

**STATEMENT OF
JIM HUGHES
DEPUTY DIRECTOR
BUREAU OF LAND MANAGEMENT
DEPARTMENT OF THE INTERIOR**

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
OVERSIGHT HEARING ON "PUBLIC RANGELAND MANAGEMENT AND LIVESTOCK GRAZING ON
PUBLIC LANDS"
SEPTEMBER 28, 2005**

Mr. Chairman, thank you for the opportunity to discuss the work we're doing at the Bureau of Land Management (BLM) to provide good stewardship of the public rangelands and to discuss livestock grazing on public lands in particular. Our nation's rangelands provide and support a variety of goods, services, and values that are important to every American. They conserve soil, store and filter water, sequester carbon, provide a home for an abundance of wildlife, provide scenic beauty and the setting for many forms of recreation, and are an important source of food and water for domestic livestock. The Administration recognizes that the conservation and sustainable use of rangelands is especially important to those who make their living on these landscapes, and is vital to the economic well-being and cultural identity of the West and to rural Western communities.

The BLM takes seriously its challenge to conserve and manage this vital component of our Nation's natural resource base and great legacy of the American west for current and future generations. We continue to work in collaboration with our partners -- ranchers, other Federal agencies, state and local governments, researchers, conservation groups and others -- to make progress in our understanding and management of rangelands.

As I will discuss further below, as part of these efforts, we are working diligently to evaluate and improve rangeland health; to update our regulations to improve grazing management and assure stability of ranching on public lands; and to make progress in reducing the grazing permit renewal backlog.

Rangeland Management Background / Facts & Figures

The BLM performs its rangeland management duties under the authority of several laws, primary among which are the Taylor Grazing Act (TGA), the Federal Land Policy and Management Act (FLPMA), and the Public Rangelands Improvement Act (PRIA). The BLM manages grazing on nearly 160 million acres of public rangeland, with use authorized by approximately 18,000 permits and leases on about 20,600 allotments.

These permits and leases allow the sustainable annual harvest of up to 12.7 million animal unit months (AUMs; or the amount of forage necessary to sustain a cow and her calf for a month). In Fiscal Year 2004, actual use was approximately 6.6 million AUMs due to drought and fires. As the Committee is well aware, much of the West has been in the grip of a drought during the last five years, affecting the availability of forage and water in many areas, resulting in reduced grazing use. These reductions were the most pronounced in 2002, 2003, and 2004.

Land Health Standards

In 1999, BLM began evaluating the health of the rangelands ("Land Health Evaluations or Assessments") based on Land Health Standards that were developed in consultation with local Resource Advisory Councils (RACs). These standards are based on the four fundamentals of rangeland health found in BLM's Grazing Regulations, and address 1) water quality, 2) wildlife habitat, 3) soil stability, and 4) energy flow and nutrient cycling. By the end of FY 2004, approximately 45% of the allotments had been evaluated, and about 78% of these were meeting all Land Health Standards under current management. About 16% were not meeting at least one standard because of current livestock grazing management, while the remaining 6% of allotments were not meeting at least one standard due to other, non-grazing, factors. Adjustments in livestock grazing management have been made on 85% of the allotments where it

was needed, and BLM is coordinating appropriate adjustments on the other 15%.

The BLM collects monitoring and assessment data to compare current conditions with the Land Health Standards and land use plan objectives. This information is used to complete environmental assessments, develop alternative management actions, and to modify management as needed to meet these Land Health Standards and objectives.

Assessment, Inventory & Monitoring Initiative

In order to enhance the efficiency and effectiveness of BLM's assessment, inventory, and monitoring efforts, the BLM in August 2004 initiated a multi-year strategy ("Assessment, Inventory, and Monitoring Initiative") to manage the collection, storage, and use of data regarding resource conditions and uses across the Bureau. This new effort is working to aggregate certain local and site-specific resource information so that it can be more easily utilized to address regional or national management questions.

The multi-year effort will identify a limited number of natural resource condition measures that are common to most BLM field offices, and comparable to measures used by other land managing agencies for reporting at the national level. We will standardize data collection, evaluation, and reporting in a way that improves our land use decisions, and enhances our ability to manage for multiple uses. Finally, we will refine BLM information gathering efforts at the local level, thereby improving the BLM's ability to report on land health conditions.

The initiative is already producing promising results. In the first year, the BLM conducted pilot projects throughout the Bureau that tested ways to improve and standardize protocols for measuring the effects of off-highway vehicle use and energy development on the public lands. The pilot projects also examined technologies to make our process of collecting vegetative condition data more efficient, and identified a common set of land health indicators for use by all Federal agencies. The initial progress with the initiative suggests that an overall BLM strategy can be implemented in a way that improves our efficiency and effectiveness for many years to come.

Proposed Grazing Regulations

The BLM is in the process of finalizing the documentation associated with the proposed grazing regulations. The regulatory changes were proposed with the objective of improving grazing management and continuing to promote stability for ranching on public lands. As you know, this has been a lengthy but productive process that has involved extensive public review and comment. We anticipate publication of a final rule in 2006.

The proposed changes are, we believe, an important step forward to improve BLM grazing administration, and will draw upon the lessons learned since the previous revisions of more than 10 years ago. The BLM undertook this regulatory initiative in recognition of the economic and social benefits of public lands grazing, as well as the role of ranching in preserving open space and wildlife habitat in the rapidly growing West.

The major objectives as set forth in the proposed rule are to improve the agency's working relationships with public land ranchers; conserve rangeland resources; and address legal issues while enhancing administrative efficiency. It should be noted that the new regulations would not affect the Resource Advisory Council (RAC) System, and would leave intact the substance of the rangeland health standards and guidelines developed by State directors in consultation with the RACs. They also would make no change to the way the Federal grazing fee is calculated. The following is a summary of the major elements of the current draft of the proposed regulations.

Improved Working Relationships

The proposed regulations would provide that the BLM and a grazing permittee or lessee (or other cooperating party) will share title to cooperatively constructed permanent range improvements – structures such as fences, wells, or pipelines. This shared-title provision reflects the Administration's view that ranchers, when contributing financially to the construction of range improvements, should share in their ownership in proportion to their investment. In addition, shared title may help some ranchers obtain

loans more easily for their operations, and may serve as an incentive for livestock operators to undertake needed range improvements.

Another proposed regulatory change is that BLM would phase in grazing-use decreases (and increases) of more than 10 percent over a five-year period. The phase-in would provide sufficient time for ranchers to make gradual adjustments in their operations, particularly so they can reduce adverse economic impacts resulting from any grazing reductions. The BLM would still retain authority to change or halt grazing immediately when needed to respond to drought, fire and other resource threats that require immediate action, or when legally required, such as where necessary to comply with the requirements of the Endangered Species Act.

The proposed regulations also would make clear that BLM managers will use National Environmental Policy Act (NEPA) processes to consider the social, cultural, and economic effects of decisions that determine levels of authorized grazing use. This change will ensure that BLM managers across the West consistently consider and document the factors they took into account in assessing the potential impacts of such decisions on the human environment.

Conserve Rangeland Resources

The proposed regulations would remove a restriction that had limited temporary non-use of a grazing permit to three consecutive years. The existing regulation allows the BLM to approve non-use each year for up to three consecutive years, but does not allow for a fourth year of non-use, whether it is needed or not. This change would allow BLM to approve non-use for one year at a time for conservation or business purposes with no limit on the number of consecutive years. The removal of this three-consecutive-year limit will promote rangeland health by giving the BLM more flexibility to cooperate with grazing permittees to rest the land as needed or to respond to changing business needs.

The proposed regulations also would require BLM to use monitoring data in cases where our agency has found, based on our initial assessment, that a grazing allotment is failing to meet rangeland health standards or conform to the guidelines. By using monitoring data, the Bureau will be better able to determine the reasons for an allotment's failure to meet such standards, and to what extent, if any, grazing practices are at issue.

Another change to the regulations would allow the BLM up to 24 months to develop corrective management action in cases where existing grazing management or levels of use are significant factors in failing to meet the standards and conform with the guidelines. Under current regulation the BLM is required to implement corrective action before the start of the next grazing year, which, due to the period needed for completing planning and consultation, was often an unrealistic timeframe. The proposed revisions provide a reasonable timeframe for the BLM, permittee, and interested public to develop an appropriate action plan to improve conditions.

Address Legal Issues While Enhancing Administrative Efficiency

The proposed regulations include numerous changes that address legal issues while enhancing administrative efficiency, several of which are summarized below.

The proposed regulations would remove the existing provision that allows BLM to issue "conservation use" permits, which would authorize the holder to not graze. The 10th Circuit Court of Appeals ruled in 1999 that the Secretary is not authorized to issue such permits.

The proposed regulations would expand the definition of "grazing preference" to encompass the rancher's public land forage allocation. This expanded definition would be similar to one that existed from 1978 to 1995, and reflects that the meaning of the term "grazing preference" has two parts: first, a priority over others to receive a livestock forage allocation on public lands; and second, the amount of forage actually allocated. The BLM attaches grazing preference to a rancher's private "base" property, which can be land or water, and upon approval by BLM would allow the preference number to be transferred to a purchaser of the base property, or to another qualifying base property.

The proposed regulations would modify the definition of “interested public” to cover only those individuals and organizations that actually participated in the process leading to specific grazing decisions. This regulation change seeks to provide for a more orderly and timely decision-making process by ensuring that those who would identify themselves as interested public participate in the decision-making process before exercising their right to appeal and litigate such decisions. The BLM will continue to involve the public in grazing planning activities, such as allotment management planning, providing comment on and input to reports the BLM prepares, and range improvement project planning. The public would continue to receive BLM grazing decisions.

In contrast to the current regulations, the proposed grazing regulations would provide that BLM has flexibility to seek a variety of water right arrangements under state law and would not have to only seek ownership of the water right in the name of the United States. This proposed provision, which would revise the 1995 grazing regulations, would give the BLM greater flexibility in negotiating arrangements for the construction of watering facilities in states where the Federal government is allowed to hold a livestock water right. The BLM would still have the option of seeking to acquire the water right, consistent with state water law.

Grazing Permit Renewals

Another emphasis of BLM’s range program is dealing with the backlog of grazing permit renewals. By regulation, grazing leases and permits are normally issued for 10-year periods. In a typical year, the BLM has 1,800 permits up for renewal. The BLM experienced a “spike” in grazing permit renewals in 1999 and 2000, when over 7,200 permits were due for renewal. The BLM is in its sixth full year of reducing the grazing permit renewal backlog created by the “spike” of 1999 and 2000. At the end of Fiscal Year 2004, BLM had fully processed nearly 85% of the grazing permits that have expired since Fiscal Year 1999. In addition, BLM is actively working to prevent a recurrence of the 1999 and 2000 “spike” by processing and issuing permits scheduled to expire in the future. As a result, about 5,700 (reduced from the previous “spike” of 7,200) of the 18,000 permits are scheduled to expire in 2009 and 2010.

Processing a permit consists primarily of analyzing environmental impacts using appropriate National Environmental Policy Act (NEPA) documentation and, where applicable, Endangered Species Act Section 7 consultation. The BLM has been incorporating information from monitoring and land health evaluations to develop reasonable alternatives to be considered in the NEPA documents. This information is also used to coordinate and consult with permittees and other interested parties and to make informed decisions when issuing the permits.

The BLM’s goal is to eliminate the backlog of grazing permits and to issue permits in the year they expire by the end of FY 2009. The BLM continues to prioritize the collection of monitoring data to make sound grazing management decisions and to meet land health standards, as well as to ensure that the decisions are legally-defensible. Other workload demands on range personnel – such as oil and gas permit processing, wildfires, emergency rehabilitation projects, and land use planning – can reduce the number of grazing permits that can be fully processed in a given year. Nevertheless, we are committed to eliminating the backlog of permit renewals, and will keep the Committee informed of our progress in this regard.

Conclusion

The BLM is dedicated to the future well-being of the public rangelands, and is committed to managing them for the many uses that serve the broad public interest. We look forward to continuing to work with the Committee to ensure their long-term viability and health. Thank you again for the opportunity to testify on this important issue. I would be happy to answer questions from the Committee.