R-CALF USA
PO Box 30715
Billings, MT 59107
Phone: 406-252-2516
Fax: 406-252-3176
Email: r-calfusa@r-calfusa.com
www.r-calfusa.com

July 13, 2026

Stevan Pearce, Director
Bureau of Land Management
U.S. Department of the Interior
1849 C St. NW, Room 5646
Washington, DC 20240

Via Federal eRulemaking Portal: https://www.regulations.gov.

Re: R-CALF USA Comments: Revision of Regulations for Grazing Administration, Exclusive of Alaska. Proposed Rule, Docket No. BLM-2026-0001; A2407-014-004-065516, #O2509-014-004-125222; LLHQ220000

Dear Director Pearce,

The Ranchers Cattlemen Action Legal Fund United Stockgrowers of America ("R-CALF USA"), appreciates this opportunity to submit comments regarding the Bureau of Land Management's (BLM's) proposed rule: *Revision of Regulations for Grazing Administration, Exclusive of Alaska* () (herein referred to as the "Proposed changes"), published at 91 Fed. Reg., 26,952-885 (May 12, 2026).

As the nation's largest cattle-producer-only trade association, R-CALF USA represents independent, family-scale cattle and sheep producers across the United States. These U.S. cattle producers raise the livestock that supply American beef and lamb, and in the western parts of the country, they depend on private, state and federal lands to raise their herds. Given that the BLM manages more than 247.3 million acres across the western United States, of which over 155 million acres is grazed, the decisions made by the BLM disproportionately impact our nation's western cattle and sheep herds.

The Proposed Changes, revising, updating and improving how the BLM manages grazing on federal lands, are a long-needed step in the right direction. As an overarching introductory statement, we largely support and commend the Proposed Changes, particularly as it relates to improved rangeland health evaluations, permit eligibility requirements, and improved appeals processes.

It's concerning to our organization that in recent decades it seems a radical agenda to reduce grazing on western federal lands has taken root in many of our federal agencies, and our western herds have decreased on federal lands as a result. While it's difficult to quantify an exact number of how many AUMs have been lost on BLM land since 1934 (passage of the Taylor Grazing Act or TGA), according to one source "since 1954 there has been a 52.2% reduction in the number of AUMs – from 18.2 million to about 8.7 million" a net loss of 9.5 million AUMs on BLM lands in the western states.

With our nation's cattle herd being the smallest since 1951, there is a desperate need to rebuild not only our domestic cattle herd, but our sheep herd as well. Restoring common-sense management to BLM land grazing, restoring reduced and suspended AUMs, and protecting private property interests of federal land grazers has never been more important.

That said, please consider the following comments and suggestions to further improve the manner in which grazing is administered by the BLM as you finalize the BLM's grazing regulation revisions.

1. **Production-Oriented Livestock**

Across the western United States, we have sadly seen absentee landlords, environmental NGOs and anti-grazing corporations and groups purchase grazing allotments, and then essentially "moth ball" them by either running the bare-minimum number of livestock or by taking year after year of non-use (in violation of existing substantial use rules). These efforts have contributed greatly to the loss of grazing in the west and have resulted in *de facto* conservation leases and retirement of grazing allotments. As such, R-CALF USA is particularly pleased to see the new updated definition of "production-oriented livestock" included in the mandatory qualifications for permit issuance.

This new requirement does much to ensure consistency with the original intent of the TGA and prevents grazing permits being issued for other purposes like *de facto* preservation or conservation. With the repeal of the BLM's disastrous Public Lands Rules (*i.e.,* the conservation rule) and with it the disallowance of the issuance of so-called "conservation leases" this new requirement helps to ensure that grazing allotments are actually being put to use, not being used for *de facto* conservation leasing. The TGA states that grazing allotments are considered "*chiefly valuable for grazing*" and may only be retired once the Secretary determined they are no longer "*chiefly valuable for grazing*." *See* DOI *Solicitor's Opinion M-37008* (2002); *see also* DOI, *Solicitor's Opinion Clarification of M-37008* (2003). Requiring that eligibility rests in part on a permit holder actually being engaged in a production-oriented livestock business ensures grazing allotments remain devoted to that original intent expressed in the TGA and that allotments are not "retired" by *ultra vires* means.

2. **No-Net-Loss of AUMs**

Generally speaking, it seems that the BLM's proposed revisions of the grazing regulations at both 43 CFR Part 1700 and 4100 further the goals set forth in the 2025 "*USDA Plan to Fortify the American Beef Industry*" (Beef Plan) as well as the 2026 "*Advancing Grazing on Forest Service and BLM Lands MOU*" (Grazing MOU).

Turning to the Grazing MOU, in Section IV(1) the BLM and USFS agreed to *"consistent with applicable law, seek to take appropriate actions to implement a goal of a no net loss of Animal Unit Months (AUMs) within allotments. The Parties will seek to mitigate issues before permanently reducing AUMs or vacating an allotment…"* R-CALF USA agrees with this overarching goal of no net loss of AUMs, particularly in light of the drastic loss of AUMs in the West as noted before. However, it does not appear that this goal stated in the Grazing MOU is contained anywhere in the Proposed Changes.

On this note, please consider a new section within the BLM regulations, which (consistent with the 2026 Grazing MOU) could read:

> Active AUMs within allotments must remain at or above current levels unless a scientific need for temporary suspension is demonstrated pursuant to Part 1700. Once rangeland carrying capacity has been restored, pursuant to rapid landscape-scale condition assessments and land health evaluations, AUMs in suspension will be returned to active status at the earliest possible moment in accordance with Part 4110.3-1 and Part 4110.3-2.

One of the Taylor Grazing Act's stated purposes is to "*stabilize the livestock industry dependent upon the public range*." Not only would a codified "no-net-loss" of AUMs policy further the goals from the 2025 Beef Plan and

2026 Grazing MOU, but where a continued loss of AUMs on BLM land has (in fact) destabilized the industry, a no-net-loss policy would help restabilize the industry, consistent with the TGA.

3. Consistency with USFS Directive

Following the release of the 2025 Beef Plan and the 2026 Grazing MOU (pertinent to both BLM and USFS) in June 2026, the U.S. Department of Agriculture through its U.S. Forest Service (USFS) issued a comprehensive document to all its line officers entitled *"Line Officer Implementation of the Advancing Grazing on Forest Service and BLM Lands Memorandum of Understanding and the USDA–DOI Grazing Action Plan"* (the USFS Directive"). This directive (while obviously applicable only to USFS not BLM) contained detailed, pointed directives to USFS personnel implementing the broader goals from the Beef Plan and Grazing MOU. These directives contained instruction on issues such as restoring suspended AUMs, streamlining NEPA analyses, coordinating fire response, and re-issuing vacant and closed allotments.

Again, obviously the USFS Directive applied to USDA employees, not to the BLM. However, it appears that the BLM and USFS worked hand-in-hand on both the Beef Plan and the Grazing MOU, and the USFS Directive only provided further fine-point implementations for both of them. Thus, we would simply suggest that as the BLM finalizes the Proposed Changes, it reviews the USFS Directive and uses it as a model to incorporate (as appropriate) elements of the USFS Directive that may be modified to fit BLM statutory authorities, goals, rules and the Proposed Changes to bring greater consistency between grazing implementation by both BLM and USFS.

4. Update Regulatory Language on Security

Section 43 CFR 4130.9 of the BLM regulations currently reads:

> Grazing permits or leases that have been pledged as security for loans from lending agencies shall be renewed by the authorized officer under the provisions of these regulations for a period of not to exceed 10 years if the loan is for the purpose of furthering the permittee's or lessee's livestock operation, *Provided*, That the permittee has complied with the rules and regulations of this part and that such renewal will be in accordance with other applicable laws and regulations. While grazing permits may be pledged as security for loans from lending agencies, this does not exempt these permits from the provisions of these regulations.

The Taylor Grazing Act dictates that if the "*grazing unit*" is "*security for any bona fide loan*" then the permittee shall not be denied the renewal of the permit. 43 USC 315b. The TGA makes no requirement that the loan be taken to further the livestock operation, nor that it be from a lending agency, only that it be "*bona fide*".

To better reflect the language of the TGA, may we suggest rewording **43 CFR 4130.9** to read:

> If a grazing unit (meaning the grazing permit together with the permitted grazing allotment, associated base property and grazing preference, expressed in AUMs) has been pledged as security for any bona fide loan, such permit shall be renewed by the authorized officer under the same permit terms and conditions, and provisions of these regulations, for a period of not to exceed 10 years, *Provided*, That the permittee has complied with the rules and regulations of this part and that such renewal will be in accordance with other applicable laws and regulations.

> While grazing permits may be pledged as security for loans, this does not exempt these permits from the provisions of these regulations.

5. Redefining Substantial Use

As noted in the BLM's Proposed Changes, "the BLM is specifically soliciting comment as to whether the agency should define 'substantial use' as used in section 4140.1(a)(2)." By putting a quantifiable number in this "use-it-or-lose-it" provision, it may help to reduce ambiguity as producers determine whether they are in compliance, create consistency between BLM and USFS rules, and encourage the actual use of allotments (*i.e.,* prevent "conservation use" in practice). As such, we recommend adding a provision to 43 CFR 4140.1(a)(2) that **"substantial use" means 90% stocking rate**, similar to current USFS rules.

6. Return to Pre-1995 Regulatory Provisions Relating to Range Improvement Title

The pre-1995 regulations on cooperative agreements gave the United States full title to "nonstructural" improvements, such as spraying for weeds, and to "non-removable improvements," such as wells. 43 CFR 4120.3-2 (1994). But for "structural or removable improvements," such as fencing and stock tanks, the regulations shared title between the permit holder and the United States "in proportion to the actual amount of the respective contribution to the initial construction." *Ibid.* For range improvements made pursuant to permit, the pre-1995 regulations gave the permittee "title to removable range improvements." 43 CFR 4120.3-3(b) (1994).

In *PLC v. Babbitt,* 529 U.S. 728 (2000), the Supreme Court noted that as it relates to the landowner:

> [T]he Secretary did grant ownership rights to range improvements under certain circumstances prior to 1995. We see nothing in the statute that prevents him from changing his mind in respect to the future. And the Secretary has now changed his mind for reasons of administrative convenience…in short, we find nothing in the statute that denies the Secretary authority reasonably to decide when or whether to grant title to those who make improvements.

Under *PLC*, the Supreme Court has explicitly stated that the Secretary can "*change his mind*" as to when and how to grant title to improvements and he has the "*authority reasonably to decide when or whether to grant title to those who make improvements*." By that reasoning, a return to the pre-1995 regulations in this regard would be fully within the Secretary's authority. The BLM currently acknowledges that permittees may already own an interest in range improvements. *See* 43 CFR Section 4110.2-3, 4110.4-2(b), 4120.3-5, 4120.3-6(c). Thus, under these authorities it seems fully within the BLM's ability to amend Section 4120.3-2 to reflect the pre-1995 regulatory language.

7. Examining the Potential to Reinstate TGA District Advisory Boards (*i.e.*, Grazing Boards)

Many problems facing federal land ranchers require local solutions, and could be resolved at local levels. The TGA was amended in 1939, adding what is now 43 U.S.C. §315o-1, which created a "board of grazing district advisers" for each Taylor Grazing District. The intent was that for every Taylor Grazing District, there was to be an elected board consisting of ranchers within that district who meet annually.

According to Section 315o-1(b), each TGA district advisory board is tasked with the following duties:

> Each board shall offer advice and make a recommendation on each application for such a grazing permit within its district: *Provided*, That in no case shall any grazing district adviser participate in any advice or recommendation concerning a permit, or an application therefor, in which he is directly or indirectly interested. Each board shall further offer advice or make recommendations concerning rules and regulations for the administration of this subchapter, the establishment of grazing districts and the modification of the boundaries thereof, the seasons of use and carrying capacity of the range, and any other matters affecting the administration of this subchapter within the district. Except in a case where in the judgment of the Secretary an emergency shall exist, the Secretary shall request the advice of the advisory board in advance of the promulgation of any rules and regulations affecting the district.

In sum, each TGA district advisory board is statutorily tasked with offering advice and recommendations on new grazing permits, seasons of use and carrying capacity, as well as "any other matters affecting the administration". Further, it states that the Secretary shall request the board's advice before promulgating rules and regulations affecting that district.

Unfortunately, under Section 403 of the Federal Land Management Policy Act, many of these TGA advisory boards and the subsequent advisory boards created by the Federal Land Policy and Management Act (FLPMA) were "sunsetted" and replaced with Resource Advisory Councils or RACs under the Federal Advisory Committee Act (FACA). As a result, in most parts of the west, there are no grazing boards left at all, and what little local input ranchers have into their grazing allotments and management within their grazing district, is accomplished through RACs. However, as originally implemented the grazing advisory boards were intended to give actual ranchers within that grazing district a voice and a say in the management of those rangelands they invest their time, sweat, money and lives into. By reducing representation to a RAC comprised of various, statutorily required interests, it dilutes those invested ranchers' input into mere suggestions on par with the general public.

The BLM's Proposed Changes propose to amend Section 4120.2 by (in part) removing *"the requirement for consultation, cooperation and coordination with the resource advisory council (RAC) having responsibility for managing resources within the area to be covered by the plan when preparing, revising, or terminating an AMP…"* While we largely agree with that decision, may we suggest replacing "Resource Advisory Council" with the "Grazing District Advisory Board."

The same suggestion, for the same reason, would apply to the changes being made to Section 4120.3-8, as well as the new Section 1700. When removing references to RACs, replace with the applicable Grazing District Advisory Board. Anything that can be done to strengthen these advisory boards, instead of RACs, will give actual ranchers more say in management of the range. Further, the TGA states, in no explicit terms, that the Secretary shall request the advice of these boards prior to promulgating any rules or regulations affecting that district.

Certainly, the Proposed Changes effort to streamline and simplify grazing processes by removing the requirement to consult with RACs (and the "interested public") is understandable, and agreed with. However, by looking at ways to increase rancher participation in local grazing boards as a first level of problem solving and coordination may help to resolve many of the problems surrounding grazing administration. Many local issues could be resolved (or at least addressed) through these local grazing boards, which also will help restore local trust and input in grazing administration.

While re-instating these grazing boards may not currently be within the BLM's authority due to FLPMA Section 403(f), we still encourage the BLM to examine all potential, legally appropriate methods to reinstate the TGA grazing advisory boards, or create a similar committee under existing authorities such as FACA.

In conclusion, we again thank the BLM for these attempts to implement the Proposed Changes, and modernize/improve the BLM's grazing regulations for the first time (largely) since 2006 and 1995. We thank you for the positive change contained in these Proposed Changes, and respectfully urge you to consider the suggestions contained in this comment letter.

Sincerely,

Bill Bullard, CEO

R-CALF USA
PO Box 30715
Billings, MT 59107
Phone: 406-252-2516
Fax: 406-252-3176
Email: r-calfusa@r-calfusa.com
www.r-calfusa.com

July 13, 2026

Stevan Pearce, Director
Bureau of Land Management
U.S. Department of the Interior
1849 C St. NW, Room 5646
Washington, DC 20240

Via Federal eRulemaking Portal: https://www.regulations.gov.

Re: Addendum to R-CALF USA Comments: Revision of Regulations for Grazing Administration, Exclusive of Alaska. Proposed Rule, Docket No. BLM-2026-0001; A2407-014-004-065516, #O2509-014-004-125222; LLHQ220000

Dear Director Pearce,

On this date, R-CALF USA submitted comments in the above captioned docket. We wish to add additional information to our initial comments.

Item No. 5 in our original comments is copied in full below.

5. **Redefining Substantial Use**

   As noted in the BLM's Proposed Changes, "the BLM is specifically soliciting comment as to whether the agency should define 'substantial use' as used in section 4140.1(a)(2)." By putting a quantifiable number in this "use-it-or-lose-it" provision, it may help to reduce ambiguity as producers determine whether they are in compliance, create consistency between BLM and USFS rules, and encourage the actual use of allotments (*i.e.,* prevent "conservation use" in practice). As such, we recommend adding a provision to 43 CFR 4140.1(a)(2) that **"substantial use" means 90% stocking rate**, similar to current USFS rules.

With respect to our recommendation that "substantial use" means 90% stocking rate, we request the Bureau of Land Management to provide a phase-in over a period of three to five years to achieve the recommended 90% stocking rate. By providing such a phase-in, beginning ranchers who may not yet have the resources to achieve a stocking rate of 90% upon their successful acquisition of a new allotment may yet be able to achieve that rate over three to five years. A beginning rancher may need that additional time to build their herd through the process of retaining breeding heifers or obtaining additional financing after the initial year's start-up.

Without such a phase-in, it will likely be difficult for a beginning rancher to achieve the recommended 90% stocking rate during their first couple of years of grazing.

Sincerely,

Bill Bullard, CEO