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BLM Considers Changes to Grazing Regulations In Effort to Improve Public Rangeland Management

In an effort to improve its management of the public rangelands, the Bureau of Land Management is considering changing some of its grazing-related policies and regulations, BLM Director Kathleen Clarke announced today.

“The changes under consideration would enhance community-based conservation and promote cooperative stewardship of the public rangelands,” Clarke said. “The potential changes would also improve BLM business practices and provide greater flexibility to managers and grazing permittees in the administration of public rangelands.”

Clarke announced the potential grazing rule changes in a speech today in Nashville, Tennessee, to the National Cattlemen’s Beef Association. The changes under consideration, Clarke said, “reflect the Four Cs of Interior Secretary Gale Norton -- consultation, cooperation, and communication -- all in the service of conservation. The Four Cs are the basis for this Administration's new environmentalism, one that looks to those closest to the land -- rather than Washington, D.C. -- for answers to public land issues.”

The policy changes that the BLM is considering would:

-- Provide more flexibility for resource managers, ranchers, and conservation groups to work in partnership to promote conservation and healthier grazing allotments.

-- Authorize the creation of an administrative mechanism that would help grazing permittees meet mitigation requirements aimed at protecting threatened and endangered species.

As for the potential regulatory changes, the BLM plans to publish two grazing-related notices in the Federal Register in early February. The first, known as an Advance Notice of Proposed Rulemaking (ANPR), will describe the nature of the possible changes. The ANPR is only the first step in the rulemaking process.

The second, called a Notice of Intent, will announce the BLM’s intent to prepare an Environmental Impact Statement under the National Environmental Policy Act. The environmental “statement” or study will analyze the potential impact of the changes under consideration, as well as the potential effects of alternative options. The Bureau expects to publish its official proposed regulatory changes, in the form of a proposed grazing rule, during the summer.

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The public will have 60 days to comment on the Advance Notice of Proposed Rulemaking after its publication. During that same period, the public will also be able to comment on the scope and other aspects of the Environmental Impact Statement (EIS) associated with the potential rules changes. The BLM will hold four EIS-related “scoping” meetings in March at four sites: Albuquerque, New Mexico; Reno, Nevada; Billings, Montana; and Washington, D.C. The Bureau will announce further details about the meetings when it publishes its two Federal Register notices.

The regulatory changes under the BLM’s consideration would:

- Extend the time for a grazing permittee’s temporary nonuse of a permit from the current three-year limit to five years. Such an extension would enhance the Bureau's ability to cooperate with ranchers who want to temporarily rest the land to allow for forage recovery; the five-year limit would also enable the BLM to meet the needs of those ranchers who temporarily cannot use their permits because of business or personal needs.

- Authorize the BLM to designate a new type of grazing unit called “Reserve Common Allotments.” Ranchers could use these allotments for livestock forage while their normal allotments undergo range improvement treatment. This will provide an alternative forage source for those ranchers who are engaged in a range-recovery effort that requires a temporary resting of the land from grazing. Reserve Common Allotments will thus enable ranchers to maintain their herds while their allotments recover.

- Reinstate an earlier provision that allows the BLM and a grazing permittee to share title of certain range improvements -- such as a fence, well, or pipeline -- if they are constructed under what is known as a Cooperative Range Improvement Agreement. This potential rule change envisions the BLM and a permittee sharing title in proportion to each party’s contribution to the initial cost of constructing the improvement.

- Streamline the administrative appeals process relating to grazing decisions.

- Clarify which non-permit violations the BLM may take into account in penalizing a permittee.

- Distinguish between access on public and private land.

- Revise administrative fees for permit applications, billings, and preference transfer. (The BLM is not considering any change to the existing grazing fee formula, which Congress established in 1978 and has continued by Executive Order since 1986.)

- Clarify that the BLM will follow state law in the acquisition of water rights.

- Re-emphasize that reviews under the National Environmental Policy Act will consider the economic, social, and cultural impacts of the BLM’s decisions.

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-- Eliminate, in keeping with recent Federal court rulings, existing regulatory provisions that assert the BLM's authority to issue long-term "conservation use" grazing permits. These permits were introduced in 1994.

The BLM, an agency of the U.S. Department of the Interior, manages more land -- 262 million surface acres -- than any other Federal agency. Most of this public land is located in 12 Western States, including Alaska. The Bureau, with a budget of about \$1.9 billion and a workforce of some 10,000 full-time, permanent employees, also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on the public lands.

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