

**STATEMENT OF  
ED SHEPARD  
ASSISTANT DIRECTOR  
RENEWABLE RESOURCES AND PLANNING  
BUREAU OF LAND MANAGEMENT  
DEPARTMENT OF THE INTERIOR**

**HOUSE RESOURCES COMMITTEE  
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH  
OVERSIGHT HEARING  
WORKING RANCHES, HEALTHY RANGE AND MAINTAINING OPEN SPACE**

**JULY 13, 2006**

Mr. Chairman, thank you for the opportunity to discuss livestock grazing on public lands and the work the Department of the Interior is doing to provide good stewardship of our public rangelands.

**Importance of Livestock Grazing**

Uses of public rangelands, including livestock grazing, have been and continue to be critical to the economic vitality and cultural identity of the West and to Western rural communities. We recognize ranchers as being good stewards of the land, and we believe the public's understanding of public land grazing and its benefits are better known. The values and benefits of public land livestock grazing include helping the nation provide a domestic source of food and jobs; improving rangeland health by reducing unwanted vegetation; and working with local communities to preserve open space by keeping ranchers on the landscape and slowing the onset of fragmented landscapes.

The Bureau of Land Management (BLM) is committed to working with people who work on the public lands as we strive for economically productive and environmentally healthy rangelands.

**Rangeland Health**

The BLM is working diligently to assess rangeland health; taking action where livestock is creating impacts; monitoring to ensure that the BLM is maintaining public land health; updating our regulations that improve grazing management and assuring stability of ranching on public lands; and reducing the grazing permit renewal backlog.

**Rangeland Management Background / Facts & Figures**

The BLM conducts its rangeland management duties under the authority of several laws, such as the Taylor Grazing Act, the Federal Land Policy and Management Act, and the Public Rangelands Improvement Act. The BLM administers grazing on nearly 160 million acres of public land, authorizing use under approximately 18,000 permits and leases on about 20,600 allotments. Of the approximately 18,000 permits, the backlog of expired permits is currently 2,726. The BLM is committed to fully processing this backlog and anticipates renewing 95 percent of the permit backlog by 2009.

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. As the Committee is well aware, much of the West has been in the grip of a drought during the last six years affecting the availability of forage and water in many areas, resulting in reduced grazing use. In Fiscal Year 2005, actual use was reduced to approximately 6.8 million AUMs due to drought and fires. Similar reductions were experienced in 2002 through 2004.

## **Land Health Standards**

In 1999, BLM began assessing rangeland health using Land Health Standards that were developed in consultation with local Resource Advisory Councils, or "RACs." These standards are based on the four fundamentals of rangeland health found in BLM's Grazing Regulations. They address 1) watershed function, 2) ecological processes, 3) water quality, and 4) threatened and endangered species habitat. These interdisciplinary rangeland health assessments include information from a variety of sources such as existing vegetation inventory data, ongoing monitoring studies, and land health assessments. By the end of FY 2005, nearly half (49%) of the allotments had been evaluated, and 78% of those evaluated were meeting all standards. About 17% were not meeting at least one standard because of current livestock grazing management, while the remaining 5% of allotments were not meeting at least one standard due to other causal factors. Adjustments have been made in livestock grazing use on 83% of the allotments where existing livestock use was a significant cause for not achieving land health standards, and BLM is coordinating appropriate adjustments on the remaining 17% of those allotments.

## **BLM's New Grazing Regulations**

The BLM published final Grazing Rules July 12, 2006. They will take effect in 30 days. The rule will help improve grazing management and promote stability for ranching on public lands. The economic and social benefit of public lands grazing are very significant to many rural areas. The rule acknowledges the significance and value of the role of ranching in preserving open space and wildlife habitat in the rapidly developing West.

The development of the Grazing Rule has been a lengthy but productive process that has involved extensive public review and comment. This is an important step forward to improve BLM grazing administration, and draws upon the lessons learned since the previous revisions occurred more than 10 years ago.

The primary objectives of the Grazing Rule are to protect rangeland resources; improve the agency's working relationships with public land ranchers; to assess and protect rangeland resources; and to address legal issues while enhancing administrative efficiency. The Grazing Rule:

- allows the BLM and ranchers to share title to permanent range improvements that they have helped fund on public lands;
- grants the BLM and ranchers the sharing of livestock watering rights for water projects constructed on public lands when state water law permits;
- documents the social, cultural and economic effects of decisions that affect the numbers of animals ranchers are allowed to graze on public land, and to allow phased-in adjustment of these numbers if the change exceeds 10 percent;
- allows BLM to annually approve rancher requests to not use all or a portion of their grazing permits when needed to provide for resource recovery, or in response to permittee business needs; and
- strengthens the requirements for information needed to support BLM grazing decisions that are intended to improve rangeland health conditions, and provide a more pragmatic timeframe for arriving at those decisions.

## **Opportunities to Improve Rangeland Health and Administrative Process**

The BLM acknowledges opportunities remain for improving rangeland health and our administrative processes. The BLM continues to look for opportunities to strengthen the ranching community by improving land-health through streamlining our administration of the program, and improving our management of the National Environmental Policy Act process. In addition, by improving our ability to monitor rangeland conditions, the BLM and permittees will have better information on which to base future decisions.

**U.S.Fish and Wildlife Service**  
**Sierra Nevada Bighorn Sheep Population and Impacts on Grazing**

At the request of the Subcommittee, this testimony also is providing information developed by the U.S. Fish and Wildlife Service (FWS) concerning the impact on grazing of the listing and recovery activities of Sierra Nevada bighorn sheep. Currently found along a portion of the east side of the Sierra Nevada from just north of Lee Vining, Mono County, south to Olancho, Inyo County, California, spanning approximately 150 miles, this population of bighorn sheep occurs primarily on USDA Forest Service and National Park Service lands. Another distinct population segment of bighorn sheep is listed in the peninsular ranges of California.

The total population of Sierra Nevada bighorn sheep increased from 250 in 1978 to about 310 in 1986 during the first phase of a reintroduction program. Implemented by the State of California, the reintroduction program consisted of augmentation of bighorn sheep that already existed within the Sierra Nevada; no sheep were introduced into the region from outside the historic range.

On August 27, 1984, the California Department of Fish and Game submitted a letter to the Supervisor of the Inyo National Forest, requesting that the Lee Vining grazing allotment be vacated to allow some safe reintroduction of bighorn sheep into this area. In the letter, the State indicated that it would not request any additional reduction or cancellation of allotments based on the presence of those animals. Subsequently, on December 20, 1989, the District Ranger of the Mono Lake Ranger District, Inyo National Forest, wrote to the relevant allotment permittees and concurred with the position in the 1984 letter.

While not a party to those letters, FWS recognizes and supports the general intent expressed in those letters to recover Sierra Nevada bighorn sheep while minimizing the economic impacts to domestic sheep grazing operations on public lands. However following this the population steadily declined, and it was emergency listed under the Endangered Species Act (ESA) in 1999 as a distinct population segment. At the time of listing, this population was estimated at approximately 117-129 adult animals. Since then, favorable conditions and recovery efforts have increased reproduction and survival, resulting in about 350 to 400 total sheep in 2006.

Several factors led to the species' decline, including predation, market hunting, competition with domestic livestock, and disease. Large numbers of domestic sheep were grazed seasonally in the Sierra Nevada prior to the turn of the century, and domestic sheep use the same ranges. Native bighorn sheep are vulnerable to certain strains of respiratory bacteria such as *Pasteurella* species, carried normally by domestic sheep, and die-offs from pneumonia contracted from domestic sheep were an important cause of bighorn sheep losses.

**Recovery Team – Scientists and Stakeholders**

A Recovery team, co-led by the State and FWS, was established in 2000 to develop a recovery plan for this population of bighorn sheep. The Recovery team is comprised of a 10-member Science team, which includes State, federal and academic scientists, and a 23-member Stakeholder team, which includes representatives from the wool growers association, agriculture industry, domestic sheep grazing permittees, local governments, environmental groups, and State and federal agencies. The Science team was charged with developing the background for the recovery plan, the recovery criteria, and the tasks to achieve those criteria, and was specifically requested to prepare the preliminary draft that would be provided to the Stakeholder team.

The Stakeholder team was briefed on the progress of the Science team by representatives from the State, FWS, and the Science team leader throughout the planning process. They were asked to review preliminary drafts and provide comments. The Stakeholder team's members provided information that improved recovery tasks, and their participation ensured that the plan could be implemented.

FWS recognizes the potential economic impacts that the listing of the bighorn sheep has had on the grazing community of the Sierra Nevada, and has worked diligently to meet its obligations under the ESA while minimizing impacts to grazing operations in a fair, open, and reasonable manner. Stakeholders from the grazing community have participated in this recovery planning process as well as Section 7 consultations. Although agreement has not been reached on all issues, FWS believes that this collaborative process has worked reasonably well to identify and resolve many points of contention. While the process has not always been a smooth one, FWS is always looking to learn from these processes and improve its methods, and recognizes that much work is to be done before this matter is resolved.

### **Draft Final Recovery Plan**

Since the release of the draft recovery plan in 2003, the Science team has been incorporating new research and information into the plan, addressing public comments, and meeting with the Stakeholder team to discuss plan updates. FWS's goal is to find reasonable solutions to outstanding questions and issues, including minimizing impacts to domestic sheep grazers while addressing the concern for disease transmission when domestic sheep and bighorn sheep coming into contact. FWS expects to receive the final updates of several sections of the plan from Science team members this week and anticipates a final plan could be approved early in 2007.

### **Domestic Sheep Grazing and Sierra Nevada Bighorn Sheep Recovery**

The draft final recovery plan identifies 16 herds grouped across four recovery units. Consistent with the position of the National Research Council, the Science team believes that all four recovery units are necessary for recovery in order to ensure that a single catastrophic event, such as a disease outbreak, will not destroy the entire species. There are 17 domestic sheep grazing allotments on Forest Service lands adjacent to or in close proximity to the herds in the Northern Recovery Unit. For eight of these 17 allotments, the Forest Service and FWS have worked in coordination with BLM to find alternative allotments for permittee use on BLM lands. The remaining nine allotments are currently in use by five permittees.

FWS has worked with the Forest Service and the State to minimize the risk of contact between domestic and wild sheep on the allotments, and most of these allotments remain operational. One practical problem that has complicated attempts to find a way for the two populations to coexist and which the stakeholders are trying to address is the difficulty in corralling wild sheep and keeping them away from domestic sheep. At this time, the five permittees are maintaining their operations or have agreed to minimizing measures or alternative allotments that allow them to continue their operations

FWS and the Humboldt-Toiyabe National Forest have been working diligently to find viable approaches to protecting these bighorn sheep while maintaining grazing operations. Between 2000 and 2005, FWS was able to work with the Forest Service to avoid contact between domestic sheep and Sierra Nevada bighorn sheep and to permit grazing. As the Sierra Nevada bighorn sheep population in the Northern Recovery Unit increased and moved north of Lundy Canyon, the risk of disease transmission could no longer be fully avoided. To address this risk, FWS helped develop minimizing measures, including a cost-shared intensive monitoring effort by the State, and in June 2005 completed a formal consultation on grazing for the 3 allotments adjacent to a herd unit for one year. Grazing activities were maintained on all three allotments.

FWS is currently in formal section 7 consultation with the Forest Service on the 2006 grazing season for these allotments. New information for the 2006 season includes the presence of six bighorn sheep that are known to be located in close proximity to the allotments. FWS anticipates completing the 2006 consultation on or about July 14, 2006.

### **Other Issues- Continuing Disease Analysis**

A major risk to bighorn sheep survival and recovery is the possibility of a catastrophic disease outbreak. Minimizing this risk is a fundamental recovery goal. The State has a contract with the University of California – Davis to draft a risk analysis for disease transmission between domestic sheep and Sierra

Nevada bighorn sheep. The final analysis, expected in draft by September 2006, will provide data on risk probability over time and for different allotments throughout the range of Sierra Nevada bighorn sheep.

FWS has organized a subcommittee of the Recovery team, involving stakeholders, scientists, and land managers, to develop a risk assessment using current data and the risk analysis for a plan for avoiding contact between bighorn and domestic sheep and considering current users of the allotments and how, or if, continual use can be assured.

FWS is strongly committed to reconciling endangered species recovery with traditional working landscapes on private and public lands, and respects, appreciates, and in many cases, relies on the local knowledge of the people who work these lands. FWS has initiated several joint efforts with ranchers to foster partnerships that support good stewardship for the benefit of wildlife, and remains committed to finding recovery approaches that minimize impacts to land users wherever possible because the public's help in this important endeavor is needed.

### **Conclusion**

The BLM is dedicated to the stewardship of the public rangelands, and is committed to managing them for the many uses that serve the broad public interest. Our nation's rangelands provide and support a variety of goods, services, and values that are important to all Americans. The public rangelands conserve soil, store and filter water, sequester carbon, provide a home for an abundance of wildlife, provide scenic beauty and the consummate 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. Rangelands are vital to the economic well-being and cultural identity of the West and to rural Western communities.

The BLM is committed to the conservation and management of this vital component of our Nation's natural resource base and the 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, Tribes, researchers, conservation groups, the general public and others -- to make progress in our understanding and management of rangelands.

We look forward to working with the Committee and Congress on opportunities to improve public land management. Thank you for providing the BLM the opportunity to talk with you about sustainable rangeland management and our administration of public land grazing. I would be happy to answer questions from the Committee.