

July 10, 2026

BRIEFING

FROM: Evan Nye, Community Outreach Manager, Forestry Policy

TO: George Ruyle, Natural Resources Users Law and Policy Center

RE: Proposed BLM Revisions of Regulations for Grazing Administration, Exclusive of Alaska

On May 12, 2026, the Bureau of Land Management (BLM) issued a notice of a proposed rule that could significantly revise the BLM grazing program, including by altering the appeals procedures and expanding the fundamentals of rangeland health & standards beyond livestock grazing administration.¹ The comment period closes on July 13th, after which the BLM will review the comments for substance and incorporate necessary revisions, before publish a final rule. This memorandum discusses the background and justification for the proposed rule, as well as key changes brought about by the proposed rule. This memo provides insight on the proposed changes and expected impacts for natural resource stakeholders, including ranchers, land managers, and the public.

I. Background

Under the authority of the Taylor Grazing Act (TGA), Public Rangelands Improvement Act (PRIA), and Federal Land Policy & Management Act (FLPMA), the Bureau of Land Management (BLM) administers livestock grazing on over 150 million acres of public land. In total the BLM issues nearly 18,000 permits or leases that authorize grazing, which are generally issued for 10-year periods and may be renewed if the BLM determines the permittee has complied with the terms and conditions of the expiring permit. In Arizona, the agency manages 770 active grazing permits on 841 allotments of public land.

The BLM has identified a pressing need to modernize grazing regulations.² The rules and regulations currently administered by the BLM are from the 2005 edition of the Title 43 Code of Federal Regulations, which reflect an earlier 1995 rule that comprehensively revised the grazing program. According to the agency, the three-decade old rule currently in effect places a disproportionate share of responsibility for achieving land health outcomes on grazing permittees and provides insufficient flexibility to changing business and land health conditions. The proposed rule responds to these needs by modernizing the grazing regulations to provide flexibility for permittees and minimize ranchers' burden to manage rangeland health.

¹ Revision of Regulations for Grazing Administration, Exclusive of Alaska. 91 FR 26852 (proposed May 12, 2026) (to be codified at 43 C.F.R. 4100). <https://www.federalregister.gov/documents/2026/05/12/2026-09387/revision-of-regulations-for-grazing-administration-exclusive-of-alaska>

² Revision of Regulations for Grazing Administration, Exclusive of Alaska. 91 FR 26852 (proposed May 12, 2026) (to be codified at 43 C.F.R. 4100). <https://www.federalregister.gov/documents/2026/05/12/2026-09387/revision-of-regulations-for-grazing-administration-exclusive-of-alaska>

II. Notable Provisions of the Proposed Rule

a. Department of Interior Hearings and Appeals Procedures

Under the proposed rule, there are substantial revisions to the appeals process. Most notably, the regulation provides that an appeal of a final grazing decision would immediately suspend its effect, except in cases where the BLM determines it must remain in full force for the protection of rangeland values. This is a reversal of the current operating procedure, where a grazing decision remains in effect until after the appeal has been resolved. The proposal also eliminates the need for petitions by making suspension of the decision the default outcome during the appeal process, while preserving authority for the BLM to place decisions into full force when necessary to prevent resource damage.

The BLM states that the change is intended to assist in the development of the administrative record, so that permittees and other interested parties are positioned fairly and have ample opportunity to challenge grazing decisions before they take effect. The practical effect of this change is to shift the balance of risk during the appeals process. Under the current framework, permittees generally bear the burden of seeking a stay to prevent implementation of a decision while an appeal is pending. Under the proposed rule, the decision is generally suspended by default, placing greater emphasis on the BLM to justify immediate implementation where resource protection concerns exist. The change also reduces the likelihood that permittees will incur operational or financial impacts from decisions that are later modified or overturned. However, permittees should be aware that the provision also applies in those cases where a member of the public files an appeal to a positive final grazing decision for a permittee. In such a scenario, the effect of the positive final decision for the permittee would be suspended, until after the appeal brought the party has been resolved.

b. Part 1700 Fundamentals of Land Health and Standards for Program Administration

The 1995 rule established a framework for assessing and maintaining rangeland health through state and regional-specific standards and guidelines. At a minimum, it determines those standards must address four “fundamentals” of rangeland health - watershed function, nutrient cycling and energy flow, water quality, and habitat maintenance for endangered and threatened species. The rule charged BLM State Directors, in consultation with Indian Tribes, other State and Federal land management agencies, resource advisory councils, and the public, to develop these standards and guidelines. Authorized officers of the BLM are responsible for conducting standards assessments to determine whether rangelands are failing to achieve standards. Where existing management practices or levels of grazing use are identified as significant contributing factors to the failure to meet those standards, the authorized officer will take “appropriate action”, including the modification of terms and conditions to grazing permits, to make significant progress towards achieving those standards.

The new proposed rule would relocate these land health regulations from the grazing-focused Range Management regulations (43 CFR 4100) to a new Part 1700, to expand their applicability across all BLM programs rather than limiting them to grazing management. The rule would remove water quality as a “fundamental” of land health, as BLM has determined that state agencies are the appropriate party for managing compliance with state water quality standards. In Arizona, this revision indicates the agency will be deferring to Arizona Department of Environmental Quality (ADEQ) for managing and maintaining compliance with state water standards. Accordingly, the rule calls for the orderly rescission of all existing BLM water and air quality standards.

The removal of water quality as a “fundamental” of land health and the subsequent repeal of BLM water quality standards will have important implications for how the BLM manages grazing activities in watersheds. Most consequentially, it is unlikely that water quality alone would independently trigger a land health determination that standards are not being achieved. Instead, the agency will look to other land health indicators to make that determination, including watershed functioning, nutrient cycling, and habitat conditions. This change does not mean that the BLM will completely ignore water quality issues as the agency is still subject to the Clean Water Act, but it shifts water quality concerns away from the land health standards framework towards compliance with state water quality programs and other environmental laws.

The proposed rule streamlines the development of land health standards by eliminating consultation requirements with resource advisory councils and replacing Secretarial approval of final standards with approval by the BLM Director. Originally created under the provisions of the 1995 grazing regulations, State Resource Advisory Councils members are selected by the Secretary of the Interior, and are charged with supporting the BLM State Director in developing standards and guidelines for BLM land. In Arizona, the Resource Advisory Council meets quarterly with the BLM for discussion and provide recommendations on standards and guideline development.

Another provision of the rule standardizes the process for conducting land health assessments, requiring rapid landscape-scale condition assessments followed by step-down evaluations at appropriate scales. Where evaluations indicate that standards are not being met or that sufficient progress towards those standards is not being made, the BLM must complete a causal factor determination within six months and take appropriate action within two years to address those factors that are within the agency’s management control. This extends the timeline that the agency is required to take action, as current regulations require that appropriate action is taken before the next grazing season begins.

Expanding land health standards beyond grazing has implications for riparian systems, wildlife habitat, and cumulative impacts from multiple land uses. Under the existing framework, failures to meet land health standards often result in changes to grazing management even where grazing is not the primary causal factor. The proposed rule would allow the BLM to identify and

address causal factors originating from other programs, including recreation, off-highway vehicle use, energy development, mining, and rights-of-way. As a result, land health evaluations may place greater emphasis on cumulative impacts across multiple land uses rather than focusing primarily on livestock grazing.

The BLM argues that this approach will improve management of riparian areas, habitat for threatened and endangered species, and other sensitive resources by allowing the agency to direct corrective actions toward the activities most responsible for resource degradation. In Arizona, species that could be affected by how the agency implements these broader land health standards include the Southwestern Willow Flycatcher, Yellow-billed Cuckoo, Chiricahua Leopard Frog, Northern Mexican Garter snake, Loach Minnow, Spikedace, Gila Chub, Desert Tortoise, Jaguar, Acuña Cactus, Fickeisen Plains Cactus, Gierisch Mallow, and Holmgren Milk-vetch.³ Many of these species depend on riparian systems, aquatic habitats, or other ecosystems that may be influenced by multiple land uses beyond livestock grazing. The proposal may also increase the relevance of climate-related stressors in land health evaluations. Because causal factor determinations are not limited to grazing activities, drought, wildfire, invasive species, and other landscape-scale disturbances may be more explicitly considered when evaluating whether standards are being achieved and what management responses are appropriate.

c. Grazing Administration, Exclusive of Alaska

The proposed rule includes several significant revisions to the administration of BLM grazing programs. Most notably, it removes reference to grazing as a tool to “accelerate restoration and improvement of public rangelands to properly functioning conditions” and eliminates “conservation use” as a permissible form of grazing authorization. Though a 2000 Supreme Court case found that “conservation use” was beyond the authority granted under the Taylor Grazing Act, the “conservation use” of grazing was reintroduced in the 2024 Conservation and Landscape Health Rule under the previous administration.⁴ The proposed rule clarifies that grazing permits may only be issued for “production-oriented” livestock operations and reinstates a requirement that permittees be engaged in the livestock business.

The rule also streamlines grazing permit administration and provides additional flexibility for the permittees. It expands opportunities for participation in public lands ranching by extending certain allowances previously reserved for permittees’ “sons and daughters” to qualifying “beginning ranchers”. The proposal narrows consultation requirements for many grazing decisions by eliminating requirements for consultation with resource advisory councils and reducing opportunities for public involvement in permit administration, allotment management planning, and other grazing decisions. Rather than directly notifying members of

³ U.S. Fish and Wildlife Service. (n.d.). *Listed species with spatial current range believed to or known to occur in Arizona*. Environmental Conservation Online System (ECOS). Retrieved [June 26, 2026]

⁴ Conservation and Landscape Health. 89 FR 40308 (proposed May 9, 2024) (to be codified at 43 C.F.R. 1600 and 6100). <https://www.federalregister.gov/documents/2024/05/09/2024-08821/conservation-and-landscape-health>

the public of proposed grazing decisions, the BLM would generally rely on website postings, protests, and appeals processes to provide public notice and opportunities for participation.

The proposed rule further allows the BLM to issue permits for less than the standard ten-year period when consistent with “management and resource condition objectives”, and establishes a new category of short-term permits for prescribed grazing, scientific research, and noxious weed control. Small ranchers may also wish to monitor proposed changes to aggregate billing. Under the proposed rule, operators authorized for 50 AUMs or less would pay grazing fees through a single bill covering the entire term of the permit rather than receiving annual invoices. While the change is intended to reduce the administrative burden on both the permittee and agency, it will require that small operators make a larger upfront payment before grazing use occurs.

Finally, the rule overhauls the process for temporary nonuse. Under the new regulation, permittees would be required to apply annually for temporary nonuse, which could be approved for natural resource management or for business or personal reasons, for up to four consecutive years. In such cases where temporary nonuse is approved for business or personal reasons, the BLM could make available the unused forage to another applicant. In such cases, the existing permittee would be consulted before authorizing a temporary nonrenewable permit for another applicant. This option is not available when temporary nonuse is approved for protection of resources (e.g., drought). The rule clarifies that temporary nonuse will not be held against permittees when the BLM evaluates if they have been making substantial use of their operation to graze.

III. Discussion

Taken together, the proposed rule is a significant shift in how the BLM administers land health and grazing management. By moving land health regulations from Part 4180 to the newly created Part 1700, the BLM is broadening the applicability of land health standards across all BLM programs. Under the current operative regulations, the burden of action to address failures in meeting land health standards fell exclusively on grazing activities. With the proposed change, the BLM is decoupling grazing permit administration from land health determinations. Though ranching communities will still be expected to appropriately manage their impact on natural resources, the proposed rule acknowledges that certain impacts on public lands are outside of their control, and the rule establishes a process for addressing causal factors regardless of their source. As with anything, the details of how these land health standards will be applied across BLM programs beyond grazing will be critical to understanding the full impact of this transition, and we can likely expect more guidance in the future.

At the same time, the proposed rule seeks to define grazing exclusively as a commodity-producing use. The agency has expressed their intent to return to the original intent of the 1934 Taylor Grazing Act, which provides the authority for BLM to issue grazing leases on public lands, by eliminating the “conservation use” of grazing and by establishing a requirement that

permittees are engaged in “production-oriented” livestock operations. The revisions also align with a 9th Circuit decision (*Babbitt*, 167 F.3d at 1307-08), which found that authorizing grazing for “conservation use” exceeded the BLM’s authority under the Taylor Grazing Act. While most existing active permits are for production-oriented livestock operations uses, the agency is attempting to head off intentions that grazing permits be used for other purposes. Environmental groups have expressed concern about this change, as well as certain Native nations who raise and manage Bison for many purposes include land conservation, cultural value, and personal consumption.

The NRULPC expects these environmental groups to submit a notice of intent to sue soon after a final rule is published. The Western Watersheds Project, a non-profit environmental group, has already noted the BLM has not prepared an Environmental Impact Statement analyzing the proposed rule’s “cumulative impacts to wildlife, watersheds, land health, and public oversight”, indicating the agency may not have complied with the National Environmental Policy Act (NEPA) process when drafting this rule.⁵ Meanwhile, American Prairie has mobilized 100s of supporters to leave comments on the proposed rule after the federal government revoked the organization’s permits that have supported bison grazing on public lands in central Montana for the past 20 years.⁶ The comment period will close with well over 100,000 submitted public comments as groups continue to mobilize their advocates. When grazing reforms were last proposed in 2006, they were permanently enjoined by the 10th and 9th circuit courts after successful challenges by environmental groups argued the reforms violated environmental laws such as NEPA and the Endangered Species Act.

Finally, consistent with actions throughout the Trump Administration to reduce the regulatory burden on industry and stakeholders, the proposed rule reflects a broader effort to streamline program administration and improve administrative efficiency. While the BLM is arguing that these changes will improve the efficiency and speed of administrative action, some stakeholders may view them as reducing opportunities for public input, even if the public will continue to be involved in the NEPA process.

IV. Next Steps

The public comment period for this proposed rule closes on July 13, 2026. Following the close of the comment period, the BLM will review the 100,000 comments they have received and respond to the most substantive. This will help the agency in determining whether revisions to the proposal are needed as they prepare a final rule. Given the vast number of comments that have been submitted, it is possible that the agency may make significant changes to the proposed

⁵ Western Watersheds Project. (2026, May 11). *White House Unveils Rule to Strip Oversight from Public Lands Grazing Program* [Press Release]. <https://westernwatersheds.org/2026/05/white-house-unveils-rule-to-strip-oversight-from-public-lands-grazing-program/>

⁶ Revision of Regulations for Grazing Administration, Exclusive of Alaska. 91 FR 26852 (proposed May 12, 2026) (to be codified at 43 C.F.R. 4100). <https://www.federalregister.gov/documents/2026/05/12/2026-09387/revision-of-regulations-for-grazing-administration-exclusive-of-alaska>

rule before a final rule is published. Final rules generally enter into effect no sooner than 30 days after publication, though given the significance of the proposed changes to grazing administration and land health standards, the final rule is likely to also be subject to administrative or judicial challenges that can delay its implementation further

V. Conclusion

The proposed rule would make the most significant change to the administration of BLM's grazing programs since 1995. The proposal expands the application of land health standards across BLM programs and narrows grazing administration to production-oriented livestock uses. It also reduces administrative burden on permittees and the agency by streamlining and standardizing numerous permitting, consultation, and administrative processes. If finalized, the rule would likely alter how the BLM evaluates land health, administers grazing authorizations, and engages stakeholders in public lands management. Ranching stakeholders will welcome the additional administrative flexibility and protections included in the proposal. Yet given the scale of the proposed rule and the amount of public feedback received, stakeholders should pay close attention during the final rule making process and any subsequent litigation.

Sources

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