



The Honorable Deb Haaland
Secretary of the Interior
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

July 22, 2022

Attn: Departmental Climate Task Force

RE: Interior’s Failure to Address Climate Impacts of its Commercial Livestock Program

Dear Secretary Haaland:

I am writing you on behalf of Public Employees for Environmental Responsibility (PEER) to bring to the attention of your Departmental Climate Task Force that Interior’s largest program is operated without consideration of its climate impacts or opportunities for improvement.

The U.S. Bureau of Land Management (BLM) administers a commercial livestock grazing program across 155 million acres, an expanse equivalent to the combined land area of California and Oregon. BLM does so in a fashion that –

- Fails to even assess, let alone address, its significant direct and indirect climate impacts; and
- Aggravates its negative climate-related impacts.

The basis for these contentions is detailed below. Through this submission, PEER urges you to take actions that increase resilience of these lands to handle the effects of climate change.

Interior’s Clear Climate Change Mandate

PEER appreciates that you have helped to create a clear climate change mandate at the Department of the Interior. The information and recommendations we provide in this letter support your April 2021 Secretarial Order titled “Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process” that created a “Departmental Climate Task Force.”¹ They also support the work of the National Climate Task Force created by President Biden’s “Executive Order on Tackling the Climate Crisis at Home and Abroad,”² and should be an integral part of the administration’s goal of conserving at least

¹ Secretarial Order 3399, “Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process,” 2 (Apr. 16, 2021), available at https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3399-508_0.pdf

² Exec. Order no. 14008, Tackling the Climate Crisis at Home and Abroad, 86 Fed. Reg. 7793 (Jan. 17, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

30 percent of American lands and waters by 2030 as part of a national strategy to combat climate change.³

The recent U.S. Supreme Court decision blocking avenues for the U.S. Environmental Protection Agency to address greenhouse gas emissions from the energy sector⁴ only magnifies the importance on non-EPA driven paths to curb adverse impacts of climate change such as those we recommend in this letter.

Is Livestock Grazing Interior’s Political Third Rail?

The Interior Department and BLM have a long history of avoiding any analysis of the environmental impacts of its commercial livestock grazing to avoid upsetting “stakeholders.”⁵ There are a number of reasons for this, including the reluctance to upset powerful ranching interests profiting from artificially low grazing fees on public lands. In this instance, this political reluctance is reinforced by a right-wing myth that the Biden administration has a plan to “tax cow farts” and require cows to “wear diapers.”⁶

These political canards do have a basis in one incontrovertible fact, however: cows do produce methane and the livestock industry is a major contributor to climate change. Overall, the agriculture sector is a major contributor to climate change. The Intergovernmental Panel on Climate Change (IPCC) estimates that “Emissions within farm gate and from agricultural land expansion contributing to the global food system represent 16–27% of total anthropogenic emissions [while e]missions outside the farm gate represent 5–10% of total anthropogenic emissions.”⁷

The IPCC has further found that since the year 2000 “Biogenic sources [of methane] make up a larger proportion of emissions,”⁸ and that “Livestock on managed pastures and rangelands accounted for more than one half of total anthropogenic N₂O emissions from agriculture in 2014.”⁹

Yet, the BLM does not estimate how much methane (which is rough 100 times more potent a greenhouse gas than is carbon dioxide¹⁰) its livestock program generates. Moreover, BLM does not even post how many cows and sheep it permits onto federal rangelands. Those estimates come from outside groups who estimate that the number of cattle on BLM lands is roughly 1.5 million animals.¹¹ This official absence of basic information denotes the political sensitivity of the topic more than normal bureaucratic incuriosity.

³ *Id.* at § 216.

⁴ See *West Virginia v. Environmental Protection Agency*, 597 U.S. ___ slip op. (2022)

⁵ See <https://peer.org/grazing-punted-from-federal-study-of-land-changes-in-west/>

⁶ See [No, Biden’s Build Back Better plan won’t tax cow farts \(americanindependent.com\)](https://www.americanindependent.com/news/no-biden-build-back-better-plan-wont-tax-cow-farts/)

⁷ https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM_Updated-Jan20.pdf at 13 (A.3.6).

⁸ https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM_Updated-Jan20.pdf at 13 (A.3.4).

⁹ *Id.* (A.3.5).

¹⁰ See <https://www.alleghenyfront.org/why-methane-is-such-a-potent-greenhouse-gas/>

¹¹ See [BLM_USFS-grazing-analysis_2014_Daily-Pitchfork.pdf \(dailypitchfork.org\)](https://www.dailypitchfork.org/wp-content/uploads/2014/08/BLM-USFS-grazing-analysis-2014-Daily-Pitchfork.pdf)

As detailed below, Interior’s political reticence to address livestock-related issues prevents it from fulfilling its conservation mission as well as significantly limiting what it can do to combat the adverse impacts of climate change. As we outline below, the climate challenge for Interior is not to regulate the biology of cows but to do a better job of land management – a task that should be central to agency called the Bureau of Land Management.

Significant Climate Impacts of Interior’s Commercial Livestock Program

In administering this far-flung commercial livestock program, BLM issues nearly 18,000 permits and leases to ranchers who graze their livestock, at least part of the year, on more than 21,000 allotments on BLM rangelands. Permits and leases generally cover a 10-year period and are renewable if the BLM determines that the terms and conditions of the expiring permit are met.¹²

1. Land degradation associated with livestock grazing impacts climate change.

Reducing the carbon-storage capacity of the soil reduces the earth’s potential to sequester carbon. Grazing contributes to global warming by changing how lands function physically, chemically, and ecologically.¹³ Livestock grazing causes conversion of soil carbon stores into gaseous carbon emissions through the alteration of vegetative composition and cover, loss of below-ground sinks in roots, and resulting erosion and loss of topsoil and inorganic carbon. Heavily grazed areas have been found to have significantly diminished above- and below-ground biomass, litter, cover, soil respiration, and ecosystem respiration in contrast to areas protected from grazing,¹⁴ while significantly greater soil erosion has been demonstrated in grazed than in un-grazed areas.¹⁵

Moreover, the “season-long” grazing that is typical on BLM lands reduces plant root growth and mass and lessens the ability of the most productive types of native vegetation to compete with invasive noxious weeds and annual grasses such as cheatgrass.¹⁶

Significantly, BLM does not manage rangelands as carbon sinks although the soil carbon storage potential of native plants and their ability to outcompete invasive weeds is well known. Nor does BLM encourage ranchers to engage in “low-carbon” practices that minimize these impacts.¹⁷

¹² See <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>

¹³ Robert L. Beschta, et al., *Adapting to Climate Change on Western Public Lands: Addressing the Ecological Effects of Domestic, Wild, and Feral Ungulates*. 51 *Environ. Mgmt.* 474 (2013).

¹⁴ Dong Wang et al., *Effects of Grazing Exclusion on CO₂ Fluxes in a Steppe Grassland on the Loess Plateau (China)*, 83 *Ecological Eng’g* 169 (2015) <https://www.sciencedirect.com/science/article/abs/pii/S0925857415300823>.

¹⁵ John Carter et al., *Moderating Livestock Grazing Effects on Plant Productivity, Nitrogen and Carbon Storage*, 17 *Nat. Res. and Env’tl Issues* 23 (2011) <https://digitalcommons.usu.edu/nrei/vol17/iss1/23>.

¹⁶ FAO, 2006.

¹⁷ By contrast with the Low Carbon Beef certification encouraged by USDA. See [Low Carbon Beef Gains First USDA PVP Service Provider Status | AgWeb](#)

In fact, the very vastness of BLM-managed rangelands means that the cumulative potential for BLM-adopted management practices affecting soil carbon loss and storage capacity is significant. According to one estimate –

“United States grazing lands, including managed pasturelands, have the potential to remove an additional 198 million tonnes of carbon dioxide (CO₂) from the atmosphere per year for 30 years . . . when saturation is reached. This would offset 3.3 percent of United States CO₂ emissions from fossil fuels . . . and help protect rangeland soil quality for the future.”¹⁸

In short, healthy rangelands could mitigate some of the impacts of climate change by sequestering carbon,¹⁹ however, this potential is not being realized.

2. BLM Mismanagement aggravates climate impacts.

In the 1990s, BLM established rangeland health management requirements, and Standards and Guidelines which represent the agency’s own minimum standards for quality of water, vegetation, and soils, as well as the ability to support wildlife. 43 CFR 4180.1-2

An analysis that PEER conducted this year, based in large part on BLM’s own records, found that a minimum of 40 million acres of federal rangeland, an area the size of Washington State, fail due to overgrazing.²⁰ We analyzed approximately 21,000 BLM grazing allotments using the agency’s own data and found:

- Approximately 40 million acres, or 36% of all acres assessed, failed BLM Landscape Health Standards and identified livestock as a cause. Almost 55 million acres, around half of total allotment area assessed (an area larger than Utah), failed these landscape viability standards due to livestock overgrazing, as well as other factors;
- Livestock grazing is the most frequently cited significant cause of failure to meet land health standards across the West; and
- Five states have livestock failures of 40% of assessed area or more, with two (Nevada and Idaho) exceeding 50% failure.

Moreover, these livestock failure figures are most likely major underestimates of damage since a substantial proportion of allotments yet to be assessed are in regions where livestock failure rates are remarkably high, such as in Nevada.

¹⁸ A.J. Fynn et al., *Soil carbon sequestration in U.S. rangelands*: 11 Integrated Crop Management 57 (2010)<http://www.fao.org/3/i1880e/i1880e03.pdf>.

¹⁹ Debra L. Donahue, *Elephant in the Room: Livestock’s Role in Climate and Environmental Change*, 17 Mich. St. J. Int’l L. 95, 99 (2008).

²⁰ <https://peer.org/wp-content/uploads/2022/03/03-14-2022-Rangeland-Fact-Sheet.pdf>

In addition, in allotments that BLM counts as meeting all rangeland health standards high-resolution imagery show that are very large areas that clearly would fail to meet range health standards due to excessive livestock grazing.

With much of the West already in or entering megadrought conditions, the amount of livestock-induced landscape damage could significantly increase unless BLM dramatically improves the quality of its range management.²¹

Not only do these degraded landscape conditions contribute to a reduced capacity for carbon storage but also to increased desertification, increased fugitive dust, and decreased albedo leading to additional warming.²² Further, grazing facilitates the introduction of invasive plants and annual grasses which have less carbon storage capabilities than native plants and result in the increased wildfire return intervals described by the U.S. Fish & Wildlife Service (FWS).²³

Further, overgrazing is particularly damaging to riparian health, making these critical biodiversity hotspots less able to withstand the increasing storm events, early spring snow melt-offs, and increased shifting of precipitation from the winter (with slow spring melts) to high volume precipitation falling as rain which stays on the land for a far shorter time. Indeed, these impacts are exacerbated as climate change advances, as cattle require more water and spend more time in cooler riparian areas as temperatures increase. Thus, the impacts of overgrazing on climate acts as a reinforcing feedback loop by reducing the rangeland capacity for livestock.²⁴

In In this regard, it is also significant that BLM manages its rangelands to maximize forage for livestock, often with detrimental effects on residual forage for wildlife. The greater sage-grouse is a prime example. Under the Endangered Species Act (ESA), the agencies have been mandated to look at the role of overgrazing on wildfire return intervals and the spread of invasives and non-native grasses.²⁵ Although the FWS has determined that climate change is a risk factor for sage grouse,²⁶ BLM continues to ignore the contribution of public land grazing to climate change and the potential for rangeland management to offset greenhouse gas production or to make public lands more resilient to climate changes.

Notably, even BLM's greater sage grouse national planning efforts failed to evaluate climate change including the loss of soil carbon capacity or the loss of climate resilience caused by BLM

²¹ <https://www.scientificamerican.com/article/western-megadrought-is-the-worst-in-1-200-years/>

²² Beschta et al., *supra* note 13.

²³ U.S. Fish and Wildlife Service, *Sage-grouse, Sagebrush and the Threat Posed by Invasive Annual Grasses/Increased Fire Frequency* (2013) <https://www.cabi.org/ISC/FullTextPDF/2013/20137205105.pdf>.

²⁴ Elaine Brice et al., *Impacts of climate change on multiple use management of Bureau of Land Management land in the Intermountain West, USA11 Ecosphere* (2020) <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/ecs2.3286>.

²⁵ See, e.g., "Sage-grouse, Sagebrush and the Threat Posed by Invasive Annual Grasses/Increased Fire Frequency," U.S. Fish and Wildlife Service. Available at https://www.fws.gov/mountain-prairie/factsheets/Inv_Fire_101813.pdf.

²⁶ See <https://www.federalregister.gov/articles/2015/10/02/2015-24292/endangered-and-threatened-wildlife-and-plants-12-month-finding-on-a-petition-to-list-greater>

livestock grazing.²⁷ If the “national” planning efforts ignore the role BLM livestock grazing management has on climate change, even when it is a risk factor for ESA listing, it is hardly surprising that the impact of grazing on grasslands’ ability to sequester carbon or withstand climate change is not analyzed in BLM National Environmental Policy Act (NEPA) documents authorizing grazing.

3. BLM’s tolerance of widespread grazing trespass aggravates impacts

Grazing trespass occurs when a rancher grazes more livestock than allowed by his/her permit or releases livestock on public lands without a permit. For purposes of range protection, it is a form of theft, where vegetation, water, and soils are taken without permission. Grazing trespass remains rampant and unchecked on BLM lands.

After years of long-promised reforms to stem illegal grazing, BLM abruptly abandoned them in 2018.²⁸ That reversal followed two scathing Government Accountability Office reports – one in 1990 and another in 2016 – which found BLM does little to detect or deter unauthorized grazing across vast stretches of rangeland.²⁹ The latter report also found BLM had reneged on pledges of reform it had previously made.³⁰ In 2016, BLM again promised to implement all of the GAO recommendations.³¹

In 2017, PEER asked BLM to disclose whether it followed through on its latest pledge and how much illegal grazing it detected during the past year. After BLM failed to respond, PEER filed a Freedom of Information Act lawsuit to compel production.

Documents produced by the suit indicate BLM initially scheduled steps to implement better recording of grazing trespass incidents, adopt formal procedures for handling trespasses, and conduct compliance inspections. By summer, BLM’s schedule slipped from a date certain to “ongoing” and later to “on hold.” By fall, its official regulatory agenda for 2018 removed any further action altogether.³²

In addition, BLM still does not track the hundreds of grazing trespasses GAO estimates occur each year. Nor has BLM updated its 1987 handbook which describes procedures that no longer reflect its actual practices.³³

BLM cannot hope to safeguard the resilience of rangelands if they remain vulnerable to widespread degradation by illegal livestock operations.

²⁷ Adding insult to injury, PEER has uncovered documents indicating that BLM Field Offices routinely issue waivers for expanded oil and gas operations in core sage grouse habitat. See <https://peer.org/blm-oil-exemptions-undercut-sage-grouse-safeguards/>

²⁸ <https://peer.org/blm-still-mia-on-grazing-trespass/>

²⁹ [GAO-16-559, Unauthorized Grazing: Actions Needed to Improve Tracking and Deterrence Efforts \(peer.org\)](https://peer.org/gao-16-559-unauthorized-grazing-actions-needed-to-improve-tracking-and-deterrence-efforts/)

³⁰ *Id.*

³¹ See [1 30 18 Broken Promise.pdf \(peer.org\); https://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201710/Statement_1000.html](https://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201710/Statement_1000.html)

³² https://peer.org/wp-content/uploads/attachments/1_30_18_Schedule_Slump.pdf

³³ https://peer.org/wp-content/uploads/attachments/1_30_18_Broken_Promise.pdf

4. BLM ultra-low grazing fees encourage overgrazing and subsidize climate impacts

Starting in 2019 and continuing through 2022, the BLM and the U.S. Forest Service have kept the monthly grazing fee on federal lands down to its rock-bottom minimum: \$1.35 for each “Animal Unit Month”, i.e., a cow with a calf, or five sheep or goats.³⁴ This \$1.35 AUM fee is the lowest allowed by law – a law enacted in 1978.

BLM’s fee is supposed to be based on “fair-market value,” yet federal agencies continue to charge \$1.35 for a full month’s grazing for a cow-calf pair or five domestic sheep, the same rates charged when the agency first set rental rates for public land grazing almost 50 years ago. By contrast, the rental fees charged for comparable livestock grazing on private lands average \$23.40 per head across 16 western states and only a fraction of what private owners, states, and even other federal agencies charge.³⁵

Moreover, the BLM fees cover only a small portion of what it costs the agency to administer its grazing program, even at its current anemic state of management.³⁶

By these ultra-low fees, American taxpayers are subsidizing a program that is driving desertification, destruction of riparian areas, and introduction of invasive species³⁷ and thus seems designed to magnify rather than minimize adverse climate impacts on these rangelands.

BLM Improperly Omits Grazing Climate Impacts from NEPA and Other Planning Documents

1. National Environmental Policy Act applies to BLM grazing permit issuance and renewal decisions.

The National Environmental Policy Act (NEPA) is the “basic national charter for protection of the environment.”³⁸ Section 101 of NEPA contains Congress’ express recognition of “the profound impact of man’s activity on the interrelations of all components of the natural environment,” and declaration that the federal government must “use all practicable means and measures . . . to create and maintain conditions under which man and nature can exist in productive harmony.”³⁹ NEPA is intended to “promote efforts which will prevent or eliminate damage to the environment and biosphere.”⁴⁰ Moreover, NEPA “insures that environmental information is available to public officials and citizens before decisions are made and before action is taken.”⁴¹

³⁴ [2022 Grazing Fee, Surcharge Rates, and Penalty for Unauthorized Grazing Use Rates | Bureau of Land Management \(blm.gov\)](#)

³⁵ [Grazing Fees: Overview and Issues Congressional Research Service RS21233 March 4, 2019 \(fas.org\)](#)

³⁶ See [Costs And Consequences: The Real Price of Grazing on America's Public Lands \(biologicaldiversity.org\)](#)

³⁷ See <https://peer.org/public-land-livestock-fees-hit-rock-bottom/>

³⁸ 40 C.F.R. 1500.1 (2005).

³⁹ The National Environmental Policy Act of 1969 § 101, 42 U.S.C. § 4331(a) (2005).

⁴⁰ 42 U.S.C. §4321.

⁴¹ 40 C.F.R. § 1500.1(b), (c).

In order to carry out this mandate, Congress required all federal agencies to act to preserve, protect, and enhance the environment.⁴² Section 102(2)(C) of NEPA provides the basic framework by which agencies consider the environmental effects in their decision-making processes and inform the public of those effects.⁴³ Generally, NEPA requires all federal agencies to identify and consider environmental impacts, alternatives, and mitigating measures prior to approving a project.

Among other delineated duties, NEPA requires federal agencies: to “[i]nclude in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement” which addresses, inter alia, the environmental impact of the proposed action;⁴⁴ to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;”⁴⁵ and to “recognize the worldwide and long-range character of environmental problems.”⁴⁶

The annual issuance of thousands of grazing permits by the BLM constitutes “major federal actions significantly affecting the human environment,” and, therefore, triggers the need for full NEPA analysis and compliance.⁴⁷

2. Federal orders direct agencies to reduce the carbon footprint of their operations and integrate climate change causes and effects into their official planning.

NEPA requires that federal agencies consider any adverse environmental effects of their major actions.⁴⁸ The White House Council on Environmental Quality (CEQ) regulations explain that “effects” include both direct and indirect effects.⁴⁹ Indirect effects are those that are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.⁵⁰ Indirect effects may include effects on air and water and other natural systems, including ecosystems.⁵¹

NEPA also requires that federal agencies consider the incremental effect of past, present, and future actions which, when added to the effect of the proposed action, result in significant impacts. Unlike other types of activities which may not be “reasonably foreseeable,” public-land livestock grazing is entirely foreseeable. Thus, the effects of livestock grazing, and the degraded condition of federal lands should be fully analyzed in all NEPA documents including Resource Management Plans and allotment specific NEPA permit renewals.

⁴² See 42 U.S.C. § 4331(b).

⁴³ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) (noting that “the sweeping policy goals announced in §101 of NEPA are thus realized through a set of ‘action-forcing’ procedures that require that agencies take a ‘hard look’ at the environmental consequences”).

⁴⁴ See 42 U.S.C. §4332(C).

⁴⁵ See *id.* §4332(E).

⁴⁶ See *id.* § 4332(F).

⁴⁷ See *Natural Resources Defense Council, Inc. v. Morton*, 388 F. Supp. 829 (D.D.C. 1974).

⁴⁸ 42 U.S.C.S. § 4332(C).

⁴⁹ 40 C.F.R. 1508.8.

⁵⁰ 40 C.F.R. § 1508.8.

⁵¹ 40 C.F.R. § 1508.8.

NEPA is also quite explicit in directing federal agencies to assess greenhouse gases (GHG) generated by the activities under review:

“When considering the impact of GHG emissions from a proposed action, Bureaus/Offices should use appropriate tools, methodologies, and resources available to quantify GHG emissions and compare GHG quantities across alternatives.”⁵²

Further, the Social Cost of Greenhouse Gases (including the Social Cost of Methane and the Social Cost of Carbon) to analyze quantified emissions is characterized as “an essential tool to quantify the costs and benefits associated with a proposed action’s GHG emissions and relevant to the choice among different alternatives being considered.”⁵³

Thus, BLM is subject to multiple directives to explicitly consider and plan for the climate change implications of its programs – and public lands grazing is unquestionably a major BLM program.

3. BLM violates NEPA by excluding consideration of the direct and indirect climate impacts of its grazing program.

BLM consistently violates NEPA by failing to consider significant adverse environmental effects of its major actions through its consistent dismissal of climate change impacts in the environmental review process with respect to its management of livestock grazing on the vast public range lands within its jurisdiction. Moreover, BLM steadfastly refuses to assess the full range of environmental impacts of grazing in its environmental reviews, most notably in the NEPA documents associated with the issuance and renewal of grazing permits, but also in its failure to consider livestock grazing as a cumulative impact to all BLM-authorized activities.⁵⁴

BLM maintains a National NEPA Register.⁵⁵ While not complete, this register represents a sampling of the NEPA documents on livestock grazing permit issuance that are available for public viewing. Most of the available records for the issuance or renewal of grazing permits are Categorical Exclusions (CX) or DNAs (determinations of NEPA Adequacy and exclude any discussion of potential climate impacts.

Many of the CX documents deny that there is any cumulative impact of grazing at all, without discussing climate change impacts or adaptation in any way. This includes the CX paperwork for Incendiary Creek, Paul, South Tom Taha, Tom Taha, West Greer, and Whiskey Creek Allotments in the Cottonwood Field Office in Idaho, which explicitly state that the proposed grazing permit renewals do not –

⁵² *Id* at 4. Even if emissions are hard to quantify BLM is required to assess them qualitatively because: “When quantifying GHG emissions is not possible because tools, methodologies, or data inputs are not reasonably available, Bureaus/Offices will provide a qualitative analysis and the rationale for determining that a quantitative analysis is not warranted.” *Id*.

⁵³ *Id*.

⁵⁴ 40 C.F.R. 1508.7

⁵⁵ Available at <https://eplanning.blm.gov/eplanning-ui/home>.

“Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.”⁵⁶

Those NEPA documents that *do* mention climate change – all Environmental Assessments – forgo any meaningful analysis and incorporate the same boilerplate language, unique to the particular field office, dismissing the action’s potential effects on climate change –

“The Worland Field Office Interdisciplinary Team determined the following resources are not present or affected by the proposed action or alternatives; therefore, they are not analyzed further in this EA: . . . Air Quality/Climate Change.”⁵⁷

It is currently beyond the scope of existing science to identify a specific source of greenhouse gas emissions or sequestration and designate it as the cause of specific climate or resource impacts at a specific location. The proposed action and alternatives, when implemented, would not have a clear, measurable cause-and-effect relationship to climate change because the available science cannot identify a specific source of greenhouse gas emissions such as those from livestock grazing and tie it to a specific amount or type of changes in climate. Therefore, the effects of livestock grazing to the global climate will not be analyzed in detail in this EA.⁵⁸

⁵⁶ Bureau of Land Management Cottonwood Field Office, Categorical Exclusion Documentation 2019 Grazing Lease Renewals DOI-BLM-ID-C020-2019-0004-CX [Cottonwood, ID, 2019], at 7, *available at* https://eplanning.blm.gov/public_projects/nepa/119255/165574/201965/2019_Grazing_Lease_Renewal_CX.pdf.

⁵⁷ Bureau of Land Management Worland Field Office, Livestock Grazing Permit Renewal for the Tatman Mountain Common (00639) and Snyder (00640) Grazing Allotments [Worland, WY, 2014], *available at* <http://www.blm.gov/style/medialib/blm/wy/information/NEPA/wfodocs/TatmanMountainSnyder.Par.73200.File.dat/EA.pdf>; *see also* Bureau of Land Management Worland Field Office, Livestock Grazing Permit Transfer and Renewal for the Blue Creek Allotment (00516) [Worland, WY, 2013], *available at* <http://www.blm.gov/style/medialib/blm/wy/information/NEPA/wfodocs/bluecreek.Par.93533.File.dat/EA.pdf>.

⁵⁸ Bureau of Land Management Upper Snake Field Office, Environmental Assessment, Grazing Permit Renewal for Allotment IV (#06046) and Spring Creek (#05060) Allotments [Idaho Falls, ID, 2014], *available at* https://eplanning.blm.gov/epl-front-office/projects/nepa/39006/51609/56151/Allotment_IV_Spring_Creek_EA_5.30.14_508.pdf; *see also* Bureau of Land Management Upper Snake Field Office, Environmental Assessment, Grazing Permit Renewal for Blizzard Mountain Allotment (#11007) [Idaho Falls, ID, 2014], *available at* https://eplanning.blm.gov/epl-front-office/projects/nepa/38873/51603/56145/Blizzard_EA_508.pdf (using the exact same language); *see also* Bureau of Land Management Upper Snake Field Office, Environmental Assessment, Grazing Permit Renewal for Beck Canyon Allotment (#11017) [Idaho Falls, ID, 2014], *available at* https://eplanning.blm.gov/epl-front-office/projects/nepa/38872/51606/56148/Beck_Canyon_EA_508.pdf (using the exact same language).

Addressing effects on greenhouse gas levels within the scope of NEPA is difficult due to the lack of explicit regulatory guidance on how to meaningfully apply existing NEPA regulations to this evolving issue, and due to the continuously evolving science available at varying levels. The proposed action and alternatives do not have a clear, measurable cause and effect relationship to climate change because the available science cannot identify a specific source of greenhouse gas emissions or storage and tie it to a specific amount or type of climate change.”⁵⁹

Thus, rather than analyze the potential climatic effects of issuing a grazing permit, BLM consistently relies on the assertion that such an analysis is beyond the scope of existing science. However, as the federal policy toward increasing accountability for climate change has shown, addressing these impacts should be at the forefront of BLM’s analysis when undertaking a major federal action. Yet, according to BLM, climate change continues to be treated either as a non-factor or a factor incapable of producing a significant impact.

Ironically, BLM often seeks to circumvent its NEPA and CFR obligations entirely by issuing a determination that degraded rangeland conditions themselves were caused by past livestock grazing and may issue a new 10-year permit under a “categorical exemption” without any NEPA analysis at all, even to determine if current grazing could repair the damage caused by past grazing.⁶⁰

Even worse, the BLM fails to complete any analysis of the impacts of current grazing prior to the end of the 10-year permit. This failure means that the livestock grazing permittee is entitled to have the BLM grazing permit renewed on identical terms and conditions even if any objective assessment would determine that current livestock grazing caused the rangelands to be in degraded condition.⁶¹ Thus, BLM systematically ignores the effects of federally permitted livestock grazing in all NEPA analysis even though it is clearly a cumulative impact.

Both the categorical exemption and the automatic renewal of permits allow BLM to avoid any meaningful NEPA analysis and perpetuate a failure to consider climate change.

4. BLM’s failure to consider climate impacts make its grazing decisions legally vulnerable.

⁵⁹ Bureau of Land Management, Upper Snake Field Office, Environmental Assessment, Grazing Permit Renewal for Camas Meadow Allotment [Idaho Falls, ID, 2013], 51-52, *available at* https://eplanning.blm.gov/epl-front-office/projects/nepa/36447/45722/49374/camas_meadow_EA_final_508.pdf.

⁶⁰ BLM National Environmental Policy Act Handbook H-1790-1 (2008) available at: http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf.

⁶¹ Washington Office Instruction Memorandum 2015-122: IM 2015-122, Implementing Amended Section 402(c)(2) of the Federal Land Policy and Management Act, http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2015/IM_2015-122.html

Under the Biden administration, the Department of the Interior under has committed to, before selling any future drilling rights, considering greenhouse gas emissions from oil and gas drilled on public lands.⁶² BLM’s director asserted her agency “is committed to responsible development on public lands, including ensuring that our environmental reviews consider the climate impacts of energy development on lands and communities.”⁶³

Those assurances are now being tested in court. In one recent case, a federal district court struck down a BLM oil and gas permitting decision because its consideration of GHG impacts were insufficient for purposes of NEPA.⁶⁴

In *Border Power Plant Working Group v. Department of Energy*, the court found that carbon dioxide emissions associated with the construction of transmission lines to carry electricity from new power plants in Mexico to users in southern California should be included in any analysis conducted under NEPA.⁶⁵

This growing body of case law militates for federal agencies to consider the climate change impacts – no matter how incremental or cumulative – in the NEPA review of their official actions. By continuing to ignore climate impacts in its NEPA reviews of grazing decisions, BLM is opening itself to successful litigation challenges.

Conclusion

Livestock grazing is ubiquitous on federal lands and is one of the most significant causes of degraded rangeland conditions across the American West. PEER urges Interior and its Climate Task Force to address these climate consequences of public lands grazing:

- ✓ Commercial livestock operations have reduced the ability of public lands to offset greenhouse gas emissions by sequestering carbon;
- ✓ Overgrazing has degraded rangeland health and reduced resiliency to changing climate, thus exacerbating the impacts of changing climate; and
- ✓ BLM rangelands are suffering lowered water quality, increased desertification, greater wildfire vulnerability, and reduced wildlife habitat, among other adverse effects, due to poorly managed commercial grazing operations.

To address these issues, PEER respectfully requests that the Secretary and her Climate Task Force consider the following steps:

⁶² Heather Richards, *Biden admin to require new climate analysis before oil leasing*, E&E NEWS, Oct. 29, 2021, <https://subscriber.politicopro.com/article/eenews/2021/10/29/biden-admin-to-require-new-climate-analysis-before-oil-leasing-282624> (“Before it advances onshore sales, the administration will issue state-level draft environmental assessments that include an analysis of the national emissions impacts from producing, and combusting, oil and gas, Interior announced today.”)

⁶³ *Id.*

⁶⁴ See *WildEarth Guardians v. Zinke*, 368 F.Supp.3d 41 (2019)

⁶⁵ 260 F. Supp. 2d 997 (S.D. Cal. 2003).

1. Explicitly assess the carbon sequestration capacity and potential in all range management decision-making;
2. On a priority basis, finish the rangeland health assessments of all remaining allotments that have yet to have been recently assessed;
3. Enforce Landscape Health Standards as a condition for renewal of any grazing permit;
4. Reduce overgrazing on all allotments, starting with those failing Landscape Health Standards;
5. Curb grazing trespass as an organizational priority;
6. Affirmatively analyze the climate change impacts of the issuance and renewal of grazing permits in all future NEPA documents;
7. Cease use of Categorical Exclusions from NEPA in grazing permit renewal decisions and review all prior grazing-related CXs to determine whether those exclusions from NEPA review are still appropriate in light of the risks presented by climate change;
8. Raise grazing fees to recoup actual program costs and to recover the social cost of carbon the commercial livestock program imposes;
9. Develop a methodology for, and publish, the total carbon footprint of the commercial livestock program; and
10. Encourage ranchers to adopt low-carbon practices.

As noted above, the mission of the Interior Climate Task Force is to develop a “strategy to reduce climate pollution [and] improve and increase adaptation and resilience to the impacts of climate change.” In our view, the Task Force would be remiss if it did not at least consider these suggestions.

If you have questions or would like any additional information on any aspect of the above, please do not hesitate to contact me.

Sincerely,

Tim Whitehouse
Executive Director

Cc: Tracy Stone-Manning, BLM Director
Brenda Mallory, Chair, White House CEQ