

July 24, 2025

Brenda Younkin  
Senior Advisor to Public Lands, BLM  
Washington Office  
1849 C St, NW Room 5646  
Washington, DC 20240

*Re: Revisions to BLM Grazing Regulations and Policy*

Dear Ms. Younkin,

The Western Landowners Alliance (WLA) is a landowner-led, nonpartisan organization with members who steward millions of deeded and leased public acres in ten western states. We work to advance the policies and practices that sustain working lands, connected landscapes and native species. We recognize that healthy landscapes – including healthy public lands – and healthy economies go hand-in-hand. BLM-administered lands are an integral part of livestock operations, conservation efforts and rural economies in the West.

Landowners and land managers in the checkerboarded West work across intermingled land ownerships. If landowners are to remain economically viable, we must manage our operations holistically across multiple ownerships, sustaining and improving animal husbandry, land health, water supply, and wildlife habitat. Across the West, the BLM is an integral partner in achieving operational, land health and conservation goals on lands they administer. This revision is an opportunity for the BLM to incorporate needed management flexibility, which is the number one issue for permittees and conservation partners. WLA believes that flexibility to improve land health and productivity through adaptively managed grazing will reduce or eliminate the erosion of active Animal Unit Months (AUMs) on BLM lands in the West. Erosion of AUMs is another top concern of livestock permittees.

We offer the following perspectives and recommendations for your consideration:

## **I. PROMOTING FLEXIBILITY IN RESOURCE AND LIVESTOCK MANAGEMENT**

### **a. Flexibility with Assurances**

Additional **flexibility with assurances** is the number one request we hear from livestock permittees and their conservation partners. To manage for ecological and economic health, the BLM should further promote flexibility in livestock management. The rigidity of existing plans and prescriptive nature of federal programs often prevent managers and producers from responding quickly to the inter-annual variation common in western landscapes. As flexibility is incorporated into permits, the planning needs to happen at time scales feasible for the permittee to pivot management effectively.

The BLM, in partnership with livestock producers and others, is demonstrating successful management through flexibility. New permitting frameworks developed through Outcome-Based Grazing (OBG) pilots illustrate that promoting flexibility while retaining accountability is possible under BLM's current regulations.<sup>1,2</sup> We encourage the BLM to build upon this framework and to clarify existing authorities to promote management flexibility as much as possible. Further, the BLM should explore how step-down guidance—delivered through policy manuals, handbooks, instruction memorandums, and other tools—can more effectively support specialists in applying flexible, context-specific approaches

A field manager—without any additional NEPA analysis, but with resource goals, objectives, best available science, and monitoring assurances—should have the flexibility at the field office level to adjust grazing seasons, utilize adaptive management to allow for dynamic landscape management, and streamline range improvement projects.

In promoting flexibility and achieving resource goals, providing accountability is paramount. However, methods of providing accountability must still ensure flexibility in a timely manner to address resource concerns. Accountability comes in the form of a defensible monitoring program that evaluates whether flexibility is helping meet defined goals and objectives.

## b. Monitoring

One of the biggest challenges in grazing permit decisions is the lack of pertinent, timely, robust information on range health, especially in relation to livestock grazing and other drivers of range condition. The BLM should rely on replicable, robust monitoring data to inform administrative actions, including flexibility in grazing permits. Monitoring should be defined as the periodic observation and orderly collection of replicable, objective, and quantitative data

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<sup>1</sup> National Audubon Society. (n.d.). *Migratory birds and working lands: A story of habitat on the move*. ArcGIS StoryMaps. <https://storymaps.arcgis.com/stories/c2690241a94647779b2b04b3e47306a9>

<sup>2</sup> State of Nevada, Sagebrush Ecosystem Program. (2019, June 7). *ROGER 2019*. [https://sagebrusheco.nv.gov/uploadedFiles/sagebrushconvgov/content/About/6.%20ROGER%202019\\_6.7.19.pdf](https://sagebrusheco.nv.gov/uploadedFiles/sagebrushconvgov/content/About/6.%20ROGER%202019_6.7.19.pdf)

specifically designed to evaluate the effects of management actions as well as the effectiveness of actions in meeting resource objectives.

We recognize that qualitative and observational data have a role to play in informing several agency actions, but **monitoring should be focused on clear, defensible metrics that allow for direct comparison over time and that directly inform progress toward range health goals for allotments.** In all cases, monitoring should be designed to be defensible in court but constrained in its scope to what is actually achievable by the Bureau and pertinent to informing land use decisions.

The BLM routinely does not have adequate resources or staff to conduct all necessary monitoring. As a result, WLA supports the use of third-party contractors to help with this monitoring work. Conservation partners who are working with landowners might provide a source for monitoring help on BLM lands, when that landowner holds a BLM grazing permit. Permittee cooperative monitoring programs should be developed between permittees, BLM, and conservation districts or universities. Permittee cooperative monitoring, third-party monitoring, and partner monitoring should all be designed with MOUs to ensure the BLM accepts the monitoring and that the product is defensible in court. There is heightened potential for durability, effectiveness and efficiency in monitoring programs that include permittees.

Monitoring protocols and methods evolve over time, and could incorporate recent advancements in remote sensing technologies and monitoring apps. These advancements need to provide accurate, timely and cost-effective feedback on grazing outcomes and range health. Photographic monitoring remains a timeless and defensible way to document long-term trends – especially in sensitive areas like riparian zones – and recent advances allow quantitative assessments of photographs. We encourage the continued use of photos as a valuable source of both quantitative and qualitative data.

### c. **Temporary Nonrenewable Permits and Leases**

In seeking this balance between flexibility and accountability, we urge the BLM to make non-renewable permits (TNRs) more useful and timelier. Permittees should be able to apply for and receive timely temporary nonrenewable permits and leases when needed to address unexpected weather or resource concerns, such as drought, snowpack, or wildfire. To make the TNR process more workable and timelier, it is essential to base approval on the best available science, not the cumbersome NEPA process.

Livestock producers and public land managers should have the flexibility to temporarily change the timing of livestock grazing in order to adjust to unusual or extreme weather events that alter the timing or amount of available forage. The BLM should consider whether it is appropriate to immediately issue TNRs when there is no likely resource damage or excessive livestock use expected. TNRs should be excluded from the NEPA process. TNRs should not be issued if they conflict with existing preference grazing rights or term permits.

#### **d. Outcome-Based Grazing Authorizations**

Outcome-Based Grazing Authorizations (OBGAs) are an excellent example of how the BLM is working with livestock operators and other partners to achieve specific vegetative, habitat and livestock operational goals. These projects provide an opportunity to showcase how management can aid in meeting specific objectives. Objectives are accomplished through a feedback loop that requires developing the objectives, monitoring progress towards those objectives, then adjusting management as more information is gathered. There may be reasons to modify allotment management plans to better address resource and conservation goals, livestock operation goals or to adapt to changing resource conditions.

Public land managers and livestock grazing permittees should work together to develop flexible, OBG management plans that can be rapidly modified to account for unpredictable changes in conditions or monitoring results. It is not clear to WLA whether there are impediments within the existing regulations to implement OBGAs<sup>3</sup>, but WLA does believe that there are impediments to getting these projects on the ground, including uncertainty in how livestock permittees will be treated throughout the implementation of OBGAs and the timeliness of completing OBGAs. Updating handbooks to provide guidance on implementing OBGAs is needed. The BLM needs to streamline the process for OBGAs to ensure this tool is nimble and quick enough to meet the needs of permittees and the resource.

#### **e. Non-use**

Landowners, producers and land managers are often interested in not just livestock production but also land health and conservation. These stewards of the land work to implement grazing practices, apply vegetative treatments and develop rangeland improvements that benefit not just livestock grazing management and forage, but also wildlife habitat, fisheries, soil health and

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<sup>3</sup> Bureau of Land Management. (2024, December 21). *Instruction Memorandum No. 2025-011: Outcome-based grazing authorizations*. U.S. Department of the Interior. <https://www.blm.gov/policy/im-2025-011>

water holding capacity to provide for overall intact ecosystems and healthy landscapes. This holistic approach is often stifled through rigid conditions required for the use of federal lands. Permittees and lessees must be held accountable for their use of public lands, but accountability measures should not be so rigid that they preclude implementing management that sustains and improves public land resource values and uses.

Resting an allotment, in whole or in part, should be encouraged if doing so benefits the resource and/or the permittee. By acting in the best interest of the resource, permittees should not risk losing their preference or access. At the same time, protections are needed to ensure non-use does not erode the role of these pastures as working grazing lands and the long-term ecological value of grazing on these lands.

To achieve this balance, the BLM should revise the regulations with a standard and consistent description of non-use flexibility that protects these lands and permittees from risk. To protect agricultural production and stewardship status, application of that flexibility needs to come at the local level and be based on adaptive management, resource condition and permittee needs. By providing clear regulatory permission but reserving case-specific judgment to BLM professionals and permittees, more users can consider how non-use may benefit their operations and support achieving the Fundamentals of Rangeland Health. Non-use, whether for personal or resource reasons, should not be an excuse for BLM to erode active AUMs, as long as the permittee owns or controls base property and actually grazes livestock on the range to support a livestock business.

Selective non-use, deferment, and TNRs provide valuable tools for producers seeking flexibility. However, additional tools are needed to lower management costs, allow for needed rest, and support producers during drought or after wildfire. Many innovative ideas are being pursued across western rangelands, and the BLM should produce clear guidance to allow specialists to share and support the trial and adoption of new tools by interested permittees.

## **II. FUNDAMENTALS OF RANGELAND HEALTH**

The Fundamentals of Rangeland Health (Fundamentals) are foundational range management principles that should guide all management decisions for the BLM. The subject of “land health” is currently an evolving paradigm. Most range professionals and science-based published literature on this subject convey that an assessment of the “health” of rangelands should not be limited to an evaluation of any singular, specific use of the land. We support moving the Fundamentals to a different part of BLM’s regulations – such as Planning – to center them as

foundational for assessing rangeland health and to ensure their applicability to other areas of BLM administration.

New regulations for the Fundamentals should also explicitly direct BLM to use the best available science, range monitoring and other rigorous, pertinent technical tools and resources in completing and acting upon rangeland health assessments. Current BLM Grazing Regulations direct the BLM to take administrative action against a livestock permittee if a qualitative, subjective range health assessment – not necessarily supported by robust, replicable data – indicates the land is not “healthy” due to livestock grazing. While WLA fully supports the BLM’s authority to use pertinent, objective, quantitative data from a monitoring program to inform management actions toward accomplishing allotment objectives, it is inappropriate for the BLM to use unsupported, subjective assessments not grounded in measured data to apply punitive action against a livestock permittee.

The BLM should periodically review the level of active use specified in a grazing permit/lease and may make changes to the terms and conditions as needed to accomplish allotment objectives. The BLM should first determine if livestock grazing is the causal factor for not achieving allotment objectives based on agreed upon monitoring protocols. This initial assessment should consider not just livestock grazing but also other potential sources of impact (e.g., drought, elk, wild horses, dispersed camping, etc.). If the current livestock grazing program is determined to be the causal factor, before reducing active AUMs, the BLM shall first implement changes in the management program to include, but not be limited to, changes in seasons of use, duration and/or timing of use, or rangeland improvements to accomplish a trend towards achieving allotment objectives. WLA believes in accountability on both ends and by all parties.

Finally, due to limited capacity, many BLM field offices across the West have been unable to adequately monitor grazing allotments, resulting in outdated or incomplete rangeland health status data.<sup>4</sup> In many cases, allotments are listed as not meeting land health standards on paper, regardless of actual on-the-ground conditions. These outdated records have led to increased litigation from groups using the data to challenge the Bureau’s decisions. Additionally, during Resource Management Plan (RMP) revisions, these same outdated assessments – often more than 20 years old – are carried forward, influencing public comment, AUM decisions and long-term land use outcomes. At a minimum, the agency should ensure that

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<sup>4</sup> Public Employees for Environmental Responsibility. (2024). *BLM rangeland health status (2024): The significance of livestock grazing on public lands* [Interactive map]. MangoMap. [https://mangomap.com/peer/maps/144094/BLM-Rangeland-Health-Status-\(2024\)---The-Significance-of-Livestock-Grazing-on-Public-Lands](https://mangomap.com/peer/maps/144094/BLM-Rangeland-Health-Status-(2024)---The-Significance-of-Livestock-Grazing-on-Public-Lands)

current, accurate information is available to both the public and permittees during the RMP process. These decisions have lasting impacts on working land operations.

### III. PERMANENT RETIREMENT OF LIVESTOCK GRAZING ALLOTMENTS ON PUBLIC LANDS

Livestock grazing management should remain available as a tool to manage public lands that are determined to be suitable for livestock grazing. Public lands are integral to sustaining ranches, open spaces, and rural communities and economies. The arbitrary and permanent retirement of grazing permits and leases is not a wise policy. **A grazing permit or lease holder, along with a third party, should not have the ability to permanently retire a government-issued grazing permit or lease on public land without appropriate analysis and public processes, such as a Resource Management Plan Amendment.** The need to permanently retire livestock grazing on public allotments can be precluded by revising the regulations in ways that improve administration of permits and leases, allow for non-use or reduced use when appropriate, allow for the creation of grass banks, sustain working lands and native species, and/or improve management flexibility to meet resource goals – including utilizing OBGAs.

### IV. TRANSFERS OF GRAZING PREFERENCE

In transfers of grazing preference, when the only change is the name (one qualified livestock operator to another) on the permit or lease, the BLM should not require the same level of analysis as a change in management or use. These decisions should also not require a protest period prior to the issuance of a final decision.

### V. GRAZING PERMIT RENEWALS

The BLM's process to renew grazing permits is too complicated, costly and time-consuming, as evidenced by the significant backlog and strained budgets. Routine renewals with few resource concerns should be processed under a categorical exclusion.

### VI. RANGE IMPROVEMENTS

Once an allotment management plan is approved, range improvements undertaken as part of implementing that plan should not be new decisions subject to administrative appeals or further NEPA analysis. Securing a permit for a range improvement project can take years, creating significant barriers to timely improvements and betterment of rangeland health. The

BLM needs to issue categorical exclusions or create expedited processes for range improvements that minimally disturb land not already disturbed by previous actions.

## **VII.MANDATORY QUALIFICATIONS**

WLA believes that a permittee must be actively engaged in the livestock business and intend to use the permitted allotments as part of their livestock operation. This is essential to maintaining vibrant rural communities in the West. Being engaged in the livestock business does not mean that the permittee must be the owner of the livestock. To qualify for grazing on public lands, the entity should own or control base property and graze livestock on the range to support a livestock business. The base property requirement should be focused on having land that is associated with the permit, not on the carrying capacity of that land.

## **VIII.BLM AND FOREST SERVICE INTERFACE**

Monitoring protocols should be consistent and transferrable between the BLM and the Forest Service, because livestock move between lands managed by both agencies. The BLM and Forest Service should work together to ensure that the movement of cattle between the BLM and the Forest Service is based upon climatic conditions and monitoring data, not just hard and fast dates in a permit.

## **IX.ADDITIONAL RECOMMENDATIONS FROM STAKEHOLDER OUTREACH**

Through our outreach to groups across the West, we heard feedback on the BLM that extends beyond specific regulatory changes. WLA would like to share the broader concerns that emerged during these conversations.

The BLM needs a culture shift that fosters partnerships, builds relationships and creates more stability in the BLM workforce. Building relationships includes the BLM providing transparency on the authorities that inform grazing decisions. The BLM's decision-making is often paralyzed by the threat of litigation, which impedes permit renewals, Interior Board of Land Appeals decisions, and implementing flexibility for livestock permittees. The BLM needs to follow through on the implementation of key changes to the grazing regulations, including amending manuals to reflect the mission, which should help with inconsistencies between Field Offices. It is essential that the BLM utilize and receive enough funding to hire, train and retain a talented workforce capable of fulfilling obligations to manage for rangeland health and provide for



flexibility within livestock grazing permits and leases. The BLM should fully utilize local expertise and local input when crafting decisions.

The BLM has been hobbled in grazing and land management decisions and actions by use of, or the threat of, the Equal Access to Justice Act (EAJA). While the EAJA was originally intended for the laudable purpose of removing financial disincentives for individuals and small businesses to challenge government actions they believe to be unlawful or unfair, the unintended consequence has been use of the EAJA to fund multitudes of actions against the BLM by litigious special interest groups.

It is essential that permittees, local governments and directly affected entities, such as neighbors, have fair and adequate opportunities to provide input on management actions likely to affect their rights, property, vicinity, and wellbeing. The current brief comment period after a NEPA decision is insufficient to meet this need.

Permit renewals and management decisions on grazing lands should occur after prior consultation with a team consisting of at least the permittee, the area BLM range conservationist, directly affected local entities (adjacent permittees, landowners, and community members), and at least one independent, unbiased, qualified professional with expertise in adaptive management of regional land, water and wildlife resources. While the authority for the decision would remain within purview of the BLM, this approach would improve the overall robustness of decisions, increase buy-in by the permittees and local communities in implementing management, provide incentives for shared monitoring to track compliance and environmental outcomes of the decisions, and over time, significantly reduce administrative burden to the BLM.

An alternative or additional approach would be for the BLM to reinstate Resource Advisory Councils or an equivalent to provide review and make recommendations to the BLM prior to making decisions or taking actions which may affect local communities and permittees.

Successful management must be adaptable to meet specific local conditions and resource needs. Common sense approaches are needed. For example, while regulation of salt placement to avoid live streams, riparian areas and lakes makes sense, a number of producers have commented that the regulation that requires salt/mineral to be placed a sizeable distance from a water tank or a man-made stock pond is unnecessary and can be counterproductive. More resource damage can occur from new salting sites and trailing to new salting sites than if salt was simply placed in an appropriate container near the already disturbed ground around the

man-made water source. In this instance, the BLM could provide considerations and guidance to inform decision-making and adaptive management at the local level in collaboration with the producer.

Erosion and sedimentation related to roads on BLM-administered lands is a widespread concern. WLA recommends that the BLM focus on improving road placement, construction and maintenance to provide proper drainage (such as rolling water bars and hardened low water crossings) so roads don't degrade range conditions, impact water quality, or cause channel downcutting that in turn drops water table and impacts rangeland productivity and health.

In conclusion, WLA would once again like to thank the BLM and the Department of Interior for this opportunity to provide feedback on important issues affecting landowners, livestock permittees, and rural communities around the West.

Sincerely,



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