700.
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 continuity in use 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.

PLF Section-Specific Comments on Rulemaking

Where no comments are offered, we either support or have 'no comment' on a specific section.

Part 4 – Department Hearings and Appeals Procedures

Section 4.171 Effect of Decision Pending Appeal; Exhaustion and Finality

The proposed rule includes a new section regarding appeals of BLM grazing decisions on the public lands. This new section states that “a BLM grazing decision will **not** be effective during the time a person or entity adversely affected by the decision may file an appeal unless the decision is placed in full force and effect by the BLM”. This language will assure that every grazing decision issued by the BLM and viewed to be adverse will be appealed. The equal and opposite reaction will be that the BLM will be forced to automatically issue full force and effect decisions for all noncompliance situations. This approach to the proper management of grazing uses on the public lands is unacceptable.

Part 1700—Fundamentals of Land Health and Standards for Program Administration

Section 1700.1 Fundamentals of Land Health

The proposed rule would benefit from additional clarification regarding how the BLM intends to evaluate compliance with state water quality standards. States develop water quality standards to ensure they meet the requirements of the Clean Water Act, but they are not responsible for managing resources, including grazing, on BLM public land. So, while states are generally responsible for enforcing state water quality standards, they do so to ensure compliance with the Clean Water Act. The BLM should understand if the state water quality standards are being met on BLM public land and if not, why not.

Section 1700.2 Standards

We support and appreciate the proposed updates to the Land Health Standards and the effort to modernize and strengthen the framework for evaluating land health. The proposed changes have the potential to improve consistency, support adaptive management, and provide a more comprehensive approach to assessing ecosystem conditions. However, further clarification is needed on whether each state will be reviewing their existing standards (including states that have multiple sets of standards) to meet the criteria provided in the proposed rule, or will there be a national set of standards developed? If there will not be national standards, how will the outcomes of achieving or not achieving land health standards be “rolled up” to describe conditions across all BLM public lands and displayed in a publicly available record?

Section 1700.3 Rapid Landscape-scale Condition Assessment

Conducting rapid scale assessments is a positive step with being able to conduct fewer assessments across broader swaths of public land using fewer resources while still providing the necessary data to conduct the step-down land health evaluations at appropriate scales.

Section 1700.4 Land Health Evaluation and Causal Factor Determination

Section 1700.4(e)(1) references developing a monitoring schedule with specific objectives. We would recommend that the process be reversed to develop specific objectives and then develop a monitoring schedule.

Section 1700.4(f) references “not tied to existing BLM land management practices”, for example, where land health is being negatively impacted by invasive species. However, there may be areas where grazing practices (or other authorizations) can be modified to control or reduce invasive species and this should be a BLM consideration.

Part 4100—Grazing Administration—Exclusive of Alaska

Section 4100.0-2 Objectives

The objectives include “promote the orderly use, improvement and development of the public lands.” Further clarification would be helpful to include what is meant by “development of the public lands.”

Section 4100.0-5 Definitions

The proposed rule includes a definition for “interested public” that would limit public participation in the management of livestock grazing on the public lands to only those parties with a direct interest in such management on an individual grazing allotment. The PLF is very concerned over the impact of this definition that would broadly limit public input on livestock grazing on the public lands and this definition is also inconsistent with how public input is provided for in the regulations for other resource uses on the public lands.

Section 4110.3-3 Implementing Changes in Active Use

The proposed rule does not have a timeframe for consultation, cooperation, and coordination with the permittee or State. The PLF would recommend a timeframe for completion to assure no delay tactics are utilized, especially for urgent resource damage situations.

Section 4130.2 Grazing Permits

The proposed rule incorporates the requirement that the BLM will only authorize grazing by production-oriented livestock. This is a vague term with no legal standing. The proposed rule does not include clarity on how the BLM would implement this provision, including how BLM field office staff will consistently review existing grazing authorizations or evaluate new grazing applications to determine whether an applicant operates with production-oriented livestock. How will this impact existing authorizations, including authorizations that include horses (referenced as ancillary to livestock production under the definition of AUM) and bison?

Section 4130.8-1(h) Payment of Fees

If a permittee chooses to pay the aggregate of a ten year permit and the permit is transferred mid-term, does the balance of the payment transfer to the new permittee for the balance of the term, or is the original permittees payment considered non refundable per 4130.8-2 and the transferee has the option then to pay annually or a new 10-year aggregate?