

April 14, 2021

Secretary Haaland  
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Secretary Vilsack  
U.S. Department of Agriculture  
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Dear Secretaries Haaland and Vilsack,

On behalf of our millions of members and supporters across the country, and as part of the Biden Administration's efforts to address the pressing problem of climate change, the attached signatories urge you to take action to protect designated Wilderness from the impacts of livestock grazing.

There are key actions the Biden administration can take within existing authorities and budgets to provide immediate protection for Wilderness. The central problems and our recommendations for addressing them are detailed in the attached memo.

For more information, please contact Dana Johnson ([danajohnson@wildernesswatch.org](mailto:danajohnson@wildernesswatch.org)) or Kevin Proescholdt ([kevinp@wildernesswatch.org](mailto:kevinp@wildernesswatch.org)).

Thank you for your attention,



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## **THE NEED TO REFORM LIVESTOCK GRAZING ADMINISTRATION IN WILDERNESS**

Wilderness protects naturally functioning ecosystems, largely free from the human manipulation prevalent on other public lands.<sup>1</sup> It provides some of the best wildlife habitat on the continent. It protects water quality and supply both within and outside Wilderness. And it is vital in a changing climate as it provides a least-disturbed baseline for research, a high-value carbon sink, and essential refuge and migration pathways for species adjusting to climate-related habitat changes. When it comes to climate action, Wilderness protection is critical low-hanging fruit.

### **Problem Overview**

Extensive research demonstrates that wilderness values are particularly harmed by livestock use, and the extent of livestock grazing in Wilderness presents significant barriers to Wilderness protection. Of the 52 million acres of Wilderness in the lower forty-eight states, livestock are authorized to graze 13 million acres—a quarter of the total acreage.<sup>2</sup> Providing only one-tenth of one percent of all forage fed to livestock in the United States,<sup>3</sup> grazing in Wilderness hardly contributes to the U.S. livestock industry, yet its impacts to the wilderness system are significant.

The Congressional Grazing Guidelines (CGGs)<sup>4</sup> attempted to address some of the management challenges specific to wilderness administration, such as:

- Clarifying that grazing practices common in non-Wilderness settings (e.g. livestock increases and new facilities) are appropriate in Wilderness.
- Clarifying that while wilderness designation on its own cannot justify curtailment of grazing under the CGGs, the agencies may curtail grazing in response to environmental impacts just as they can outside of Wilderness.
- Delineating limited allowances for motorized access and structures, which are generally prohibited in Wilderness.

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<sup>1</sup> The 111.7-million-acre wilderness system is administered by all four federal land management agencies: Forest Service (36.7 million acres), National Park Service (44.3 million), Fish and Wildlife Service (20.7 million), and Bureau of Land Management (10.0 million).

<sup>2</sup> Wilderness Watch, *The Cattle Compromise: Livestock Grazing's Damaging Effect on Wilderness and the Way Toward A Livestock-Free Wilderness System* 17-18 (2019), <https://wildernesswatch.org/images/wild-issues/2019/01-2019-WW-Policy-Paper-Grazing.pdf>.

<sup>3</sup> Numerous reports have determined that less than 4-5% of the forage consumed by livestock comes from public lands. Since Wilderness acres grazed amount to approximately 3.4% of public lands grazed, *see id.* at 16 n.84, the estimate of forage provided is between one-tenth and two-tenths of one percent of all forage fed to livestock.

<sup>4</sup> The Congressional Grazing Guidelines have been incorporated by reference in wilderness designations since first being adopted in House Report language in 1980. *See* H. Rep. No. 96-617, <https://winapps.umn.edu/winapps/media2/wilderness/toolboxes/documents/grazing/House%20Report%2096-617.pdf>, and H. Rep No. 101-405, <https://winapps.umn.edu/winapps/media2/wilderness/toolboxes/documents/grazing/House%20Report%20101-405A.pdf> (extending the CGGs to BLM-administered Wilderness).

Unfortunately, the federal agencies' increasingly loose interpretations of the CGGs have undermined this intent. For example, by:

- Interpreting the CGGs' limited allowances for motorized use and structures far too liberally, allowing ranchers to use pickups or ATVs for routine grazing management, like herding or monitoring, and to construct and maintain facilities inside Wilderness.
- Interpreting the CGGs' to mean it is *more* difficult to control or reduce grazing or eliminate specific allotments in Wilderness than in areas outside of Wilderness.<sup>5</sup>

In addition to CGG implementation issues, agencies are attempting to fill vacant allotments, including allotments where third parties bought out grazing privileges with the agreement that grazing would be permanently retired. And agencies continue to kill predators, including threatened grizzly bears, inside Wilderness to protect livestock.

While congressional action is needed,<sup>6</sup> there are key actions the Biden administration can take within existing authorities and budgets to provide immediate protection for Wilderness.

### **Specific Problems and Recommendations**

#### **Problem: Direction for Administering Livestock Grazing in Wilderness Needs Modification.**

The agencies misinterpret the CGGs to mean it is more difficult to control or reduce grazing in Wilderness than in areas outside of Wilderness, and they authorize normally prohibited activities far beyond the limited circumstances contemplated in the CGGs. These authorizations are often made by staff with little to no Wilderness training, and the authorizations are not easily tracked for accountability. Additionally, a wealth of research has shed new light on the various ecological and climate-related harms of livestock grazing.

#### **Recommendations for Action:**

- **Clarify Agency Authority.** Clarify that agencies have authority to act under existing law to reduce grazing-related impacts within Wilderness and to curtail grazing in Wilderness due to conflicts with protecting wildlife or habitat, recreation experiences, watersheds, water quality, native plant communities or species, or ecosystem function, for non-compliance with permit terms, or for any other reason for which grazing can be curtailed on other public lands.

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<sup>5</sup> The CGGs state, "There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness," which can be construed broadly to mean grazing has more permanence in Wilderness than other public lands. See, e.g., Mark Squillace, *Grazing in Wilderness Areas*, 44 *Env'tl. L.* 415, 438 (2014), <https://scholar.law.colorado.edu/articles/82>, (questioning "whether [the CGGs] undermine the ability of the BLM and the Forest Service to reduce or remove livestock under the general grazing rules that apply to all public lands.").

<sup>6</sup> To more permanently address these issues, a coalition of organizations has presented a proposal for revising Congressional direction for administering livestock grazing in Wilderness. See <http://wildernesswatch.org/images/wild-issues/2020/12-08-2020-WW-Sign-On-CGG.pdf>.

- **Rein in Prohibited Uses.** Direct that motorized and mechanized use be limited to true emergencies, such as rescuing sick or injured animals, and to rare cases where it is not feasible to accomplish essential tasks by non-motorized means. Clarify that agencies should not authorize motorized and mechanized use for routine activities like herding, gathering, inspecting livestock, or infrastructure maintenance.
- **Redelegate Authority for Approving Prohibited Uses.** Except in cases of exigent emergencies, such as rescuing sick animals, require that all authorizations for otherwise prohibited uses (motor vehicles, structures, installations, etc.) be made by the agency Director or Chief for better tracking and accountability.
- **Support Amending Congressional Direction.** Encourage Congress to act to improve its direction for livestock administration in Wilderness. *See* n.6 (discussing coalition proposal for modification of Congressional direction).

**Problem: Failure to Close Vacant Allotments.** Of the 13 million acres of wilderness lands within grazing allotments, about 3 million are vacant allotments that have not been grazed for many years—sometimes decades. Ranchers have waived those permits back to the Forest Service or Bureau of Land Management, but the agencies have not permanently closed those allotments. These long-vacant allotments are at risk of being reassigned.

**Recommendations for Action:**

- **Executive Order.** Encourage President Biden to issue an executive order to close vacant allotments in Wilderness.
- **Land Management Planning.** Issue secretarial orders to direct the Forest Service and Bureau of Land Management to close vacant allotments in Wilderness through the land management plan revision process or the plan amendment process.
- **Transfer to Non-Wilderness Allotments.** Seek opportunities to transfer grazing out of Wilderness when less remote and less controversial non-Wilderness allotments become vacant.
- **Restore Wilderness by Removing Infrastructure.** Issue secretarial orders to direct the agencies to restore Wilderness by removing structures and installations such as fencing, dams, abandoned roads, and other grazing-related infrastructure from vacant or closed allotments. This restoration work should be accomplished via non-motorized, wilderness-compatible methods and can be a project for the Biden administration’s proposed Civilian Climate Corps. The administration could utilize existing budgets, such as Range Betterment Funds, or seek additional funding through appropriations.
- **Support the Voluntary Grazing Permit Retirement Act.** Support and encourage Congress to pass legislation similar to the Voluntary Grazing Permit Retirement Act,<sup>7</sup> which would allow for the closure of vacant allotments in Wilderness.

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<sup>7</sup> *See* HR 5737, 116th Cong. (2019-2020), <https://www.congress.gov/bill/116th-congress/house-bill/5737/text?r=12&s=1>.

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**Endangered Species Coalition**  
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**International Fund for Animal Welfare (IFAW)**  
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**Alliance for the Wild Rockies**  
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