

**Statement of
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**Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 1214, State Grazing Management Authority Act**

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Thank you for the opportunity to testify on S. 1214, the State Grazing Management Authority Act. S. 1214 requires the Secretary of the Interior to enter into cooperative agreements with states to administer grazing allotment management plans on Federal lands.

The Bureau of Land Management (BLM) is dedicated to a broad range of stewardship goals in support of the BLM's multiple-use and sustained yield mission set forth by the Federal Land Policy and Management Act of 1976 (FLPMA). This multiple-use mission advances the President's priorities of protecting public lands and the environment, while also emphasizing the interconnection between people, public lands, and the local economies the BLM supports.

Livestock grazing is an integral part of the BLM's multiple-use mission. Our nation's rangelands provide and support a variety of goods, services, and values important to all Americans. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, sequester carbon, store and filter water, provide a home for an abundance of wildlife, provide scenic beauty, and are the setting for many forms of outdoor recreation.

The Department shares the sponsor's interest in identifying opportunities for increasing efficiencies in public land grazing administration. The BLM would like to work with the sponsor and the Committee to further these shared goals. However, the Department cannot support S. 1214 as introduced as it unduly limits the Federal government's authority and ability to ensure appropriate stewardship of our shared public lands and healthy rangelands. Further, it is inconsistent with the BLM's multiple use and sustained yield mission and ignores critical public participation components of the land use planning process, including FLPMA, the National Environmental Policy Act of 1969 (NEPA), and other laws. The Department looks forward to continuing a dialogue with the Congress on these important matters.

Background

The BLM supports grazing administration on approximately 155 million acres of public land. This includes improving rangelands through grazing management, vegetation restoration treatments, and development of grazing management structures; as well as inventorying, controlling, and managing noxious weeds and invasive species. In fiscal year (FY) 2020, the BLM permitted 12.3 million animal unit months (AUMs) for ranchers who graze their livestock,

which are mostly cattle and sheep, on public lands. The BLM manages nearly 18,000 permits and leases held by ranchers who graze their livestock at least part of the year on more than 21,000 allotments. The permits and leases administered by the BLM generally cover a 10-year period and are renewable if the terms and conditions of the expiring permit or lease are being met.

S. 1214, State Grazing Management Authority Act

S. 1214 would amend the FLPMA to direct the Secretary of the Interior or the Secretary of Agriculture, at the request of a state, to enter into cooperative agreements with that state to manage grazing allotments under an allotment management plan (AMP). With respect to the responsibilities for NEPA review of the AMPs, the proposed cooperative agreements may either assign those to the state or to the relevant Federal agency. Further, S. 1214 provides for several new categorical exclusions for numerous vegetation restoration projects, changes to the type and number of livestock, installation and maintenance of fencing, water infrastructure improvements, and other actions.

Assigning various aspects of the oversight of livestock grazing on public lands to a state would limit the agencies' ability to ensure grazing permit decisions conform with NEPA requirements, public involvement processes, Federal land use plans, and consultation requirements. Additionally, the Department has technical concerns regarding the applicability of NEPA in certain circumstances of limited Federal involvement.

Authorization of Cooperative Agreements

Cooperative agreements under S. 1214 would remain in effect for a term of 30 years, and may be renewed for additional 30-year terms upon the state's request if the state has satisfied all conditions of the agreement and the applicable state commission determines that monitoring during the period has shown positive outcomes. S. 1214 prohibits the Secretary from imposing any additional requirements or conditions for the renewal of a cooperative agreement.

The Department notes that changes in resource conditions, land use planning, laws, and regulations over the course of a 30-year term are likely to warrant changes in the requirements or conditions of the cooperative agreements. The Department does not support the use of these cooperative agreements, nor their 30-year duration as authorized by the bill, as they would limit the Secretary's ability to manage for healthy rangeland ecosystems across public lands.

Permits & Leases

Under S. 1214, permits or leases for domestic livestock grazing on land covered by a cooperative agreement would be issued by the state for a term of 30 years – triple the 10-year standard terms provided for in FLPMA – running concurrently with the term of the cooperative agreement or renewal. Further, the permits would contain only the terms and conditions included in the AMP adopted or approved by the applicable state commission. The state commission proposed by S. 1214 is comprised of 14 members, 11 appointed by the Governor and three appointed by the Secretary of Agriculture and/or the Secretary of the Interior. Ten members constitute a quorum, which could allow for decisions affecting Federal lands to be made without any representatives from Federal agencies present.

Under the current process, terms and conditions are developed following extensive evaluation including an on-the-ground assessment, environmental analysis, and public involvement ensuring that multiple uses and perspectives are considered. The BLM evaluates the health of the rangelands based on standards and guidelines 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 develop alternative management actions, and to modify grazing management as needed. This robust strategy allows the BLM to address a wide array of multiple uses and critical resource management issues. Authorizing the proposed state commission to approve grazing permit conditions restricts the public from providing input on public resources and could create barriers to accessing public lands. Consequently, the decisions being made would fail to account for the full spectrum of the Nation's use of, and interest in, our public lands.

Categorical Exclusions

S. 1214 creates numerous and loosely defined categorical exclusions under NEPA for certain actions taken under AMPs. For instance, the bill establishes categorical exclusions for vegetation restoration projects, pinyon or juniper treatments, and water infrastructure improvements made by any method that the applicable state commission considers to be appropriate. Authorizing the state commission to determine the application of categorical exclusions on a case-by-case basis would likely create uncertainty and inconsistency in how the proposed categorical exclusions are interpreted and applied. The Department cannot support provisions that could result in uneven application of the laws governing the public lands. Further, a categorical exclusion for activities described under the bill would only apply to grazing allotments covered under a cooperative agreement, creating disparities in implementing NEPA across public lands, even within the same state.

Grazing Fees

The bill directs grazing fees to continue to be based on the formula in Executive Order 12548, *Grazing Fees*. However, the cooperative agreements are to include a provision for revenue sharing between the state and the Secretary concerned in proportion to the services that each party provides. The Taylor Grazing Act (43 USC § 315(i) and § 315(j)) and FLPMA (43 USC § 1751(b)(1)) direct the distribution of fees collected from livestock grazing. One-half of grazing receipts are currently returned to the Treasury to be appropriated and made available for range betterment. The Department notes that deviation from the prescribed distribution would require amending these authorities as well. The bill would also allow for states to charge their own separate fee for the use of grazing on public lands under the AMPs. Under the bill, the state would retain full proceeds from this secondary fee. The Department does not support this provision as it would not provide a fair return to American taxpayers for the use of the public lands.

Conclusion

Thank you for the opportunity to present testimony on S. 1214. The Department is committed to collaborating with states to sustain the health, diversity, and productivity of our public lands for the benefit of present and future generations, and we look forward to working with the Congress to increase efficiencies in managing livestock grazing on our nation's public lands.