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BLM's Livestock Program Ravages Public Lands and Rips Off the Taxpayer Public Lands Grazing Merits Far Stricter Oversight

Testimony to the House Natural Resources Subcommittee on Federal Lands

By

Public Employees for Environmental Responsibility (PEER)

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Chair McClintock, Ranking Member Hanabusa, and other Subcommittee Members, my name is Kirsten Stade, Advocacy Director for Public Employees for Environmental Responsibility (PEER), on whose behalf I submit this testimony which we request be added to this hearing record.

For 25 years, PEER has monitored the U.S. Bureau of Land Management (BLM) commercial livestock grazing program. Our principal informants have been BLM's own range conservations, biologists, hydrologists, and law enforcement rangers. We have also obtained, often through Freedom of Information Act (FOIA) litigation, BLM's own performance records on this program. Based upon this information and as detailed below, we want to share five basic conclusions with this panel:

- 1. BLM's Grazing Program Drives Seriously Deteriorating Conditions on the Public Range;***
- 2. BLM Ignores What Appears to be Rampant Illegal Grazing;***
- 3. BLM's Grazing Program Lacks Sufficient Staffing to Be Properly Administered;***
- 4. The American Taxpayer Heavily Subsidizes BLM Public Land Grazing and Receives No Identifiable Compensatory Benefit; and***
- 5. Political Pressure – Such as This Hearing – Keeps America's Rangelands a Fact-Free Zone.***

The basis for each of these conclusions is detailed, as follows:

BLM's Grazing Program Drives Seriously Deteriorating Conditions on the Public Range
BLM's own records, obtained by PEER via a FOIA lawsuit, indicate that vast expanses of the Sagebrush West remain in degraded conditions due to excessive commercial livestock grazing. These BLM assessments measure how well federal rangelands are protected from damaging overgrazing.

Covering the period from 2013 through 2015, data reflect the number and land area of grazing allotments that are meeting or failing to meet rangeland health standards across 150 million acres in thirteen Western states – a total land area approaching that of the entire State of Texas. They reveal that –

- More than one-third of these federal rangelands – some fifty-nine million acres, or an area about the size of Oregon – have never been assessed. Moreover, the rate of acreage being assessed in these years has fallen by more than half. At the current rate, it would take nearly twenty years to complete the assessments, by which time most previous assessments (which began in 1998) would be outdated;
- Of total acres assessed by 2015, more than one-third fail to meet BLM's own Standards for Rangeland Health reflecting minimum quality of water, vegetation and soils, as well as the ability to support wildlife – a total of forty million acres, approximately the area of Washington State. The overwhelming portion (more than 70%) of range health failure is due to livestock overgrazing in allotments covering more than thirty million acres, an area the size of New York State; and
- Both annual and cumulative totals over these three years show little improvement, including millions of overgrazed acres where BLM admits “no appropriate action has been taken to ensure significant progress toward meeting the standards.”

As disturbing as they are, these numbers may be underestimates. They are based on BLM's own self appraisals which, in many cases, are more than a decade old and count lands “making significant progress toward meeting the standards” together with lands fully meeting standards, thus further obscuring actual on-the-ground conditions.

In short, even a rosy reading of these numbers suggests that BLM is a lousy landlord for America's rangelands.

Further, it took litigation to pry these numbers out of BLM because the agency was trying to bury the data. BLM had suspended its Rangeland Health displays after 2012, claiming that it was developing new data reporting and mapping methodologies. By 2016, however, BLM was unable to produce any documents describing its efforts to improve range data collection in response to a PEER FOIA lawsuit filed after the agency failed to answer its request about the status of these efforts.

These data were restored to resolve a PEER administrative complaint filed under the Data

Quality Act, a law that requires federal reports, especially those statistical in nature, to be complete, unbiased, and of the highest accuracy and utility. The complaint demands that BLM retract its 2013 Rangeland Inventory, Monitoring, and Evaluation (RIME) report and reissue it with the full scope of data. The above numbers reflect the full and updated data.

Significantly, the agency rebuffed PEER suggestions that its range health methodology undergo independent peer review. Consequently, these data are the only official assessment of range land conditions that we know about.

Copies of all these data are displayed on the PEER website. In addition, PEER has assembled a grazing website featuring an interactive map combining BLM range health data with high resolution satellite imagery to compare visible on-the-ground conditions versus BLM claims. This allows observers to validate the actual state of range health with their own eyes.

BLM Ignores What Appears to be Rampant Illegal Grazing

Grazing trespass occurs when a rancher grazes more livestock than allowed by his/her permit or releases livestock on public lands without a permit, as the notorious Bundy family has flagrantly done in southern Nevada for the past two decades. In 1990, the Government Accountability Office issued a damning report concluding that BLM lacked any effective controls on illegal grazing. At that time, BLM agreed to implement all five of the GAO recommendations; by last year, it had only implemented one.

In 2016, GAO revisited this same topic but found little had changed. Again, BLM accepted all of the BLM recommendations. A year after this latest report, PEER asked BLM what it had done this time to implement the GAO recommendations and how much illegal grazing it had detected during the past year. BLM did not respond, so PEER filed yet another Freedom of Information Act lawsuit to compel answers. The latest GAO report highlighted three major challenges:

- BLM does not record what appear to be the vast majority of grazing trespasses but does report 859 illegal grazing incidents from 2010 through 2014, yielding \$426,000 in fines;
- Compliance inspections are not a high priority. Some allotments are seldom visited, diminishing inspections' deterrent effects. On average, each BLM range staff member is responsible for approximately 85,000 acres, an area more than twice the size of Washington, DC; and
- BLM has not updated its procedures since 1987, and the procedures no longer reflect BLM's actual practices.

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 the summer of 2017, 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.

BLM did not get around to updating its out-of-date 1987 handbook, either.

Moreover, BLM still does not track the hundreds of grazing trespasses GAO estimates occur each year. In response to the PEER suit, BLM has yet to produce information itemizing illegal grazing occurring just during the past year. It has only been able to produce records covering four of thirteen Western Range states, and BLM does not believe it can account for grazing trespass incidents in the other nine states by the end of the calendar year.

Since it does not monitor grazing trespass, BLM is unable to assess the damage done by illegal grazing to range vegetation, soil, and waters. In response to a December 2016 PEER range survey of BLM range staff in nine Western states, less than half felt that “BLM effectively deals with grazing trespass” while more than half agreed that “range management decisions are more driven by politics than resource protection.”

To put this issue into perspective, grazing trespass is a form of theft against the public. It is a crime that goes to the core of BLM’s custodial mission. There is no more fundamental facet of resource stewardship than guarding against that resource being stolen. Yet, illegal grazing is an apparently widespread pattern of offenses that BLM chooses to ignore.

BLM’s Grazing Program Lacks Sufficient Staffing to Be Properly Administered

That 2016 PEER survey also asked BLM staff if the Agency had sufficient resources to accomplish its mission. Here was the response broken down by specialty:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	No Response
All Responses	2%	23%	7%	48%	19%	0%
Archaeology	0%	29%	8%	45%	18%	0%
Fire	6%	22%	8%	53%	12%	0%
Management	4%	12%	0%	68%	16%	0%
Range	2%	28%	6%	47%	16%	0%
Science/Ecology	2%	21%	8%	45%	23%	0%

In essay questions addressing what should be BLM’s top priority, range staff wrote:

“Getting the funding to the field office. On the ground work cannot be accomplished without enough staff—specialists and support staff.”

“Funding to fill vacant positions – more than 20 in our office.”

“Hiring more seasonals & entry level positions to help with the workload and get things done!”

“Advocating for a greatly increased budget so we can hire the workers we need, especially seasonal employees, to conduct vitally important field work.”

“If Washington wants us to keep doing all the new stuff they continuously throw on our plates, they better give us the people and resources to get the job done. Quit giving us more and more stuff to do! We are all swamped with our work load.”

“Need money to hire range jobs within my field office to do my work load every year.”

“Giving us the staff we need to manage vast acreages!”

“Put people, more people, in the programs we are required to manage by law & regulation. The grazing program in NM has been less people, reduced workforce, so you get creative with contracting to get help from partners to do such things as monitoring or contracting permit renewals.”

From what we can tell in directly contacting BLM range staff, the overwhelming majority believe that they are insufficiently staffed to operate this program.

The American Taxpayer Heavily Subsidizes BLM Public Land Grazing and Receives No Identifiable Compensatory Benefit

In February 2018, BLM and the U. S. Forest Service (USFS) cut federal grazing fees down to \$1.41 per animal unit month (AUM) for both agencies, a 25% decrease from \$1.87 per animal unit in 2017. The 2016 rate was \$2.11.

This new \$1.41 federal rate is a small fraction of the private grazing-land rental rates in the same Western states. According to the most recent data from USDA’s National Agriculture Statistics Service, comparable grazing fees would range from \$9 per AUM in Arizona to \$41 per AUM in Nebraska. The state average for the sixteen states where the \$1.41 federal rate is being charged is \$22.70 for private lands.

Not only are federal grazing fees disproportionately low, but they do not come close to covering the costs taxpayers bear for the program. According to a review by the Center for Biological Diversity, receipts from grazing fees were \$125 million less than federal appropriations in 2014 for both BLM and USFS grazing programs – a cost-versus-revenue imbalance that is only growing larger.

This taxpayer subsidy is even greater when all indirect costs are thrown into the balance. For example, the U.S. Fish and Wildlife Service administers Endangered Species Act reviews and programs to protect species listed as threatened or endangered resulting from harm by livestock grazing. Altogether, public lands grazing is a contributing factor to the endangerment of 22% of all federally listed threatened and endangered species.

Further, USDA’s Wildlife Services spends money and dispatches personnel to kill thousands of native wildlife – from coyotes to prairie dogs – each year in tax-supported efforts to protect public lands livestock from predation or injury.

Any tally of indirect costs should also include the toll on the affected lands and their functionality. As discussed above, commercial operations on BLM lands are degrading the environmental health and conditions of the Western range. In addition, increased desertification, growing vulnerability to wildfire, and the spread of invasive species are only some of the costly side-effects of this heavily subsidized program. It is also a major contributor to non-point source water pollution.

By contrast, it is difficult to discern a single benefit flowing to the average taxpayer.

It is no wonder then that public lands grazing on the federal range is called “welfare ranching.” Adding insult to industry, public lands grazing proponents have the gall to complain that this gift of federal funds is not always gift-wrapped to their liking.

Political Pressure – Such as This Hearing – Keeps America’s Rangelands a Fact-Free Zone

During the Obama administration, BLM received \$40 million of stimulus funds to conduct the largest scientific study in its history. The study was an ambitious plan to map ecological trends throughout the Western U.S. The idea was to conduct “Rapid Ecoregional Assessments” in each of the six main regions (such as the Colorado Plateau and the Northern Great Plains) covering the vast sagebrush West. A central task was choosing the “change agents” (such as fire or invasive species) which would be studied.

Yet when the scientific teams were assembled at an August 2010 workshop, BLM managers informed them that grazing would not be studied due to anxiety from “stakeholders,” fear of litigation and, most perplexing of all, lack of available data on grazing impacts, according to meeting minutes.

Exclusion of grazing was met at that time with protests from the scientists. Livestock grazing is permitted on two-thirds of all BLM lands, with 21,000 grazing allotments covering 157 million acres across the West. As one participating scientist, quoted in workshop minutes, said:

“We will be laughed out of the room if we don’t use grazing. If you have the other range of disturbances, you have to include grazing.”

In the face of this reaction, BLM initially deferred a decision but ultimately opted to –

- Remove livestock grazing from all Ecoregional assessments, citing insufficient data. As a result, the assessments do not consider massive grazing impacts even though trivial disturbance factors such as rock hounding are included; and
- Limit consideration of grazing-related information only when combined in an undifferentiated lump with other native and introduced ungulates (such as deer, elk, wild horses and feral donkeys).

So, for purposes of this study, BLM took the peculiar official position that it can no longer distinguish the landscape imprint of antelope from that of herds of cattle. The net result was that

BLM chose to ignore public lands grazing, even though it was one of the few “change agents” within the agency’s mandate to manage.

In November 2011, PEER filed a complaint alleging scientific fraud by BLM in violation of the Department of Interior’s Scientific Integrity Policy.

More than a year later, Louis Brueggeman, a fire program manager given the collateral duty to serve as the BLM Scientific Integrity Officer, rejected the PEER complaint in a letter dated January 2, 2013. Mr. Bueggeman concluded that the PEER complaint had “no merit” since the decision to exclude grazing was reached independently by study team leaders (all BLM managers) solely for “technical reasons” relating to the “lack of sufficient existing data” about livestock impacts.

This conclusion does not hold water because:

- Attempts to exclude grazing began at the earliest stages of the study, before data availability was even examined. Further, BLM assertions of data gaps were never examined, let alone verified;
- Other factors being studied, such as invasive species, also have much larger data gaps but these issues did not prevent invasive species from being selected as a study focus; and
- BLM managers hid the existence of a major livestock database which was never given to researchers. That national database had been assembled under contract to BLM by the U.S. Geological Survey.

The upshot was that BLM refused to include the biggest disturbance factor on Western range lands, commercial livestock grazing, in any scientific landscape assessment. This is like the National Weather Service saying it will no longer track storms because it lacks perfect information.

Yet, one message was unmistakable. BLM regards its commercial grazing program as an untouchable third rail, one that cannot be touched for fear of political retribution. Today’s hearing is a perfect illustration of this know-nothing dynamic. The leadership of the House Subcommittee on Federal Lands has no interest in determining or even exploring the actual conditions on the largest portion of federal lands within its jurisdiction. Nor does it want the BLM to improve its ability to monitor landscape health. Instead, it wants to solicit anecdotal complaints from self-serving witnesses.

It is then not a surprise that BLM assiduously avoids any honest appraisal of impacts flowing from this special interest boondoggle. It knows that it cannot absorb the political pound of flesh that would surely be exacted by the “stakeholder” lobby.

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