

Grazing Without Accountability

REPORT

How the Forest Service is Permitting Livestock Grazing Without Environmental Review



Across the United States private companies graze livestock for profit on millions of acres of public land. Livestock grazing on public lands can degrade soils, reduce native plant diversity, alter water quality, and disrupt wildlife habitat, often leading to long-term ecological damage if not carefully managed. Companies keep their cattle, goats and sheep in National Parks, National Monuments, in designated wilderness, on more than 60 % of Bureau of Land Management (BLM) lands and throughout much of our National Forests.

The scope is huge. The Forest Service manages about 9,200 grazing allotments nationwide. The livestock grazing allotments within Forest Service lands cover about 75 million acres, that is 117,200 square miles, and 38% of the 193 million acres of the National Forest System.^{1,2} Grazing is permitted by the Forest Service in an area that is larger than the country of Italy or the state of Arizona.

The majority of the permits that Forest Service grants to these businesses are Term Grazing Permits issued to companies for ten years and are eligible to be renewed. At the time of the permit renewal, the agency is required to modify the permit to ensure consistency with the National Forest Management Act (NFMA). **The Forest Service is required to assess the land and resources of the permit with a National Environmental**

¹ <https://www.usda.gov/about-usda/news/blog/home-range-what-type-livestock-graze-national-forests-and-grasslands>, See U.S. Forest Service, Grazing Statistical Summary Fiscal Year 2021, https://www.fs.usda.gov/rangeland-management/documents/grazing-stats/2021s/2021_GSR_final.pdf#page=5 (last viewed July 7, 2025) which states 73.7 million acres are grazed. In the FS data that PEER relied on, 75.1 million “NFS acres” are grazed or open for grazing.

² Contrast this to the BLM which administers 18,000 permits on 21,000 allotments on 155 million acres of public land.

Policy Act (NEPA) review. This is usually done in a document called an Environmental Assessment, sometimes in a lengthier Environmental Impact Statement or rarely in a very short Categorical Exemption (CE or CX).

The NEPA review is essential. In the NEPA document Forest Service personnel consider many factors including the resource conditions, land health, the carrying capacity of the land, type and quantity of vegetation, invasive species, water resources, wildlife and wildlife habitat, cultural resources, and alternative management options. Forest Service also considers the requirements of the Regional and Local Forest Service planning documents like Resource Management Plans. Forest Service will consult with state game agencies, and if special status species are involved, they consult with the Fish and Wildlife Service. Tribal consultation may also be required. The Forest Service determines the number of livestock to permit, the season of use, and utilization limits.



Cattle graze in the Gravelly Mountain Range of Beaverhead-Deerlodge National Forest. USDA Photo

Importantly, the NEPA process includes a public comment period. This may be the only time until the next renewal in another ten years that the public can weigh in with their concerns about on-the-ground conditions, overlooked impacts, or new science that should be considered by the Forest Service.

In the permit renewal, the Forest Service will set the type and number of cattle, goats, sheep, and horses that are permitted to be grazed on the allotment. It sets season of use, that is the dates in which the land is permitted to be used. Sometimes several allotments and pastures will be covered in one permit, so this is specified as well as all operating conditions.

I. The Administrative Loophole 402(c)(2)

Rangeland management planning, the NEPA process, and permit renewal is increasingly being circumvented by something public land advocates call the “grazing loophole.” Section 402(c)(2) is also known within the Forest Service as “the rider” and “the grace period.” **The loophole refers to how the USFS and BLM routinely reauthorize livestock grazing permits without conducting environmental review under NFMA and NEPA.**

Under Section 402(c)(2) of the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management has the option to reauthorize a permit even if the environmental analysis is not completed before the permit expires. This provision was originally intended as a temporary measure to prevent administrative delays from halting grazing operations, but it has increasingly become a long-standing practice. Many BLM grazing permits have been renewed this way for decades without ever undergoing fresh analysis of impacts on land, water, or wildlife.³

³ While FLPMA doesn't directly govern USFS lands, Congress imported the same “continue existing terms and conditions until NEPA is done” rule to both agencies. So, practically speaking, both BLM and USFS now use the same loophole to keep permits rolling without environmental review.

Congress passed a rider in the 2004 Appropriations Act that extended BLM's FLPMA 402(c)(2)-style permit renewal mechanism to the Forest Service.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004–2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). **The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit** or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. (emphasis added)



Forest Service grazing allotment in central Arizona, Apache-Sitgreaves National Forest. USDA Photo

PUBLIC LAW 108–108—NOV. 10, 2003 117 STAT. 1307 – p. 67.

This loophole allows millions of acres of public lands to remain in grazing use even when there may be damage to the land. Instead of adjusting allotment management plans (such as reducing grazing pressure or closing degraded areas), agencies instead roll permits forward unchanged.

Because NEPA analysis is deferred indefinitely, the public and independent scientists lose opportunities to weigh in, and outdated or incomplete information guides decisions. As a result, livestock operations can continue unchecked across sensitive habitats such as sage-grouse ranges, riparian corridors, and wilderness study areas.

II. Methods

PEER has a long history of advocating public lands issues at the BLM and Forest Service. Over the years we have been aware of permit renewals without public comment and NEPA review. We wanted to look more broadly and see the extent of this issue. On the Forest Service website, we found the most recent Forest Service grazing dataset ([Appendix A](#)) with some 2025 dates. This dataset lists each grazing permit by name, by identification number, and is grouped by state. It lists the dates of each renewal and the dates of every NEPA review. We have mapped this data, and it is available to the public.

III. Analysis of the Forest Service Permit Renewal Data

1. Overall National Forest Service Grazing Portfolio

- Total Grazed Acres: 75.19 million acres
- Total Grazed Allotments: 7,090 allotments

2. NEPA National Renewal Activity

Recent Activity (2020-2025):

- Allotments renewed: 112 (1.6% of total)
- Acres renewed: 1.49 million acres (2.0% of total)

Medium-term Activity (2015-2025):

- Allotments renewed: 349 (4.9% of total)
- Acres renewed: 3.80 million acres (5.1% of total)

Long-term Activity (2005-2025):

- Allotments renewed: 2,989 (42.2% of total)
- Acres renewed: 31.5 million acres (41.9% of total)

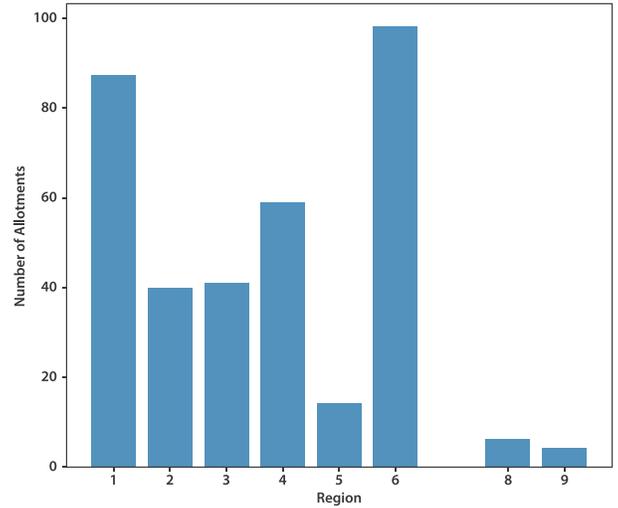
Outstanding NEPA Requirements

- Allotments never renewed: 955 allotments (13.5% of total)
- Acres never renewed: 13.03 million acres (17.3% of total)

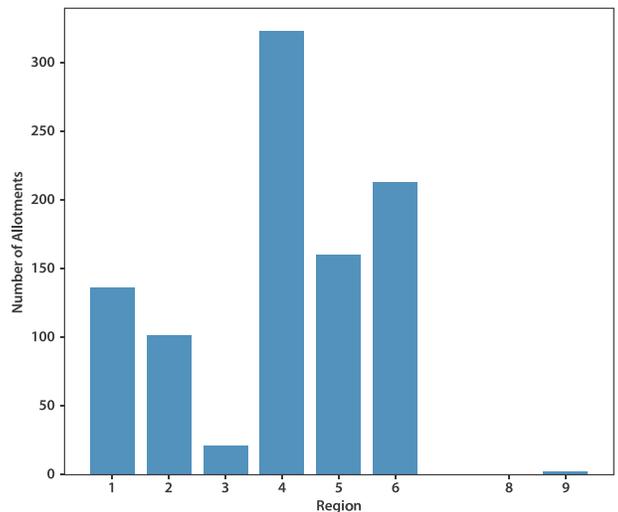
3. Key Takeaways

- The majority of grazing allotments are being renewed without NEPA analysis. Over 57% of allotments have not had NEPA renewals in the past 20 years.
- The Regions with the most public land available for leasing are Region 4 (18.8 million acres), Region 3 (17.2 million acres), and Region 2 (16.7 million acres).

Allotments Renewed with NEPA (Last 10 Years)

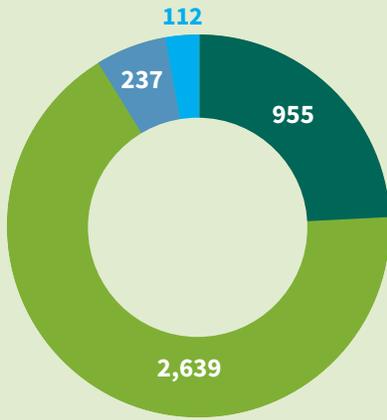


Total Allotments Never Renewed with NEPA

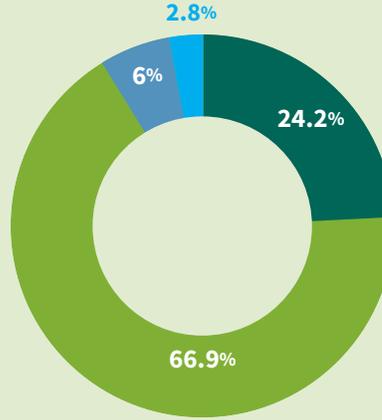


REGIONS — 1: MT, ND; 2: WY, CO, NE, KS, SD; 3: AZ, NM; 4: NV, UT, ID; 5: CA; 6: WA, OR; 7: ELIMINATED; 8: TX, OK, AR, LA, MS, AL, GA, FL, SC, NC, VA, TN, KY; 9: MN, WI, IA, MO, IL, IN, OH, WV, PA, NY, VT, ME; 10: AKQ

National NEPA Renewal Timeframes
(Number of Allotments)



National NEPA Renewal Timeframes
(Percentage of Total Allotments)

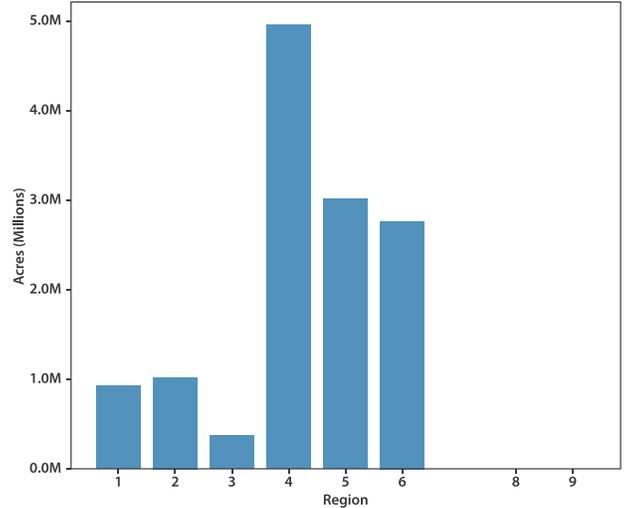


NEPA RENEWAL CATEGORIES

- Last 5 Years
- 11-20 Years Ago
- 6-10 Years Ago
- Never Renewed

- Region 4 is the most active region. There have been 31 allotments renewed with NEPA in the last 5 years.
- Regions 8 and 9 are the least active regions. They have had no lease renewals with NEPA in the past 5 years.
- Region 4 has the largest number of acres that have not been renewed with NEPA review. The backlog encompasses 4.95 million acres.
- Recent NEPA activity (2020-2025) has been limited, less than 2% of the total portfolio has been reviewed in the last five years.

Total Acres Never Renewed with NEPA



REGIONS — 1: MT, ND; 2: WY, CO, NE, KS, SD; 3: AZ, NM; 4: NV, UT, ID; 5: CA; 6: WA, OR; 7: ELIMINATED; 8: TX, OK, AR, LA, MS, AL, GA, FL, SC, NC, VA, TN, KY; 9: MN, WI, IA, MO, IL, IN, OH, WV, PA, NY, VT, ME; 10: AKQ

IV. Five Critical Issues

1. There are ecological risks for the land and biodiversity.

When 57% of the allotments are operating on NEPA analyses that are 20 years or more years old, they do not reflect the current state of the land. Land health conditions shift over time. Factors like climate change, fire, invasive species, and drought can rapidly change the condition of the land. Scientific studies and reviews are constantly being published, updating management practices. Continuing permits authorized at the same activity level means that they are most likely based on outdated science.

2. The data raises resource, staffing, and policy concerns.

Region 4—the Intermountain Region—has both the largest number of permits and the largest backlog of allotments that have never been renewed. That is 4.95 million acres. This backlog suggests insufficient staff capacity and resources and a deprioritization of NEPA reviews. A large majority of rangelands and riparian zones with the Region 4 area are grazed by livestock, and Region 4 has important wildlife habitats as well as drought-stressed rangelands, so the backlog here carries high ecological risk.

3. The data raises questions about leadership at the Forest Service.

Because there are differences in renewal rates across regions, it appears that there is either a lack of national direction to Regional Offices or inconsistent direction. For example, Regions 8 and 9 have had no recent reviews while Region 4 has had some activity. There may be little accountability from headquarters to the Regional Offices.

4. The Forest Service is failing to comply with NFMA and NEPA.

The intent of the National Forest Management Act (NFMA) is to ensure that multiple-use and sustainability principles—especially the conservation of watersheds, wildlife, and fish—are upheld in managing uses such as livestock grazing. Scientific information is essential to demonstrate compliance with these requirements and to incorporate new scientific knowledge as it emerges. Without review of grazing impacts, the Forest Service is failing to ensure that this use meets the requirements of NFMA.

The best chance for a permit to meet the NFMA requirements is for the management elements to be built into the proposed action, prior to NEPA being initiated. The NEPA analysis is at the backend of rangeland management planning and NFMA planning is at the front end.



Cattle Grazing Permittee Rancher Rodney Wayne Porter checks one of the watering tanks that are supported by one of his tin roof rainwater harvesting systems. USDA Photo

The Forest Service Handbook, implementing the **2012 National Forest System Land Management Planning Rule**, outlines the rangeland management planning process^{4,5}. It identifies three phases of this planning, kicking off the NEPA process once the second phase is completed. Development of the proposed action (part of the second phase) is critical. This is what dictates what will happen on-the-ground; that is meeting the substantive requirements of NFMA. If the first two phases are done well—including defining desired conditions based on the Resource Management Plan direction, informed by best available science, and including a solid proposed action—the NEPA analysis can be fairly straightforward.⁶

⁴ 36 CFR Part 219

⁵ Chapter 90, FSH at 1909.13

⁶ Forest Service staff has a range of monitoring activities that it regularly performs when fully staffed and when it has sufficient resources. This data can be used to prepare the document. Forest Service monitoring and data gathering includes: 1. Allotment inspections: performed periodically to ensure stocking rates, season of use, allotment boundaries, and range improvement terms are being complied with. 2. Utilization monitoring: performed at a minimum at the end of the grazing season to ensure compliance with forage utilization limits and other requirements included in the terms and conditions of the permit. 3. Riparian (Greenline) monitoring: performed once every five years on selected sites and allotments in key areas to track the ecological trend of riparian vegetation and streambank stability. The long-term goal is to identify additional sites as funding and resources are allowed based on identified needs. 4. Assessments of rangeland condition and trend: performed once every five years on selected allotments in key areas to track the ecological trend of upland and meadow vegetation. 5. Best Management Practice (BMP) Evaluation Program: performed annually at one or more, randomly selected sites on each forest to assess implementation and effectiveness of BMPs identified in the USFS Water Quality Management Plan. This monitoring assesses whether site-specific BMPs have been developed and implemented, as well as vegetation and riparian conditions.

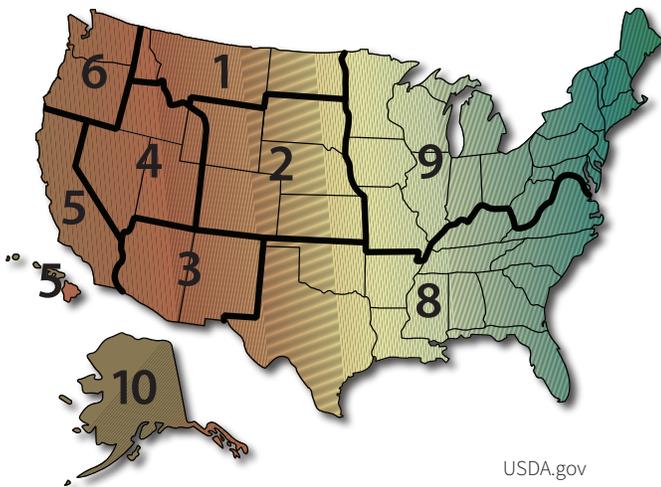
NEPA is intended to ensure that management decisions reflect the current on-the-ground environmental conditions and best available scientific information, yet the data shows an almost complete stagnation of review. The majority, that is nearly 60% of allotments, have NEPA reviews that are older than 20 years old or have no NEPA.

The Forest Service has renewed less than 5% of the allotments since 2015. It is failing to comply with the NEPA's requirement for ongoing review. Permit renewal rates this low are systemic non-compliance.

5. There is no clear way forward.

There are 13.03 million acres (955 allotments) that have never had NEPA review at all. How will the Forest Service address this issue?

V. Regional NEPA Analysis Summary



Region 1: Northern Region; Montana, North Dakota (small part), South Dakota (small part on the northeast corner)

- Total Portfolio: 4.87 million acres across 857 allotments
- Recent NEPA Activity (2020-2025): 25 allotments (39,331 acres)
- Medium-term Activity (2015-2025): 87 allotments (326,677 acres)
- Long-term Activity (2005-2025): 228 allotments (821,335 acres)
- Never Renewed: 136 allotments (934,631 acres)

Region 2: Rocky Mountain Region; Wyoming, Colorado, Nebraska, Kansas (small part), South Dakota (Black Hills)

- Total Portfolio: 16.68 million acres across 1,981 allotments
- Recent NEPA Activity (2020-2025): 9 allotments (205,169 acres)
- Medium-term Activity (2015-2025): 40 allotments (503,986 acres)
- Long-term Activity (2005-2025) 872 allotments (8.88 million acres)
- Never Renewed: 101 allotments (1.01 million acres)

Region 3: Southwestern Region; Arizona, New Mexico

- Total Portfolio: 17.17 million acres across 1,136 allotments
- Recent NEPA Activity (2020-2025): 20 allotments (457,062 acres)
- Medium-term Activity (2015-2025): 41 allotments (1.07 million acres)
- Long-term Activity (2005-2025): 705 allotments (9.74 million acres)
- Never Renewed: 21 allotments (365,253 acres)

Region 4: The Intermountain Region: Nevada, Utah, Idaho

- Total Portfolio: 18.76 million acres across 1,232 allotments
- Recent NEPA Activity (2020-2025): 31 allotments (575,456 acres)
- Medium-term Activity (2015-2025): 59 allotments (914,503 acres)
- Long-term Activity (2005-2025): 374 allotments (5.02 million acres)
- Never Renewed: 322 allotments (4.95 million acres)

Region 5: California

- Total Portfolio: 7.78 million acres across 491 allotments
- Recent NEPA Activity (2020-2025): 2 allotments (31,682 acres)
- Medium-term Activity (2015-2025): 14 allotments (199,947 acres)
- Long-term Activity (2005-2025): 207 allotments (2.68 million acres)
- Never Renewed: 161 allotments (3.00 million acres)

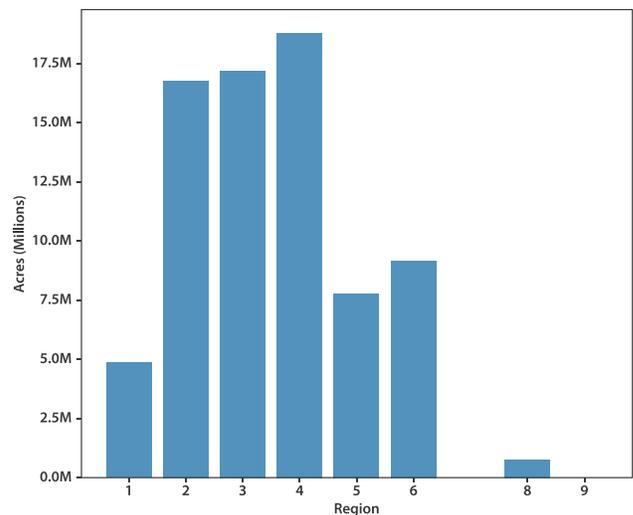
Region 6: Washington, Oregon

- Total Portfolio: 9.17 million acres across 729 allotments
- Recent NEPA Activity (2020-2025): 25 allotments (184,202 acres)
- Medium-term Activity (2015-2025): 98 allotments (624,719 acres)
- Long-term Activity (2005-2025): 353 allotments (3.99 million acres)
- Never Renewed: 212 allotments (2.77 million acres)

Region 8: Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Tennessee

- Total Portfolio: 736,448 acres across 516 allotments

Total Grazed Acres by Forest Service Region



REGIONS — 1: MT, ND; 2: WY, CO, NE, KS, SD; 3: AZ, NM; 4: NV, UT, ID; 5: CA; 6: WA, OR; 7: ELIMINATED; 8: TX, OK, AR, LA, MS, AL, GA, FL, SC, NC, VA, TN, KY; 9: MN, WI, IA, MO, IL, IN, OH, WV, PA, NY, VT, ME; 10: AKQ

- Recent NEPA Activity (2020-2025): 0 allotments (0 acres)
- Medium-term Activity (2015-2025): 6 allotments (156,599 acres)
- Long-term Activity (2005-2025): 113 allotments (360,709 acres)
- Never Renewed: 0 allotments (0 acres)

Region 9: Minnesota, Wisconsin, Iowa, Missouri, Illinois, Ohio, West Virginia, Pennsylvania, New York, Vermont, Maine,

- Total Portfolio: 24,017 acres across 14 allotments
- Recent NEPA Activity (2020-2025): 0 allotments (0 acres)
- Medium-term Activity (2015-2025): 4 allotments (742 acres)
- Long-term Activity (2005-2025): 137 allotments (23,228 acres)
- Never Renewed: 2 allotments (137 acres)

Region 10: Alaska, no permitted grazing on Forest Service land

Summary of the National NEPA Renewal Data

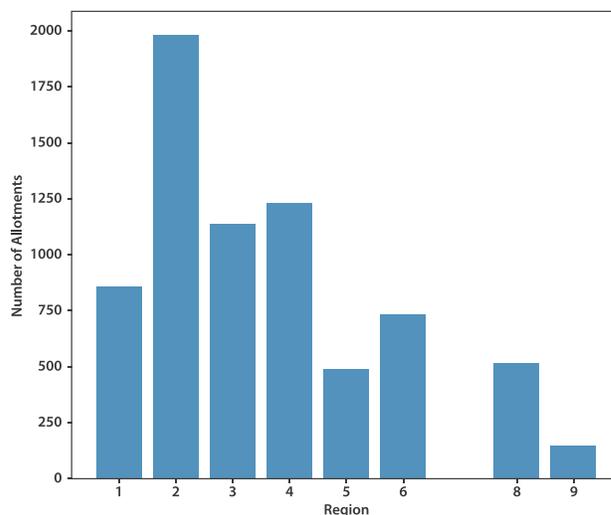
Total number of grazing allotments on Forest Service land: 7,090

112 allotments renewed in the last five years, (1.6%)

237 allotments renewed between 6-10 years ago. (3.3%) 2,640 allotments renewed between 11-20 years ago. (37.2%)

955 allotments have never had NEPA analysis. (13.5%)

Total Grazed Acres Allotments by Region



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VI. Moving Forward

The data raises many questions about the range program. We should consider the capacity and staffing levels at the Forest Service. Are some regions, like Region 4, under-resourced relative to the number of grazed lands? Or do different regional offices prioritize grazing NEPA differently? How is the enormous pressure to not reduce permitted numbers reflected in this data?

Regions 8 and 9 have zero recent renewals, that is between the years of 2020-2025. Is this a national policy decision or discretionary choice of the Regional Foresters? Maybe grazing is considered such a low priority in these regions that compliance is ignored. The acreage of these Regions is low compared to other Regions. What can we learn about policy and oversight?



Mount Hood, active stratovolcano, Mount Hood National Forest, Oregon. USDA Photo

Use of the loophole undermines both transparency and accountability. The Forest Service is pushing the limits of the law. **By treating Section 402(c)(2) renewals as the default rather than the exception, the Forest Service is shielding itself from making hard choices about land recovery and resource protection. Conservation groups, tribes, and wildlife advocates contend that this loophole perpetuates ecological damage, subsidizes unsustainable grazing, and violates the intent of laws designed to balance land use with environmental protection.** Defenders may say it provides stability for ranchers reliant on public allotments and avoids administrative backlogs. The debate over closing or reforming the loophole reflects the tensions between commercial livestock production and exploitation of resources and conservation and managed use of public lands.

References

- USFS grazing authority comes from the Granger-Thye Act of 1950, the Multiple-Use Sustained-Yield Act of 1960, and the National Forest Management Act of 1976.
- The National Forest Management Act provides the Forest Service's framework for managing grazing on National Forest System lands.
- Permits are authorized under the Taylor Grazing Act (1934) and the Bankhead-Jones Act (1937), and USFS regulations mirror many of BLM's processes.
- Rangeland Management Manual (FSM 2000): <https://www.fs.usda.gov/im/directives/dughtml/fieldfsm2000.html>
- Forest Service grazing regulations are found at 36 CFR Part 222.
- The Forest Service Rescissions Act (1995) Section 504 mandates that term grazing permits which expire or are waived before the completion of NEPA analysis must be reissued on the same terms and conditions and for the full term of the expired or waived permits. Upon completion of the NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or reissued as necessary to conform to the new analysis.
- Interior Appropriations Act of 2004, Section 325. This section provides the Forest Service with the discretion to periodically update the allotment NEPA schedules and reprioritize which allotments will undergo analysis based on emerging environmental issues and available funding.

Appendix A: <https://data-usfs.hub.arcgis.com/maps/usfs::range-allotment-feature-layer/about> (No longer available as of 1/9/26)

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