

Comment on Promoting Flexibility and Stewardship in Federal Grazing Policy

Property and Environment Research Center (PERC)

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Main Points

- Current federal grazing policies penalize ranchers who reduce livestock numbers or temporarily rest their allotments, even when such decisions are driven by stewardship or business needs.
- These rules discourage innovation, flexibility, and voluntary conservation practices that could improve range conditions, strengthen ecological resilience, and promote long-term productivity.
- The Department of the Interior should revise agency regulations and guidance to recognize and reward good stewardship, not punish it, while reinforcing ranchers' roles as frontline conservation partners.

The Property and Environment Research Center (PERC) respectfully submits this comment in response to the Department of the Interior's request for recommendations to reduce regulatory burdens while promoting responsible stewardship of America's public lands and resources. Specifically, we urge the Department to eliminate outdated policies that penalize ranchers for nonuse of their grazing allotments and replace them with a system that supports flexibility, ensures long-term permit security, and empowers voluntary conservation.

The Property and Environment Research Center and Federal Grazing Policy

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, law and policy, and innovative field conservation programs, PERC explores how aligning incentives for environmental stewardship produces sustainable outcomes for land, water, and wildlife. Unlike other conservation groups, PERC is firmly committed to private property rights and pursuing conservation through voluntary markets and incentives, rather than top-down regulation. Our work has consistently demonstrated that empowering land stewards to innovate—rather than locking them into rigid mandates—yields better results for both people and nature.

In our legal and policy research, including in a 2023 law review article,¹ we've identified that current federal grazing rules treat nonuse as a sign of waste or mismanagement, rather than recognizing that it can reflect sound ecological or financial decision-making. As a result, ranchers may feel forced to graze even when forage conditions are poor, herd sizes fluctuate, or a rest period would benefit the land. Worse, ranchers who scale back temporarily to invest in long-term range health can be penalized with permanent reductions to their permits, regardless of their motivations or track record of stewardship.²

This creates a perverse incentive: Use the land now, even if it's not in the best shape to support grazing, or risk losing your ability to use it later. That is not how to reward stewardship or enhance rangeland health. A smarter approach would be to encourage ranchers to think long term, adapt to environmental conditions, and have the flexibility to ensure positive outcomes for the land, their herds, and their communities.

Rancher-Led Stewardship

Ranchers know their landscapes. They are often the first to recognize when a pasture needs rest, when water conditions are too tight to justify turnout, and/or when reducing pressure can prevent long-term damage. Many invest heavily in land health, controlling invasive species, improving riparian areas, rotating herds, and/or building resilience to drought.

A stewardship-oriented grazing policy would affirm that voluntary reductions or temporary nonuse are valid and often beneficial management tools. It would give ranchers the flexibility to respond to drought, market conditions, herd health, or infrastructure projects without jeopardizing their grazing permits. A clear signal from the Department of the Interior that voluntary nonuse is a responsible option—not a legal liability—would go a long way toward encouraging proactive, long-term rangeland stewardship actions.

Flexible nonuse policies would also create new opportunities for collaboration between ranchers and conservationists, in ways that could financially benefit livestock producers. Many livestock producers would be open to voluntary, temporary adjustments in grazing patterns to meet habitat or watershed goals—especially if such agreements were voluntary, respected by the agencies, and did not result in future penalties.³ Ranchers could be empowered to enter creative partnerships that benefit both working lands and wildlife.

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 BLM requires that grazing permittees make "substantial use" of their grazing preference in order to retain it. If substantial use is not met, the permittee may be subject to nonrenewal or reductions in permitted use, unless the nonuse is approved and justified under existing rules. 43 C.F.R. § 4130.3-2.

³ See, e.g., Shawn Regan, *A Rancher's Quest to Reduce Conflict with Grizzlies*, PERC (Dec. 15, 2023) (describing a ranching family in Montana that has partnered with conservationists to modify grazing practices on a U.S. Forest Service grazing allotment to reduce conflicts with grizzly bears and other predators).

Recommendations

1. Clarify that voluntary nonuse for conservation or business reasons is valid and should not be penalized

The BLM should clarify that voluntary, temporary nonuse of forage—for purposes such as land recovery, herd rotation, drought response, or risk management—can be consistent with sound range management and permit stability. Ranchers who rest allotments to improve land health or manage livestock prudently should not be at risk of losing their grazing privileges. Nor should ranchers have authorized use reduced solely because they have not maximized annual AUM use.⁴ In many cases, temporary nonuse reflects responsible stewardship, not misuse or abandonment.

Clarifying that such conservation-motivated nonuse is permissible under existing rules—and will not count against permittees in renewal or monitoring decisions—would reduce unnecessary pressure to graze forage every season. It would help ensure that good range management decisions are not inadvertently penalized under rigid application of “substantial use” standards. Such guidance would support ranchers’ long-term access to federal grazing lands and provide flexibility in managing dynamic on-the-ground conditions.⁵

2. Empower permittees to enter voluntary stewardship agreements

Ranchers should be able to partner with conservation groups or other stakeholders to rest or modify grazing use in ways that improve range health or meet conservation objectives, without fear of losing their base preference or future access to the allotment.⁶ When such agreements involve temporarily resting or modifying grazing use, they should be explicitly recognized by BLM as consistent with the permittee’s grazing preference and long-term access to the allotment. These agreements should be honored by the agencies and viewed as demonstrations of good land stewardship. By recognizing such arrangements, BLM can expand its conservation toolkit while ensuring that ranchers remain central stewards of public rangelands.

⁴ BLM regulations state that a permittee violates their grazing permit if they fail to make “substantial grazing use” for two or more years. BLM regulations allow temporary and conservation nonuse, however, the lack of clear guidance means field offices may vary in interpreting what counts as “substantial use.” 43 C.F.R. § 4140.1(a)(2).

⁵ The BLM could pilot a demonstration project, similar to its outcome-based grazing program launched in 2017, to allow select permittees to voluntarily reduce or temporarily forgo forage use without triggering permit reductions or violating “substantial use” requirements. Such a pilot program could test how greater flexibility in interpreting “use” could support rangeland health, especially in response to drought, invasive species, or evolving livestock operations. *See* Bureau of Land Management, [*BLM Offers Livestock Operators Increased Flexibility Through Outcome-based Grazing Authorizations*](#) (Sept. 22, 2017).

⁶ *See* Regan et al., [*Opening the Range*](#), *supra* n.1.

3. Provide clear guidance and legal certainty for temporary nonuse decisions

Local agency staff and permittees alike need consistent and transparent policies ensuring that business- or stewardship-motivated nonuse is not grounds for penalty. This clarity will foster trust, reduce administrative burdens, and encourage forward-thinking land management. District-level range staff should be trained and supported in implementing these policies with flexibility and fairness.

Conclusion

Public land ranchers are critical partners in sustaining the health and productivity of America's rangelands. Rather than penalizing them for stewardship, the Department of the Interior should support policies that allow them to adapt, innovate, and lead with confidence and clarity.

By ending rigid nonuse penalties and empowering ranchers to manage grazing according to range conditions, business needs, and long-term goals, the Department can advance both economic resilience and ecological stewardship. These reforms would reward responsibility, reduce unnecessary burdens, and reflect the reality that the best land managers are often those closest to the land.

PERC welcomes the opportunity to support these reforms and help develop a more flexible, productive, and conservation-minded public lands grazing system.