

**Testimony of
Jim Hughes, Deputy Director
Bureau of Land Management
Before the Senate Energy and Natural Resources Committee
Subcommittee on Public Lands and Forests
Oversight of Grazing on Public Lands
June 23, 2004**

Thank you for inviting me to testify regarding the management of Bureau of Land Management (BLM) rangelands. The Administration recognizes that ranching is an important component of the economies of many Western rural communities, and it is the core of their history, social fabric, and cultural identity. Ranching can also play an important role in preserving open space in the fast-growing West. The BLM is committed to collaborating with those who work on the public lands as we strive for economically-productive and environmentally-healthy rangelands.

As the Committee has requested, I will discuss grazing permit renewals, our pending grazing rulemaking, wild horse and burro issues as they affect the rangelands, and our efforts to conserve and enhance sage-grouse habitat while allowing productive uses of the public lands.

Grazing Permit Renewals

The BLM manages grazing on more than 160 million acres of public land in the West. We administer over 18,000 grazing permits and leases, and, in 2003, six million AUMs (animal unit months) were used.

By regulation, grazing leases and permits are normally issued for 10-year periods. In a typical year the BLM has 1,500 permits up for renewal. As we have discussed before with this Committee, the BLM experienced a spike in grazing permit renewals in 1999. Over 5,000 permits were due for renewal in 1999, and 2,200 permits in 2000. Additionally, the BLM was required to improve environmental documentation for processing grazing permit and lease renewals. The increased workload made it clear that the BLM would not meet the required deadlines for permit renewals.

Congress took action to ensure that grazing permittees and lessees could continue to graze if the BLM was unable to complete the environmental analysis mandated by the National Environmental Policy Act (NEPA). Since 1999, a provision has been included each year in the Interior Appropriations bill that gives the BLM the authority to extend grazing permits and leases under their same terms and conditions until completion of NEPA compliance, Endangered Species Act (ESA) consultation, and other legal requirements. I would like to share with you what BLM is doing not only to address the permit-renewal workload, but also to avoid recurrence of this problem.

As the BLM began working its way through the permit workload spike, it became increasingly clear that simply doing "business as usual" was not going to provide a long-term solution to the problem. Therefore, the Bureau has placed an emphasis on renewing expiring grazing permits within priority watersheds with significant resource-use conflicts or issues. Rather than rigidly adhering to a predetermined schedule of renewals, where possible, we are grouping permits with common impacts, watersheds and land health standards. Not only does this provide a more even redistribution of future permit renewals over a full 10-year cycle, but it also affords more timely completion of consultation with the U.S. Fish and Wildlife Service and/or the NOAA Fisheries. In addition, these measures will facilitate an effective review of land health standards on a watershed basis, allow for improved cumulative impact analysis, and focus restoration resources. In the long term, this will improve and streamline our processing of permit renewals.

Of the 12,041 grazing permits that expired between fiscal year 1999 and fiscal year 2003, 10,234 have been fully processed. The remaining 1,807 are planned for completion by the close of 2009, at which time the BLM plans to fully process all permits in the year they expire.

Our experience has shown that most NEPA documents needed for grazing permit renewals have been at the Environmental Assessment (EA) level, with very few requiring full Environmental Impact Statements (EISs). Terms and conditions have been substantially unchanged from the expired permit for the overwhelming majority of fully processed permits.

The BLM is strongly committed to meeting the permit completion goals I have outlined. The BLM will continue to closely monitor the status of grazing permit and lease renewals and, as appropriate, will make adjustments to meet our goals. However, in any given year, other factors, such as challenges to decisions through appeals and litigation, or a particularly difficult fire season (which may involve temporarily diverting some BLM personnel) may test our ability to meet our planned timeframes. However, we do not believe this will impede our ability to complete this process by 2009, and we remain committed to meeting our goals.

Grazing Regulations

In order to improve grazing management and continue to promote ranching on public lands in the rural West, the BLM, in the Spring of 2003, initiated a review of the regulations governing grazing management on public lands. We held four public meetings and received more than 8,300 comment letters on our Advanced Notice of Proposed Rulemaking. Based on the input received from the public as well as our own experiences with the existing regulations, the Secretary of the Interior announced the proposed rule in December 2003. A draft environmental impact statement (DEIS) on the proposed rule was released for public review in January 2004.

The public comment period on the proposed rule and DEIS closed in early March. We received over 15,000 comments on that proposal. In addition, five public meetings were held across the West, as well as one here in Washington to take comments on the proposed changes. At this time, we are in the process of reviewing and analyzing the public comments and drafting a final rule and EIS. A final EIS is scheduled to be completed and released in September of this year. We anticipate publishing the final rule in October with an effective date of December of this year.

Last December's proposed rule recognizes that public-land grazing has its roots in the settlement of the West. Communities and families still rely on a combination of public and private lands to sustain the rural landscapes and open spaces. Many adjustments have been made in livestock grazing management and practices to improve the health of the public rangelands since the passage of the 1934 Taylor Grazing Act, and the 1976 Federal Land Policy and Management Act. The changes outlined in the proposed rule are intended to be another important step forward to improve grazing, drawing upon the lessons learned since the previous revisions more than eight years ago.

The three major objectives of the proposed rule are to: improve working relations with permittees and lessees, protect the health of the rangelands, and increase administrative effectiveness and efficiency.

Significant provisions of the proposed rule include requirements that the BLM analyze and document the relevant social, economic and cultural effects of proposed grazing changes; a phase-in of changes in grazing use of more than 10%; and a provision for joint ownership of range improvements in some cases. Additionally, the proposed regulation removes the 3-consecutive-year limit on voluntary temporary non-use and requires BLM to use monitoring data in making certain determinations of land health. Furthermore, changes include expanding the definition of "grazing preference," and making administrative revisions on stays pending certain appeals.

Wild Horse & Burro Program

A priority of the Administration is to provide for sustainable multiple-use of the public lands. Among the authorized multiple uses that affect the rangelands is the BLM's mandate to implement the *Wild Free-Roaming Horse and Burro Act*. Our most recent estimate in February of this year indicated that the herd population totaled approximately 36,000 wild horses and burros on the public lands and another 19,000

animals in holding facilities. (Since February, spring births have added approximately 7500 additional animals.)

The goal of BLM's Wild Horse and Burro program is to achieve and maintain healthy, viable wild horse and burro populations on the public lands that are in balance with other uses and the productive capacity of their habitat. Achieving appropriate management levels of wild horses and burros is necessary in order to restore and maintain thriving natural ecological balance and maintain balance with other uses of the lands. Current numbers of free roaming wild horses and burros exceed appropriate management levels. If BLM were managing at the appropriate management level, approximately 26,000 animals would be on the open range at any one time. Wild horse and burro populations increase by approximately 20% per year, so populations will double approximately every five years without active management.

The BLM's strategy for managing wild horse and burro populations calls for removing enough wild horses and burros from the public lands now to achieve appropriate management levels, and implementing more efficient management for adoptions and long-term holding. Removing excess animals will benefit the health of the herds, reduce the number of emergency gathers of animals during droughts, improve habitat conditions for all public land resource users, and help to achieve healthy rangelands.

Failure to act aggressively to achieve appropriate management levels will cause further harm to rangeland health by overgrazing forage resources. This in turn adversely impacts other public land resources such as wildlife habitat and populations. With wild horse and burro populations exceeding appropriate management levels, field managers are forced to consider reducing livestock below permitted use in an attempt to maintain rangeland conditions. This is a situation that the BLM is actively seeking to avoid.

The BLM recently received approval to reprogram \$7.6 million from other programs to the Wild Horse and Burro program for FY 2004. The BLM understands the budget constraints facing the Congress, and while the reprogramming authority doesn't fully meet our request, the approved reprogramming level of \$7.6 million will allow the BLM to move a significant number of animals from the rangelands into the adoption program or into long-term holding facilities. The BLM is currently calculating the exact number of removals that the agency will be able to conduct with the reprogrammed funds. The BLM also is analyzing other impacts of the approved reprogramming authority, including the timeframe for achievement of appropriate management levels.

Sage-grouse

Today, the BLM manages about half of the remaining habitat for sage-grouse. Once seen in great numbers and a popular game bird with hunters, the sage-grouse is an icon of the western sagebrush landscape. Although these birds range across 11 western states and two provinces in Canada, their populations have decreased significantly over the past four decades as nearly one-half of their sagebrush nesting grounds were lost, degraded, or fragmented.

Seven petitions to protect sage-grouse under the Endangered Species Act were filed with the U.S. Fish and Wildlife Service (FWS) between 1999 and March 2003 because of concerns over sage-grouse population declines. However, even before the petitions were filed, the BLM, in response to concerns about the bird population, began identifying actions that could be taken to stem declines on BLM-managed public lands.

The BLM is currently participating in cooperative conservation efforts that are being led by state wildlife agencies throughout the range of the sage-grouse. With increasing numbers of at-risk species in the West, the BLM recognized the need to work with other Federal agencies and state wildlife agencies to more effectively coordinate conservation efforts in sagebrush habitat. Beginning in 2000, BLM began working with the FWS, the Forest Service (FS), and the Western Association of Fish and Wildlife Agencies (WAFWA) under a Memorandum of Understanding (MOU) to establish a Conservation Planning Framework Team consisting of four representatives from WAFWA member agencies and one each from BLM, FS, and FWS. The Framework Team is responsible for developing the range-wide conservation

framework for sage-grouse conservation planning, and making recommendations and providing guidance to working groups concerning the contents of state and local conservation plans.

In February-March 2004, BLM Director Clarke hosted several "listening meetings" with stakeholders and state wildlife agencies in Colorado, Montana, Washington, Oregon, Utah, Nevada, and Wyoming on sage-grouse conservation planning. The BLM has rewritten its interim Management Guidance to address concerns raised at the meetings.

In July 2004, the BLM expects to issue its National Sage-Grouse Habitat Conservation Strategy which will set out a framework for conservation of sage-grouse and associated sagebrush habitats on lands administered by the BLM. The document identifies resources and actions necessary to support the development and implementation of BLM state-level strategies and/or plans. The BLM's national strategy has been designed to deliver a substantial Federal contribution to cooperative conservation efforts that are being led by state wildlife agencies throughout the range of sage-grouse in the West.

Cooperative conservation underlies most recent, large-scale conservation and land management efforts. It has produced unprecedented coordination across eleven Western states.

Finally, the BLM is expending over \$14 million in FY 2004 (and has requested an increase of \$3.2 million for FY 2005) for restoration and conservation of sagebrush habitat. By taking proactive steps in sage grouse habitat conservation, we are fostering collaborative and voluntary measures in order to maintain flexibility in land use options and management.

Conclusion

All of these BLM efforts recognize the important role played by ranchers in protecting the land and preserving open spaces in the West. The economic and social benefits of ranching in this country are many -- and the BLM strives to preserve that important part of our heritage. Thank you for the opportunity to testify. I would be pleased to answer any questions you may have.