

Comment on Advancing Outcome-Based Grazing on Public Rangelands

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Main Points

- Rigid federal grazing rules often limit innovative and adaptive management needed to address rangeland health challenges across the American West.
- Outcome-based grazing provides a flexible, collaborative model that rewards stewardship, empowers ranchers, and fosters healthier landscapes.
- The Department of the Interior should permanently authorize and expand the Bureau of Land Management's (BLM) outcome-based grazing program and reduce unnecessary procedural and regulatory barriers to its use.

The Property and Environment Research Center (PERC) respectfully submits this comment in response to the Department of the Interior's (DOI) request for recommendations to reduce regulatory burdens while promoting responsible stewardship of America's public lands and resources. Specifically, we recommend that the DOI permanently authorize and expand outcome-based grazing approaches and streamline the regulatory processes that hinder their adoption.

This reform is rooted in growing evidence that outcome-based grazing systems can improve ecological outcomes while empowering local land managers and ranchers to innovate and adapt. This approach recognizes that those closest to the land are often best positioned to make informed, timely decisions about how to manage it sustainably. Outcome-based grazing empowers ranchers with flexibility while ensuring the long-term health of America's public rangelands.

The Property and Environment Research Center and Public Lands Grazing Reform

PERC is the national leader in market solutions for conservation, with over 45 years of research and a network of respected scholars and practitioners. Through research, legal and policy analysis, and innovative field conservation programs, PERC explores how aligning incentives for environmental stewardship can produce lasting benefits for land, water, and wildlife.

PERC has examined the federal grazing framework in depth. In a 2023 law review article, PERC provides a detailed blueprint for transitioning to a more flexible, stewardship-oriented grazing regime.¹ This research underscores the promise of outcome-based grazing approaches that emphasize measurable results rather than prescriptive rules.

We've also engaged directly with ranchers, conservationists, and public land managers to identify practical barriers to innovation on federal rangelands.² Time and again, our work highlights the same theme: a need for policies that treat permittees as partners in stewardship rather than passive subjects of a one-size-fits-all system.

The Case for Outcome-Based Grazing

Federal grazing regulations are often characterized by rigid permit terms and bureaucratic micromanagement, leaving little room for experimentation, adaptive management, or localized stewardship. Yet rangelands face dynamic and localized challenges—from invasive species to drought to fluctuating wildlife populations—that require on-the-ground flexibility.³

Outcome-based grazing flips the traditional model: rather than dictate when, where, and how grazing must occur, it sets ecological goals and allows permittees and land managers to collaboratively identify the most effective ways to achieve them.⁴ For example, outcome-based grazing agreements might aim to enhance native plant cover, reduce bare ground, or protect riparian areas—giving ranchers incentives and discretion to tailor their grazing strategies accordingly.

Early pilots of this approach have shown promise.⁵ The BLM's outcome-based grazing demonstration program has enabled innovative grazing strategies that align livestock use with conservation goals. Participating ranchers have reported improved land conditions and stronger agency relationships. However, expansion has been limited due to rigid federal land grazing regulations that treat flexibility as a liability.

The BLM's outcome-based grazing program was launched in 2017 as a demonstration initiative with 11 pilot projects. The program has since been expanded through Instruction Memorandum 2025-011

¹ Shawn Regan et al., *Opening the Range: Reforms to Allow Markets for Voluntary Conservation on Federal Grazing Lands*, 2023 Utah L. Rev. 197 (2023).

² See, e.g., *Grizzly Conflict Reduction Grazing Agreement*, PERC Conservation Innovation Lab (last visited June 19, 2025).

³ See Gregg Simonds, *Sailing the Sagebrush Sea*, PERC Reports (Nov. 24, 2015) (noting that “policies that restrict the duration or season of grazing . . . can undermine the very management practices that are needed most” and that “[s]trict limits on the frequency or intensity of grazing can also hinder what we now understand to be proper rangeland management.”).

⁴ See Bureau of Land Mgmt., *BLM Offers Livestock Operators Increased Flexibility Through Outcome-based Grazing Authorizations* (Sept. 22, 2017).

⁵ See, e.g., *Outcome-Based Grazing Program: Deep Creek Ranch Q&A with Clay Pickard, Ranch Manager*, Partners in the Sage (last visited June 19, 2025) (describing the experience of Deep Creek Ranch in Hollister, Idaho, one of the BLM's outcome-based grazing pilot projects).

(Instruction Memorandum).⁶ While this policy provides important flexibility and incentives for adaptive, stewardship-oriented grazing practices, it is not a permanent program. It is authorized through a temporary Instruction Memorandum that expires in 2028 and has not yet been codified in formal BLM grazing regulations.⁷

Recommendations

1. Permanently authorize the BLM’s outcome-based grazing program

To ensure long-term certainty, continuity, and greater adoption of outcome-based grazing, the DOI should initiate a formal rulemaking process to incorporate outcome-based grazing flexibilities into BLM’s grazing regulations. Codifying these tools through regulation—rather than relying solely on a temporary Instruction Memorandum—would provide more durable legal footing for innovative grazing management and better support for long-term ecological and economic outcomes.⁸

The DOI should clarify that such programs are consistent with existing statutory authority under the Federal Land Policy and Management Act and Taylor Grazing Act and should remove any internal guidance that treats them as extraordinary exceptions. In addition, federal policy should encourage state and district offices to proactively identify and support potential outcome-based agreements.

2. Streamline environmental review processes for outcome-based agreements

Despite the demonstrated ecological and operational benefits of outcome-based grazing, its adoption across BLM-managed lands has been limited. One key barrier to broader implementation is the time-consuming and uncertain environmental review process under the National Environmental Policy Act (NEPA). While BLM’s Instruction Memorandum authorizes greater flexibility in livestock management to meet ecological objectives, its application still requires project-specific NEPA analysis, which can often be a deterrent for both BLM field offices and permittees.

To facilitate wider use of outcome-based grazing frameworks, the DOI should explore opportunities to streamline NEPA compliance, including expanded use of categorical exclusions or programmatic environmental assessments for agreements that include robust monitoring protocols and adaptive

⁶ See Bureau of Land Mgmt., *Flexibility in Livestock Grazing Management: Instruction Memorandum 2025-011* (Dec. 11, 2024). The BLM previously relied on 43 C.F.R. § 4120.2(a)(1)–(4) to incorporate flexibility into allotment management plans by allowing for adjustments in the number of livestock or season of use to respond to temporary changes in conditions outside the control of the BLM and permittee or lessee.

⁷ Notably, outcome-based grazing has garnered support from both Republican and Democratic administrations. See David McCumber, *Montana’s Tracy Stone-Manning: BLM Director Has Lots of Acres and a Big To-Do List*, Montana Standard (Jan. 3, 2022) (reporting a comment from the Biden Administration’s BLM Director, Tracy Stone-Manning, that “[t]he thought behind [outcome-based grazing] is exactly where we need to go: Determine the outcome we’re looking for on the landscape and graze accordingly”).

⁸ Codification would not mandate outcome-based terms across all permits but would formally authorize and guide their use, ensuring consistency, transparency, and broader availability of adaptive tools for permittees and field offices alike.

management plans. Streamlined review procedures for these science-based, outcome-oriented agreements would reduce administrative delays, encourage innovation, and support rangeland stewardship without compromising ecological outcomes.

3. Empower local agency staff and permittees to develop and monitor site-specific goals

To realize the full potential of outcome-based grazing, the DOI should empower BLM field staff and permittees to collaboratively develop and implement site-specific ecological objectives. BLM's Instruction Memorandum emphasizes flexibility and adaptive management, but translating that vision into practice requires a cultural and operational shift on the ground. Local agency staff should be equipped to work in partnership with permittees to identify measurable outcomes tailored to local conditions—such as improving native plant diversity or reducing invasive species—while allowing flexibility in how those outcomes are achieved.

To support this, the DOI should provide ongoing training and resources to field personnel to build capacity in ecological monitoring, data interpretation, and collaborative problem-solving. Moving from a compliance-driven approach to one focused on stewardship and shared goals will enhance trust, increase permittee engagement, and ultimately lead to better rangeland health outcomes.

4. Align incentives by allowing grazing permit holders to benefit from conservation improvements

To align incentives for conservation, the DOI should ensure that permittees who invest in improved rangeland stewardship—through better grazing practices, habitat restoration, or infrastructure upgrades—are not at risk of losing forage allocations or facing permit reductions. Reductions in actual use or residual forage can trigger administrative consequences, even when such reductions result from proactive efforts to rest or recover degraded areas.⁹ Under the outcome-based framework outlined in Instruction Memorandum, the DOI should clarify that conservation-oriented grazing decisions—such as temporarily reducing stocking rates—will not jeopardize future forage allocations. Providing regulatory assurance that voluntary improvements will not result in permit reductions will give permittees the confidence to experiment, adapt, and invest in long-term stewardship.

5. Build a framework for voluntary stewardship agreements or flexible use arrangements within the outcome-based grazing program

Outcome-based grazing can serve as a foundation for future voluntary conservation efforts on public lands. By shifting the focus of grazing management from rigid inputs to measurable outcomes, the program opens the door for innovative stewardship arrangements, including temporary rest, deferred use, or modified grazing patterns to accommodate ecological objectives. To support this evolution, the DOI should clarify its authority to allow voluntary, conservation-oriented changes in grazing use without triggering permit penalties or “nonuse” consequences. For instance, conservation organizations

⁹ See Regan et al., *Opening the Range*, *supra* n.1.

could partner with permittees to offer financial incentives to adjust timing, intensity, or location of grazing in order to benefit wildlife habitat or other ecological goals.

Building a regulatory framework for such voluntary stewardship agreements within the outcome-based grazing structure would expand the BLM's conservation toolkit, provide flexibility for permittees, and enable more collaborative land management. Clarifying legal and regulatory flexibility, including revisiting substantial use requirements and permit renewal policies, would be a meaningful step toward unlocking market-based conservation on public rangelands.¹⁰

Conclusion

Federal rangelands are some of the most ecologically and economically important landscapes in the West. To steward them effectively, the Department of the Interior must move beyond rigid, prescriptive grazing regulations and toward a system that empowers innovation, accountability, and adaptive management.

Outcome-based grazing provides a proven framework to align economic and ecological goals on public lands. It harnesses the local knowledge and on-the-ground presence of ranchers, rewards ecological improvement, and fosters collaboration between agency staff and permittees. By expanding and streamlining this approach, the DOI can reduce regulatory burdens while advancing responsible stewardship of America's rangeland ecosystems.

PERC welcomes the opportunity to assist the Department further in this effort and looks forward to continued collaboration to promote practical, results-driven conservation.

¹⁰ See Regan et al., *Opening the Range*, *supra* n.1, at 226–29 (describing the BLM's substantial use requirements and the obstacles it creates for voluntary markets for conservation on federal grazing lands).