



EARTHJUSTICE

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The following is a brief summation that details a handful of the negative impacts that the current proposal to change the regulations that govern public lands grazing by the Bureau of Land Management will cause:

Eliminate the public from participating in grazing decisions

The proposed rule attempts to eliminate existing requirements that BLM seek public input before it issues, renews, or modifies a grazing permit. The administration claims that citizens are already consulted when BLM conducts environmental assessments of its grazing decisions. However, these assessments are infamously backlogged due to a lack of effort on behalf of the BLM who has obtained from Congress a five-year exemption from conducting environmental analysis when renewing grazing permits. In addition, since the rules were proposed, BLM has consequently proposed “categorically excluding” grazing permit renewal from environmental review. If this categorical exclusion policy is adapted along with the new grazing rules, the public conceivably will have zero opportunities for public comment and participation in federal grazing issues. In essence, this perfect storm of converging policies will effectively eliminate the public’s right to be positively involved in decisions that will determine the future of how public lands are to be administered.

Obstruct BLM’s ability to remedy abusive grazing

The proposed rules seek to require the BLM to conduct monitoring and data collection before implementing needed changes to damaging grazing practices that fail to meet rangeland health standards. In many cases the abuse is obvious yet the BLM will be required to perform years of monitoring and data collection—for which it does not have the staff or the funds. This untenable monitoring requirement proposed by the Bush Administration attempts to guarantee that BLM will be slowed down in trying to determine whether action should be taken to halt or improve unsustainable grazing.

Double the one-year time limit BLM has to begin to remedy damaging grazing

In addition, if a remedy requires a 10 percent or greater reduction in grazing, the proposed rules seek to require that the reductions be phased in over five years. Abusive grazing will be fixed and any attempt to remedy such damage will be constrained.

Limit the conditions under which a grazing permit may be revoked

While the existing regulations allow BLM to suspend a grazing permit if a rancher violates federal laws, the proposed rules seek to limit BLM’s ability to recognize violations of those laws if the violation occurred on the rancher’s BLM allotment. For example, if a rancher kills or harms an endangered species, or destroys archaeological resources anywhere else, BLM will be prohibited from taking any action on the rancher’s grazing permit.

Give ranchers ownership of so-called “range improvements” and water rights

The Bush administration’s proposal seeks to give livestock owners’ clear title to permanent rangeland installations such as wells, fences, and pipelines. This proposal could lead livestock owners to claim that their private property has been impinged on by environmentally protective actions ordered by federal land managers. The result could be that land managers will be increasingly unwilling to take actions that livestock owners could interpret as “takings” of their property.

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