

**Statement of
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Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on National Parks, Forests, and Public Lands
H.R. 4234, the Grazing Improvement Act
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Thank you for the opportunity to present the views of the Department of the Interior (Department) on H.R. 4234, the Grazing Improvement Act. The Bureau of Land Management (BLM) is dedicated to a broad range of stewardship goals, including the long-term health and viability of the public rangelands. Our Nation's rangelands provide and support a variety of goods, services, and values important to every American. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, store and filter water, sequester carbon, provide a home for an abundance of wildlife, provide scenic beauty and are the setting for many forms of outdoor recreation.

The BLM recognizes that the conservation and sustainable use of rangelands is important to those who make their living on these landscapes—including public rangeland permittees. Public land livestock operations are important to the economic well-being and cultural identity of the West and to rural Western communities. Livestock grazing is an integral part of BLM's multiple-use mission, and at the right levels and timing, can serve as an important vegetation management tool, improving wildlife habitat and reducing risk of catastrophic wildfire.

The BLM is committed to collaborating with those who work on the public lands and takes seriously its challenge to conserve and manage healthy rangelands for current and future generations.

The Department shares the Committee's interest in identifying opportunities for increasing efficiencies in public land grazing administration, as well as finding ways to make permit renewal less complex, costly, and time-consuming. The BLM would like to work with the Committee to further these shared goals. However, the Department cannot support H.R. 4234 as it limits the BLM's ability to provide for appropriate environmental review and public involvement—critical components of the BLM's multiple-use management of the public lands—as well as the BLM's ability to implement permits that have been appealed. The Department looks forward to continuing a dialogue with the Congress on these important matters.

Background

The BLM manages approximately 17,750 livestock grazing permits and leases for 12.3 million AUMs (animal unit months) on over 160 million acres of public lands in the West. Since 1999, the BLM has evaluated the health of the rangelands based on standards and guidelines that were developed with extensive input from the ranching community, as well as from scientists, conservationists, and other Federal and state agencies. The BLM collects monitoring and assessment data to compare current conditions with the standards and land use plan objectives. This information is used to complete environmental assessments, to develop alternative management actions, and to modify grazing management as needed.

The BLM administers the range program through issuance of grazing permits or leases. The Federal Land Policy and Management Act (FLPMA) provides for a 10-year (or less) term for grazing permits. In a typical year, the BLM processes over 2,000 permit renewals or transfers. In 1999 and 2000, the BLM saw a spike in permit renewals, when over 7,200 permits were due for renewal. The BLM was unable to process all those permits before expiration, which resulted in a backlog of grazing permit renewals that remains today. By the end of the 2012 Fiscal Year, BLM anticipates that a backlog of 4,200 unprocessed permits will remain. The BLM is committed to eliminating the backlog of grazing permit renewals and to issuing permits in the year they expire. An increase in appeals and litigation of grazing management decisions continues to pose significant workload and resource challenges for the BLM.

The BLM will continue to focus on grazing permits for the most environmentally sensitive allotments, using authorities Congress provided in the FY 2012 Consolidated Appropriations Act concerning grazing permit renewals and transfers. This strategy will allow the BLM to address a wide array of critical resource management issues through its land health assessments and grazing decisions. Additionally, this strategy will help ensure that the backlog of unprocessed permits consists of the least environmentally-sensitive allotments that are more custodial in nature and/or that are already meeting land health standards.

H.R. 4234

H.R. 4234 provides for automatic renewal of all expired, transferred, or waived permits, and categorically excludes all permit renewals, reissuance, or transfers from preparation of an environmental analysis under the National Environmental Policy Act (NEPA) if the decision continues current grazing management of the allotment. Terms and conditions of the permit would continue until a permit is later renewed in full compliance with NEPA and other Federal laws. The bill does not first require a determination that the permittee is meeting land health standards. H.R. 4234 also doubles the duration of grazing permits from 10 to 20 years, and stipulates that livestock crossing and trailing permits are administrative decisions that would also be categorically excluded from analysis under NEPA. Additionally, it provides for the transfer of permits without further environmental analysis when terms and conditions are unchanged, but only for the remaining term of the permit.

The Department supports the concept of having the flexibility to issue longer term permits in certain circumstances, as well as the transfer provision that is currently in place under the FY 2012 Consolidated Appropriations Act. That provision is expected to reduce the permit renewal workload in 2013 by about 700 permits. The number of transfers needing processing each year

is unpredictable, posing significant challenges to the BLM as it works to manage staff and other resources.

However, H.R. 4234 also includes provisions that the Department cannot support since they provide for automatic permit or lease renewal without requiring further analysis, or requiring the permittee to meet land health standards. The bill also limits the BLM's ability to provide for appropriate environmental review and public involvement. As written the bill would result in the majority of permits being renewed under a categorical exclusion, although it is unclear what constitutes a "minor modification" and whether extraordinary circumstances would need to be applied in situations where current management was being continued. Also under H.R. 4234, all crossing and trailing permits would be categorically excluded from analysis under NEPA. The engagement of the public through the environmental review process under NEPA is a crucial component of the BLM's multiple-use management of the public lands.

Further, H.R. 4234 requires that if a permittee appeals a grazing permit or lease decision, the BLM must suspend the decision until the appeal is resolved. Under current regulations, a typical BLM grazing decision is implemented while under appeal unless the permittee or interested public requests, and the Interior Board of Land Appeals grants a stay of the decision. By contrast, under H.R. 4234, if a permittee appealed a grazing decision, the BLM could not implement the decision unless it determined there was an emergency regarding deterioration of resources. Otherwise, the permittee could continue grazing at the current level of use until the appeal was resolved. The provisions would effectively give a permittee, by the simple act of appealing any grazing decision, the ability to continue current levels of use for an indefinite period of time (since appeals and litigation may take years). Moreover, grazing at the current level could continue even if the BLM determined land health standards were not being met and changes to the permit were thus warranted.

In summary, while H.R. 4234 contains provisions that would expedite permitting, the Department cannot support the overarching impact the bill could have on the 160 million acres of public lands used for livestock grazing.

Conclusion

Thank you for the opportunity to present testimony on H.R.4234. The BLM looks forward to working with the Congress to develop improvements to the grazing permit renewal process while maintaining the integrity of NEPA, the Nation's bedrock environmental and citizen involvement law, and FLPMA, our multiple-use statute requiring consideration of many uses and values of the public lands. I will be pleased to answer any questions.