

January 21, 2021

The Honorable Joseph R. Biden Jr.  
President of the United States

Dear President Biden,

The BLM is in the midst of a rulemaking to revise its livestock grazing regulations affecting 155 million acres of public lands administered by the Bureau of Land Management. The rulemaking could improve the management of permitted livestock grazing and update the BLM's grazing program consistent with your administration's objectives to restore science, public engagement, and transparency to federal decision-making. It could also provide a basis for improving carbon storage and biodiversity protection on the nation's public lands as a part of your commitment to address the threat of climate change.

In the attached memo, we provide a more detailed explanation of the problems with the BLM's current grazing program and the potential impact of regulatory changes being proposed by the Trump administration. The memo also provides a summary of the alternative grazing regulations submitted by a coalition of organizations. The BLM has agreed that the coalition alternative is reasonable and will be presented as a stand-alone alternative in the upcoming Draft Environmental Impact Statement.

Upon taking office, we ask that your administration temporarily pause the current rulemaking process and closely review the Draft Environmental Impact Statement being proposed by the BLM. We further request that the coalition's climate-conscious revision of BLM livestock grazing regulations be identified as the preferred alternative and adopted in the Record of Decision.

As the nation's largest land manager, the BLM has a vital role to play in the conservation and restoration of our public lands, water, and wildlife and in addressing climate change. We look forward to working with you and your administration to ensure that the grazing program will support the achievement of your climate and biodiversity goals for the benefit of current and future generations.

For more information, please contact Josh Osher ([josh@westernwatersheds.org](mailto:josh@westernwatersheds.org)) at Western Watersheds Project or Vera Smith ([VSmith@Defenders.org](mailto:VSmith@Defenders.org)) at Defenders of Wildlife.

Sincerely,

Western Watersheds Project  
Defenders of Wildlife  
Animal Welfare Institute  
Center For Biological Diversity  
Grand Canyon Trust  
Great Old Broads for Wilderness  
Natural Resources Defense Council

Oregon Natural Desert Association  
Project Eleven Hundred  
PEER  
Sierra Club  
The Lands Council  
Wildearth Guardians  
Wilderness Watch

## **BLM's Livestock Grazing Regulations: The Problems and the Solution**

**The Problem.** The Bureau of Land Management (BLM) provides permits or leases to private individuals or corporations for grazing of domestic livestock on over 155 million acres of public lands. While livestock grazing on public lands is authorized by statute and is a long-time use of public lands, it diminishes native habitats, wildlife, carbon storage and the inherent capacity of these lands to withstand natural disturbances and climate change. Over 300 species of native wildlife and plants that reside on BLM-administered lands are now listed as threatened or endangered,<sup>1</sup> and pollinators that are crucial for our food systems and rare native plants are in a precipitous decline.<sup>2</sup> Under the current grazing regulations<sup>3</sup> the BLM is falling short of its statutory mandate to “protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values”<sup>4</sup>, and its democratic responsibilities to promote public engagement, transparency and accountability.

The most recent (2018) BLM assessment of rangeland conditions<sup>5</sup> reports:

- Nearly 40 percent of BLM rangelands have never been assessed even though the current grazing regulations require BLM to regularly assess rangeland health;
- Of total acres assessed, 42% fail to meet BLM Standards for Rangeland Health;
- The BLM attributes the largest portion (70%) of range health failure to livestock overgrazing;<sup>6</sup>
- The BLM conflates rangelands meeting the Standards with those that are “making significant progress” towards meeting the Standards, meaning that many allotments remain at undefined levels of degradation. “Significant progress” is not defined and there is no time limit for meeting the Standards.

In 2020, amid rising temperatures and increasing frequency of drought that amplify grazing impacts, the Trump Administration proposed to revise the BLM's grazing regulations to further weaken environmental protections and reduce public engagement opportunities. The new regulations appear likely to include the following provisions that will exacerbate the negative impacts of public lands livestock grazing<sup>7</sup>.

- Reduce public involvement even on the small subset of allotments that undergo a public review process through the National Environmental Policy Act (NEPA)<sup>8</sup> by eliminating protest periods and limiting the types of decisions that are subject to NEPA;

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<sup>1</sup><https://www.blm.gov/programs/fish-and-wildlife/threatened-and-endangered>

<sup>2</sup> Forister, ML, Pelton, EM, Black, SH. Declines in insect abundance and diversity: We know enough to act now. *Conservation Science and Practice*. 2019; 1:e80. <https://doi.org/10.1111/csp2.80>

<sup>3</sup> 43 CFR 4100

<sup>4</sup> 43 U.S.C. §§1701, Sec. 102(a)(8))

<sup>5</sup> 2018\_RIME report Land Health," received by PEER from BLM FOIA office via email on March 20, 2020.

<sup>6</sup> These are rangelands categorized in the "2018 RIME report Land Health" as "not meeting all standards or making significant progress toward meeting the standards ...(livestock is a significant factor)"

<sup>7</sup> See 85 Fed. Reg. 3410 (January 21, 2020)

<sup>8</sup> Analysis of data contained in the BLM Rangeland Administration System database, <https://reports.blm.gov/reports/RAS>, indicates that over 50% of grazing allotments and over 65% of the total Animal Unit Months have been reauthorized without a current NEPA analysis.

- Open more lands to grazing outside of the traditional permitting process and without public input by authoring untested and highly speculative “targeted grazing” through the use of categorical exclusions;
- Cede even more authority to the grazing permit holders by instituting “Outcome Based Grazing” authorizations that don’t require any measurable standards or objectives;
- Further reduce the frequency and scope of assessments that determine compliance (or non-compliance) with the Fundamentals of Rangeland Health; and
- Continue to authorize more livestock than the range can support without adjusting for deteriorating forage conditions amid increased temperatures and drought.

**The Solution.** In response to BLM’s proposed revisions of the grazing regulations, a coalition of organizations with decades of direct experience monitoring range conditions and participating in public processes related to public lands grazing management developed a comprehensive proposal for the revision.<sup>9</sup> The BLM has stated that it considers the coalition’s alternative reasonable and that it will be fully analyzed in the upcoming Environmental Impact Statement required under NEPA. The coalition’s proposed revision is consistent with federal law and is designed to address climate realities, the extinction crisis, and shortcomings of the existing regulations while recognizing the changing needs and circumstances of public lands grazing permittees. The alternative emphasizes increased flexibility for implementation of grazing allotment conservation actions, public accountability, science-based decision making, and the need to balance grazing with other multiple uses including protection of water, soil, native biodiversity, and sequestration of carbon.

Key components of the coalition’s alternative include:

***Public Engagement***, which requires BLM to:

- Meaningfully engage with the public about grazing management decisions and outcomes;
- Consider objective, independent monitoring data and respond to evidence provided by the public about failure of an allotment to meet Rangeland Health Standards and/or the terms and conditions of the grazing permit or lease; and
- Ensure that the public can reasonably access grazing allotments for the purposes of monitoring, data collection and research.

***Accountability***, which requires BLM to:

- Evaluate and make a determination about compliance with Rangeland Health Standards at least once in every 10-year period for every grazing allotment and only issue a new permit or lease after such determinations have been made;
- Develop a monitoring plan for each grazing allotment that includes thresholds for adaptive action; and
- Document and assess penalties for unauthorized and trespass grazing.

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<sup>9</sup> <https://drive.google.com/file/d/1lyJPA8SouniZEsEhkc11bbNuL4akr9cf/view?usp=sharing>

***Science-based Decision Making***, which requires BLM to:

- Utilize the best available science in determining the ecological condition of grazing allotments;
- Consistently apply monitoring and data collection methods that are measurable and repeatable; and
- Assess, during land use planning processes, the public lands available for livestock grazing in order to determine whether grazing is incompatible with other multiple uses including the protection of native ecosystems, and re-classify those lands accordingly.

***Ecosystem Protection and Resilience***

- In order to comply with FLPMA's mandate to protect public lands from unnecessary and undue degradation, livestock grazing authorizations shall not exceed carrying capacity (utilization of 25% of the average forage production); and utilization of key palatable species shall not exceed 30% in each grazing season;
- All vegetation treatments shall have the objective of restoring fully functional native ecosystems within the natural range of variability and shall only utilize seeds or plants that are native to the region;
- Only non-lethal measures to reduce conflicts between domestic livestock and native predators will be authorized under grazing permits or leases. The killing of predators by permit or lease holders is prohibited; and
- Livestock grazing shall be temporarily delayed or modified to allow for the recovery of native vegetation, improvement of riparian-wetland areas, or for protection of other resources and values consistent with objectives of applicable land use plans.

***Increased Flexibility for Conservation***

- Grazing permittees or leaseholders shall be allowed greater flexibility to place allotments in conservation non-use or temporary non-use in order to improve the health of the land or water and/or for the conservation of native species; and
- The BLM shall have increased authority to modify grazing use in response to natural disturbances such as drought or wildfire and in circumstances where current grazing is contributing to the decline of ecological conditions and populations of native species.

**Recommendation for Action.** In the Draft Environmental Impact Statement, identify this comprehensive, climate-conscious revision of BLM livestock grazing regulations as the preferred alternative, and adopt it in the Record of Decision. This will ensure that livestock grazing on our public lands conforms with FLPMA's statutory direction and promotes the conservation and restoration of our public lands, water, and wildlife for the benefit of current and future generations.