



May 5, 2003

Director (630)
Bureau of Land Management
Eastern States Office
7450 Boston Boulevard
Springfield, Virginia 22153
Attention: RIN 1004-AD42

**Re: Advanced Notice of Proposed Rulemaking on Changes to Regulations governing BLM
Grazing Administration Program.**

Dear Sir/Madam:

The National Association of State Departments of Agriculture (NASDA) appreciates the opportunity to comment on the Bureau of Land Management's (BLM) proposed amendments on possible changes to the Grazing Administration Program.

NASDA represents the commissioners, secretaries, and directors of the state departments of agriculture in the fifty states and four territories. Our members support the protection of the environment and the wise use of our natural resources. We support BLM's commitment to making changes in the Grazing Administration Program that reflect the Secretary of Interior's "4C's" philosophy of "consultation, cooperation, and communication all in the service of conservation." For years, the grazing of domestic livestock on federal rangelands has generated controversy that has resulted in legislative and regulatory proposals that are not always in the best interests to farmers and ranchers, best land management practices, and environmental objectives. NASDA shares the stated goals of BLM to consider changes that will: (1) enhance community-based conservation and citizen-centered stewardship; (2) improve BLM business practices; and (3) provide greater flexibility for the manager and permittee. We believe that implementation of a sound grazing administration program based on state and local priorities and partnerships will result in improved environmental benefits while improving the economic health of farmers and ranchers.

The last administrative effort to revise the management process for livestock grazing on federal rangelands was Rangeland Reform '94, and culminated in the current regulations which govern livestock grazing on both the public lands and the national forests. We believe that any proposal for the management of livestock grazing on the federal rangelands should embrace the concept that management objectives must be based on the philosophy of multiple use and sustained yield. The administration of grazing domestic livestock on the federal rangelands should recognize and consider the following general principles:

- The grazing fee and fee formula must provide for a reasonable return to the federal government while insuring that federal land grazing permittee and lessees are afforded the ability to retain viable and productive livestock operations. The fee must also be non-punitive in nature to encourage the continued private investment of time and monies into the improvement of the condition of the federal rangelands.



- Allow for the development of allotment management plans using the principles of careful and considered consultation, cooperation, and coordination to insure that appropriate grazing management practices are implemented which are necessary to meet specific multiple-use management objectives to insure that appropriate grazing management practices are implemented which are necessary to meet specific multiple-use management objectives, and maintain the economic viability of the livestock operation. In addition to achieving multiple-use management objectives, utilize monitoring methodologies that will determine the appropriateness of the management practice(s) implemented.
- Standards and guidelines for rangeland health that are identified as appropriate and necessary for the effective management of the nation's rangelands shall be developed on a state or regional level in cooperation with the state department of agriculture, natural resource conservation service, and the land-grant university of each interested state. This will ensure that the standards and guidelines reflect the indigenous and existing resource conditions and management requirements specific to each state.
- Any resource advisory process which provides the federal land management agencies with advice or recommendations concerning the federal lands livestock grazing management program shall be implemented in consultation with the governors of the affected states.
- The Secretaries of the Interior and Agriculture, upon the petition of a simple majority of the livestock permittees and lessees for each administrative unit for which the petition originates, shall establish and maintain at least one Grazing Advisory Council. The function of the Council shall be to provide the federal land management agencies with advice concerning the grazing of livestock on public lands to include the planning, development, and implementation of range improvement objectives, the expenditure of range improvement funds, grazing management programs, and range management decisions and actions at the term grazing permit or lease and allotment management plan level.
- Title to structural range improvements on federal lands necessary for the proper administration and management of the federal rangelands resource shall be in the name of the federal government and the permittee or lessee in proportion to the value of the original contributions toward the initial cost of construction. This will continue to encourage investment for improved management on federal rangelands as well as facilitate cooperative endeavors for implementing range improvements.
- The use and appropriation of water rights by any entity, including the federal government, shall be in accordance with state law. Any proposal, either administrative or legislative, shall not create an expressed or implied reservation or water rights in the name of the United States. Additionally, with regard to the management deemed necessary for the livestock grazing programs on the federal rangelands, the Secretaries of the Interior and Agriculture shall follow state law with regard to water ownership.
- Applicants, permittees, lessees, and lienholders shall have the opportunity to protest proposed decisions developed by the federal land management agencies relating to any and all provisions of the term grazing permit or lease. Applicants, permittees, lessees, and lienholders shall also have the opportunity to appeal a final decision of the land management agencies concerning any and all provisions of the term grazing permit or lease. An appeal of a final decision shall suspend the effect of the final decision pending final action on the appeal unless the decision is made based on the determination that imminent and irreversible damage to land resources would likely

result from delay of implementation of the final decision. Applicants, permittees, lessees, and lienholders should have the opportunity to mediate any disputed decisions with federal land management agencies regarding any and all provisions of a term grazing permit or lease. Mediation services should be provided by state mediation programs certified under section 502 of the Agricultural Credit Act of 1987 and other appropriate federal legislation.

- The issuance of a term grazing permit or lease that is consistent with a land use plan developed by and compliant with the provisions of the National Environmental Policy Act (NEPA) shall not be considered to be a major federal action requiring the conduct of any additional study or assessment under NEPA. "In cases where impacts are identified to be occurring on federal lands requiring NEPA analysis of the grazing administration of a term grazing permit or lease, and a term grazing permit or lease expires prior to the completion of the NEPA analysis, the term grazing permit or lease shall be issued, reissued, or transferred using the same terms and conditions as contained in the expiring permit until such time as the terms and conditions may require modification under a NEPA compliant record of decision.
- Recognize that additional stability in the form of term permit or lease tenure length encourages private investment in the federal rangelands, promotes long term planning and management efforts, and provides an environment of continued cooperation and coordination between grazing permittee and lessees and the land management agencies; therefore, to ensure that these benefits continue, term grazing permits and leases shall be issued for a term longer than ten years.
- The Secretary of Interior should use local law enforcement authority when enforcing Federal laws and regulations. Per Section 303 of the Federal Land Policy and Management Act the Secretary has the authority to "offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such [Federal] laws and regulations." Furthermore the Secretaries of the Interior and Agriculture should be cognizant of state law and due process related to their enforcement actions.
- Any administrative or legislative proposal addressing the management of grazing domestic livestock on federal lands must apply to the BLM as administered by the Secretary of the Interior and the Forest Service as administered by the Secretary of Agriculture.

NASDA appreciates the opportunity to provide these comments and stand ready to work with BLM as grazing administration rules are developed and implemented.

Sincerely,

Frank A. DuBois
Chairman, NASDA Natural Resources & Environment Committee
Director/Secretary, New Mexico Department of Agriculture