

Livestock Grazing on Lands Managed by the Bureau of Land Management and the Forest Service: Frequently Asked Questions

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Livestock Grazing on Lands Managed by the Bureau of Land Management and the Forest Service: Frequently Asked Questions

Nearly all livestock grazing on federal lands occurs on lands managed by the Bureau of Land Management (BLM), in the Department of the Interior, or the Forest Service (FS), in the Department of Agriculture. Of the estimated 244 million acres of land managed by BLM, approximately 155 million acres are available for livestock grazing. Of the estimated 193 million acres managed by FS, approximately 93 million are available for livestock grazing.

Various laws, regulations, and policies govern BLM and FS livestock operations. For BLM, pertinent authorities include provisions of the Taylor Grazing Act of 1934 (43 U.S.C. §315b, §315m), Federal Land Policy and Management Act of 1976 (43 U.S.C. §§1701 et seq.), and Public Rangelands Improvement Act of 1978 (43 U.S.C. §§1901 et seq.) and regulations at 43 C.F.R. Part 4100, among others. For FS, pertinent authorities include 16 U.S.C. §580*l*, 16 U.S.C. §1604, and regulations at 36 C.F.R. Part 222, among others.

Both agencies divide areas of their lands into allotments to provide access for private livestock grazing. Most livestock grazing on BLM and FS lands occurs in 16 contiguous western states: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

BLM and FS issue permits and/or leases (collectively, *permits*) to livestock operators that specify the terms and conditions for grazing. To qualify for a permit, a livestock operator must meet certain criteria relating to livestock and base property, among other criteria. Permits generally cover a 10-year period and may be renewed.

Management of federal rangelands for livestock grazing presents an array of policy questions for Congress. Some specific questions include the following:

- How do BLM and FS determine which lands are available for livestock grazing?
- What is an allotment? What is an allotment management plan?
- What type of livestock may be grazed?
- What types of grazing permits are available?
- What types of entities may request a grazing permit?
- What are the eligibility requirements to obtain a BLM or FS term grazing permit?
- Can grazing permits be transferred?
- Can terms and conditions of grazing permits be changed?
- Do permittees have to graze on their allotments?
- What is a range improvement?
- How can range improvements be made?
- How is the grazing fee determined?
- What is an example of how the grazing fee is calculated?
- In addition to the grazing fee, are there costs specific to livestock grazing on BLM and FS lands?

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Introduction

Nearly all livestock grazing on federal lands occurs on lands managed by the Bureau of Land Management (BLM), in the Department of the Interior, or the Forest Service (FS), in the Department of Agriculture. Of the estimated 244 million acres of land managed by BLM, approximately 155 million acres are available for livestock grazing.¹ Of the estimated 193 million acres managed by FS, approximately 93 million are available for livestock grazing.²

Both agencies divide areas of their lands into allotments to provide access for private livestock grazing. They issue permits and/or leases to livestock operators that specify the terms and conditions for grazing.³ To qualify for a permit, a livestock operator must meet certain criteria relating to livestock and base property,⁴ among other criteria. Permits generally cover a 10-year period and may be renewed.⁵

Management of federal rangelands for livestock grazing presents an array of policy questions for Congress. Among other topics, questions may pertain to the availability of lands for grazing; types of livestock that can be grazed; types of permits that can be used; authorities for obtaining, amending, and transferring permits; improvements to grazing allotments; and costs of livestock grazing.

This report addresses the following questions related to livestock grazing on BLM and FS lands in 16 contiguous western states:⁶

- How do BLM and FS determine which lands are available for livestock grazing?
- What is an allotment? What is an allotment management plan?

¹ For the estimate of total acreage managed by the Bureau of Land Management (BLM), see BLM, *Public Land Statistics 2023*, July 2024, p. 12, Table 1-4, https://www.blm.gov/sites/default/files/docs/2024-08/Public-Land-Statistics-2023_508.pdf. For the estimate of BLM lands available for livestock grazing, see BLM, *Livestock Grazing on Public Lands*, accessed December 10, 2025, <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>.

² The Forest Service (FS) acreage available for livestock grazing is for FY2022, the most recent year readily available. Personal communication between the Congressional Research Service (CRS) and FS, Office of Legislative Affairs, April 11, 2023. For FY2022 (and also for FY2024), the estimate of total acreage managed by FS was 193 million. See FS, *Land Areas of the National Forest System*, Table 1, in both the 2022 and 2024 reports, <https://www.fs.usda.gov/land/staff/lar-index.shtml>.

³ Hereinafter, *permits and leases* generally are referred to collectively as *permits*.

⁴ BLM and FS define *base property* differently. For BLM, *base property* generally is land capable of being used for livestock. For FS, *base property* generally is land and improvements owned and used by a grazing permittee. For more precise definitions and other information on base property, see the section below on “What Are the Eligibility Requirements to Obtain a BLM or FS Term Grazing Permit?”.

⁵ For BLM, see 43 C.F.R. §4130.2(d) (2005). For FS, see 36 C.F.R. §222.3(c)(1). BLM’s website on “Livestock Grazing on Public Lands,” available at <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>, indicates that “permits and leases generally cover a 10-year period and are renewable if the BLM determines that the terms and conditions of the expiring permit or lease are being met.” FS policy, at FSH 2209.13, Section 15.42, indicates that “generally, term grazing permits should be issued for the full 10-year term.”

⁶ These states are Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. For FS, these states are set out in regulations, at 36 C.F.R. §222.1(b), defining “lands within the National Forest in the 16 contiguous western States.” For BLM, these states are set out in sources including policy guidance on the annual grazing fee. See, for example, BLM, “Bureau of Land Management and [U.S. Department of Agriculture] USDA Forest Service Announce 2023 Grazing Fees,” press release, January 31, 2023. Most grazing on BLM and FS lands occurs in these states, and grazing on these lands generally is the focus of policy debates. Some other areas and states have different fees, including FS grasslands and “nonwestern” states.

- What type of livestock may be grazed?
- What types of grazing permits are available?
- What types of entities may request a grazing permit?
- What are the eligibility requirements to obtain a BLM or FS term grazing permit?
- Can grazing permits be transferred?
- Can terms and conditions of grazing permits be changed?
- Do permittees have to graze on their allotments?
- What is a range improvement?
- How can range improvements be made?
- How is the grazing fee determined?
- What is an example of how the grazing fee is calculated?
- In addition to the grazing fee, are there costs specific to livestock grazing on BLM and FS lands?

Information in this report is derived primarily from laws, regulations, and policies governing BLM and FS livestock operations. Other sources of information include email correspondence and phone conversations with staff from BLM and FS. The information provided in response to each question presents an overview of pertinent authorities. Due to the number and breadth of authorities governing livestock operations and the variations between the agencies, types of grazing operations, and differences in lands and their resources, the information in this report does not necessarily represent a comprehensive response to each question or apply to every parcel of BLM or FS lands.

Regulations governing livestock grazing on BLM lands are found at 43 C.F.R. Part 4100, Grazing Administration. BLM updated its grazing regulations in 2006. The U.S. Court of Appeals for the Ninth Circuit invalidated those regulations,⁷ but the *Code of Federal Regulations* continues to include those invalidated regulations. Thus, this report reflects the regulations in place before the 2006 revisions, as contained in the October 1, 2005, update to the *Code of Federal Regulations*.⁸ In addition to the grazing regulations, BLM has issued policies on livestock grazing that are contained in a manual,⁹ instruction memoranda (IM), and other sources.

Regulations governing livestock grazing on FS lands are found at 36 C.F.R. Part 222, Range Management. FS policies on livestock grazing are contained in manuals, handbooks, and other sources.¹⁰ FS issued revised grazing policies in 2024 and 2025. It is possible that policy

⁷ *Western Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 500 (9th Cir. 2011) (affirming permanent injunction of 2006 BLM amendments on grounds of violations of the National Environmental Policy Act [NEPA; 42 U.S.C. §§4321 et seq.] and the Endangered Species Act [16 U.S.C. §§1531-1544]).

⁸ In 2012, BLM made a non-substantive change to correct the placement of Subpart D and Group 4100 of Title 43 of the *Code of Federal Regulations*. BLM, “Oil Shale Management-General,” 77 *Federal Register* 58775, September 24, 2012, <https://www.federalregister.gov/d/2012-23523>. Other than that amendment and the invalidated 2006 amendments, BLM has not made any amendments affecting Part 4100 not reflected in the October 1, 2005, update.

⁹ BLM Manual M-4100, *Grazing Administration*, https://www.blm.gov/sites/blm.gov/files/uploads/mediacenter_blmmanual4100.pdf.

¹⁰ FS policies on livestock grazing include the FS Manual 2200 series, *Rangeland Management* (hereinafter FSM 2200); the FS Handbook 2209.13 series, *Grazing Permit Administration* (hereinafter FSH 2209.13); and the FS Handbook 2209.16, Chapter 10, “Allotment Management and Administration” (hereinafter FSH 2209.16); all available at <https://www.fs.usda.gov/about-agency/regulations-policies/national-directives>.

provisions discussed in this report have been revised or relocated or continue to be evaluated for revision or relocation.¹¹

How Do BLM and FS Determine Which Lands Are Available for Livestock Grazing?

BLM and FS determine whether particular lands are to be available for grazing through the land planning process, which typically results in a resource management plan. Laws pertaining to BLM and FS generally require the agencies to develop a resource management plan for each area of their lands.¹² BLM’s primary management statute refers to “land use plans,” and an FS primary management statute refers to “land and resource management plans.”¹³ (This report refers to these plans collectively as *resource management plans* or simply as *plans*.) A plan typically covers a broad area, such as lands within the purview of a BLM field office, an FS national forest, or a specially designated area (e.g., a national monument). A plan sets the framework for using and preserving lands in the area. It typically provides goals and direction for managing the lands, identifies uses of the lands that generally may be allowed or not allowed, and identifies resource protection needs and ways of achieving them.¹⁴

A plan typically addresses various land uses. Often a plan addresses the suitability of the lands for livestock grazing, such as the extent of forage and water, together with any general terms and conditions for grazing.¹⁵ A plan also may identify lands in the planning area that an agency may wish to acquire or dispose of. If BLM or FS were to acquire land, the agency likely would consult the appropriate plan as to whether lands in the area generally are suitable for livestock grazing and assess whether the newly acquired lands also might be suitable for livestock grazing. The agency could seek to amend or revise the appropriate plan as needed to provide for grazing as an authorized use on the newly acquired land.¹⁶

If a plan indicates that land is suitable for livestock grazing, the agency assesses whether to issue a permit when an application is submitted. Certain requirements generally apply to obtaining any term permit on BLM or FS lands, such as those pertaining to base property, livestock, and citizenship set out below. These requirements apply equally to existing public land and newly acquired land that becomes open to grazing. Additionally, the agency would assess the terms and

¹¹ See, for example, FS, “Directive Publication Notice,” 89 *Federal Register* 48868-48869, June 10, 2024, <https://www.govinfo.gov/content/pkg/FR-2024-06-10/pdf/2024-12612.pdf>; FS, “Directive Publication Notice,” 90 *Federal Register* 15219, April 9, 2025, <https://www.federalregister.gov/documents/2025/04/09/2025-06098/directive-publication-notice>.

¹² For BLM, see 43 U.S.C. §1712. For FS, see 16 U.S.C. §1604. For additional information on BLM planning, see 43 C.F.R. Part 1600 (2005) and BLM, *Planning and NEPA in the BLM*, accessed December 10, 2025, <https://www.blm.gov/programs/planning-and-nepa>. For additional information on FS planning, see 36 C.F.R. Part 219 and FSH 2209.13, Chapter 90, “Rangeland Management Decision Making.”

¹³ For BLM, see provisions of the Federal Land Policy and Management Act of 1976, at 43 U.S.C. §1712, pertaining to “land use plans.” For FS, see provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (and other laws), at 16 U.S.C. §1604, pertaining to “land and resource management plans.”

¹⁴ For BLM, see 43 C.F.R. §1601.0-5(n) (2005). For FS, see 36 C.F.R. §219.7(e).

¹⁵ 43 C.F.R. §§4100.0-8, 4110.2-2 (2005).

¹⁶ For BLM, see 43 C.F.R. §1610.5-6 (for revision) and §1610.5-5 (2005) (for amendment). For FS, see 36 C.F.R. §219.7 (for revision) and 36 C.F.R. §219.13 (for amendment).

conditions appropriate for any specific grazing permit and evaluate the site-specific impacts of grazing on the human environment under the National Environmental Policy Act (NEPA).¹⁷

What Is an Allotment? What Is an Allotment Management Plan?

Both BLM and FS divide their lands into allotments to provide access for grazing. BLM defines *allotment* as “an area of land designated and managed for grazing of livestock.”¹⁸ FS defines allotment as “a designated area of land available for livestock grazing.”¹⁹ The agencies may create, modify, and close allotments under relevant authorities.²⁰ As examples, BLM or FS might seek to create an allotment for newly acquired land, modify an allotment boundary to incorporate additional lands, or exclude lands no longer suitable for grazing.²¹

Allotments vary in size from a handful of acres to hundreds of thousands of acres.²² Allotments may be adjacent to or intermingled with private and state lands. BLM or FS, as appropriate, may authorize one or more livestock operators to graze in each allotment. Both BLM and FS regulations provide that private and other lands may be included in an allotment management plan (discussed below) with landowner consent.²³ In general, BLM and FS issue permits for livestock grazing on the federal lands they manage within allotments. However, under specified terms, some authorities allow the agencies to issue grazing permits for areas encompassing nonfederal land. For instance, FS can issue permits on “other lands under Forest Service control,” defined in FS regulations (36 C.F.R. §222.1(b)) as “non-Federal public and private lands over which the Forest Service has been given control through lease, agreement, waiver, or otherwise.”²⁴

If a resource management plan indicates suitability for livestock grazing, the agencies are required to develop an *allotment management plan* governing grazing and to consider whether to issue a term permit in response to an application.²⁵ BLM regulations liken an allotment

¹⁷ 42 U.S.C. §§4321 et seq. For BLM, analysis under NEPA typically is done at the grazing permit level. For FS, the analysis typically is done at the grazing allotment level.

¹⁸ 43 C.F.R. §4100.0-5 (2005).

¹⁹ 36 C.F.R. §222.1(b).

²⁰ For BLM, see, for example, 43 C.F.R. §4110.2-4 (2005). For FS, see FSH 2209.16, Chapter 10, “Allotment Management and Administration,” §12.

²¹ See footnote 20.

²² See, for example, BLM, “Rangeland Administration System Reports,” Allotment Information, accessed January 2, 2026, <https://reports.blm.gov/reports/RAS/>.

²³ For example, for BLM, 43 C.F.R. §4120.2(b) (2005), provides that “Private and State lands may be included in allotment management plans or other activity plans intended to serve as the functional equivalent of allotment management plans dealing with rangeland management with the consent or at the request of the parties who own or control those lands.” For FS, 36 C.F.R. §222.2(a) provides that “Allotments will be designated on the National Forest System and on other lands under Forest Service control where the land is available for grazing. Associated private and other public lands should, but only with the consent of the landowner, lessee, or agency, be considered in such designations to form logical range management units.”

²⁴ As another example, BLM may enter into leases for state, county, or private land chiefly valuable for grazing that is within the boundaries of grazing districts and administer that land for grazing under specified terms. 43 U.S.C. §315m-1; 43 C.F.R. Part 4600 (2005).

²⁵ For BLM, see 43 C.F.R. §4110.2(a), 43 C.F.R. §4130.8-2 (2005), providing for development of “allotment management plans or other activity plans intended to serve as the functional equivalent.” For FS, see 36 C.F.R. §222.2(b), providing that “each allotment will be analyzed and with careful and considered consultation and (continued...) ”

management plan to an activity-level plan, which the agency develops to manage a resource or value to achieve specific objectives.²⁶ For both agencies, an allotment management plan usually describes the overall grazing system for the allotment, which is tailored to the specific range conditions. The plan typically includes provisions on the general amount of grazing to be permitted,²⁷ seasons of use, terms and conditions needed to meet resource objectives, and monitoring requirements. It may include how the agency plans to coordinate grazing activities with other range uses and specifications for range improvements to be installed on the lands, among other provisions.²⁸

What Type of Livestock May Be Grazed?

Bureau of Land Management

BLM's statutory authority to issue term permits to "graze livestock" on lands it administers arises from the Taylor Grazing Act of 1934 (TGA).²⁹ That statute does not define *livestock*. Subsequent legislative amendments in the 1970s refer to the issuance of permits for grazing *domestic livestock* but do not define that term.³⁰

BLM regulations implemented following those amendments define *livestock or kind of livestock* as "species of domestic livestock—cattle, sheep, horses, burros, and goats."³¹ Similarly, the BLM regulation defining *animal unit month* for the purpose of grazing fee calculations refers to cows, bulls, steer, heifers, horses, burros, mules, sheep, and goats.³²

cooperation ... an allotment management plan developed." For both BLM and FS, *allotment management plan* is defined in 43 U.S.C. §1702(k) as

a document prepared in consultation with the lessees or permittees involved, which applies to livestock operations on the public lands or on lands within National Forests in the eleven contiguous Western States and which: (1) prescribes the manner in, and extent to, which livestock operations will be conducted in order to meet the multiple-use, sustained-yield, economic and other needs and objectives as determined for the lands by the Secretary concerned; and (2) describes the type, location, ownership, and general specifications for the range improvements to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and (3) contains such other provisions relating to livestock grazing and other objectives found by the Secretary concerned to be consistent with the provisions of this Act and other applicable law.

²⁶ See the definitions of *activity plan* and *allotment management plan* at 43 C.F.R. §4100.0-5 (2005).

²⁷ The amount of grazing often is expressed in animal unit months (especially for BLM) and head months (especially for FS). For additional information on these terms, see the section below on "How Is the Grazing Fee Determined?"

²⁸ For additional information on allotment management plans, see the following. For BLM, 43 C.F.R. §4120.2 (2005). For FS, 36 C.F.R. §222.1(b) and FSH 2209.16, Chapter 10, "Allotment Management and Administration." For information on range improvements, see the section below on "What Is a Range Improvement?"

²⁹ Taylor Grazing Act of 1934 (TGA; 43 U.S.C. §§315b, 315m).

³⁰ Federal Land Policy and Management Act of 1976, 43 U.S.C. §§1701 et seq.; Public Rangelands Improvement Act of 1978 (PRIA), 43 U.S.C. §§1901 et seq.

³¹ 43 C.F.R. §4100.0-5 (2005).

³² 43 C.F.R. §4130.8-1(c) (2005).

In FY2024, BLM issued 17,045 authorizations for grazing of various kinds of livestock.³³ The overwhelming majority—88%—were for cattle, yearlings, and bison,³⁴ collectively. Another 6% were for horses and burros, and the remaining 6% were for sheep and goats.³⁵

Forest Service

FS also is authorized to issue permits to graze “livestock” by a statute that does not define that term.³⁶ FS regulations governing the use of National Forest System lands for grazing define *livestock* as “animals of any kind kept or raised for pleasure.”³⁷

In FY2021, there were 5,364 permit holders authorized to graze on FS lands. They were authorized collectively to graze 1.9 million livestock. Of the total livestock authorized, 62% were cattle, 38% were sheep and goats, and less than 1% were horses and burros.³⁸

What Types of Grazing Permits Are Available?

FS and BLM employ different instruments to authorize grazing on land they administer.³⁹ FS issues *permits* for grazing on lands managed by the agency in 16 western states,⁴⁰ and thus the operators often are referred to as *permittees*. BLM uses both *permits* and *leases* to authorize grazing on lands managed by the agency in 16 western states,⁴¹ and thus the operators might be referred to as *permittees* or *lessees*. BLM permits are used for lands within grazing districts, which are areas of certain public lands BLM designates as “chiefly valuable for grazing and raising forage crops.”⁴² Under Section 3 of the TGA, BLM establishes and modifies grazing

³³ According to BLM, 17,045 “is a count of authorizations, regardless of livestock kind. Some permittees and lessees run more than one kind of livestock and thus may be represented in more than one livestock column. However, they are counted only once” in this figure. See BLM, *Public Land Statistics 2024*, p. 78, note a, <https://www.blm.gov/sites/default/files/docs/2025-07/BLM-Public-Land-Statistics-2024.pdf>.

³⁴ In 1976, the Department of the Interior’s (DOI’s) Office of Hearings and Appeals held that bison may be considered “livestock” under the TGA, where the bison are treated in substantial respects as livestock and have characteristics in common with livestock. See *Norman v. BLM*, No. CO-01-99-02 (Nov. 15, 2000) (citing *Hampton Sheep Co. v. BLM*, No. Wyoming 1-71-1 (Sep. 25, 1976)). BLM has relied on that decision in response to public comments asserting that bison are not “livestock” under the TGA. See BLM, *American Prairie Reserve Bison Change of Use Environmental Assessment (EA) Public Comment Report*, March 2022, at A-3, https://eplanning.blm.gov/public_projects/103543/200243903/20056716/250062898/2022%2002_18_APR_PublicCmntRespRpt.pdf.

³⁵ BLM, *Public Land Statistics 2024*, Table 3-8c, p. 78.

³⁶ 16 U.S.C. §580l.

³⁷ 36 C.F.R. §222.1.

³⁸ FS, *Grazing Statistical Summary Fiscal Year 2021*, p. 8. The FY2021 report is the most current publicly available.

³⁹ Both BLM and FS generally prohibit unauthorized grazing. BLM regulations on prohibited acts are at 43 C.F.R. §4140.1(b)(1) (2005), on unauthorized grazing use are at 43 C.F.R. Subpart 4150 (2005), and on penalties include 43 C.F.R. §§4170.1, 4170.2 (2005). Also, BLM Instruction Memorandum IM 2025-019, dated February 13, 2025, identifies the 2025 penalty rates, by state, for willful and non-willful unauthorized grazing (see <https://www.blm.gov/policy/im2025-019>). FS regulations on excess and unauthorized grazing are at 36 C.F.R. §222.50(h). They address the rate of payment for unauthorized grazing and circumstances where FS may waive fees for excess or unauthorized grazing. FS regulations on impoundment and disposal of unauthorized livestock are at 36 C.F.R. §262.10. FS policy, at FSH 2209.13, Section 81.8, addresses billing for unauthorized livestock use and impoundment of unauthorized livestock.

⁴⁰ 16 U.S.C. §580l.

⁴¹ For permits, see 43 U.S.C. §315b. For leases, see 43 U.S.C. §315m.

⁴² 43 U.S.C. §315. See also 43 U.S.C. §315b. BLM grazing districts typically are divided into multiple allotments. For information on allotments, which are used by both BLM and FS to provide access for grazing, see the section above on “What Is an Allotment? What Is an Allotment Management Plan?”

districts that “are chiefly valuable for grazing and raising forage crops.”⁴³ The TGA (Section 15) also authorizes BLM to issue leases for livestock grazing on BLM lands outside grazing districts where the lands “are so situated as not to justify their inclusion in any grazing district.”⁴⁴ This report uses the term *permit* to encompass both permits and leases and the term *permittee* to encompass both permittees and lessees.

Term Permits

Both BLM and FS are authorized to issue grazing permits for periods of not more than 10 years, and the agencies typically authorize these permits for 10 years.⁴⁵ These permits often are referred to as *term* permits. Term permits may be renewed and in common practice often are renewed for multiple 10-year terms.⁴⁶ The permits specify the terms and conditions for grazing, either directly or through incorporation of allotment management plans.⁴⁷ FS policies specify that grazing permits with term status “authorize the use of NFS lands and lands under Forest Service control for commercial livestock production purposes.”⁴⁸ Both agencies also may issue other types of permits, as described below.

Bureau of Land Management

In addition to term permits, BLM regulations identify several other types of permits the agency may issue. BLM may issue *nonrenewable grazing permits*, on an annual basis, when forage is

⁴³ 43 U.S.C. §315. This section sets out the Secretary of the Interior’s authority to establish and modify grazing districts “of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska), which are not in national forests, national parks and monuments, Indian reservations, revested Oregon and California Railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which in his opinion are chiefly valuable for grazing and raising forage crops.” Also, BLM regulations at 43 C.F.R. §4100.0-5 (2005) define *grazing district* as “the specific area within which the public lands are administered under section 3 of the [Taylor Grazing] Act.” Currently, BLM manages grazing districts in 10 states: Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, and Wyoming, according to BLM. Personal communication between CRS and BLM, Legislative Affairs Division, October 10, 2024, and October 16, 2024.

⁴⁴ 43 U.S.C. §315m.

⁴⁵ For BLM, see 43 C.F.R. §4130.2(d) (2005). For FS, see 36 C.F.R. §222.3(c)(1). BLM’s website on “Livestock Grazing on Public Lands,” available at <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>, indicates that “permits and leases generally cover a 10-year period and are renewable if the BLM determines that the terms and conditions of the expiring permit or lease are being met.” FS policy, at FSH 2209.13, Section 15.42, indicates that “generally, term grazing permits should be issued for the full 10-year term.”

⁴⁶ FS and BLM, *FS and BLM Grazing Administration Requirements and Processes: Term Grazing Permit Administrative Comparison*, accessed December 10, 2025, <https://www.fs.usda.gov/rangeland-management/documents/grazing/BLMGrazingAdministrationRequirementsProcesses201708.pdf> (hereinafter FS and BLM, *Grazing Administration Requirements and Processes*); BLM, *Livestock Grazing on Public Lands*, accessed December 10, 2025, <https://www.blm.gov/programs/natural-resources/rangelands-and-grazing/livestock-grazing>.

⁴⁷ FS regulations, at 36 C.F.R. §222.1(b), define an *allotment* as “a designated area of land available for livestock grazing.” BLM regulations, at 43 C.F.R. §4100.0-5 (2005), define an *allotment* as “an area of land designated and managed for grazing of livestock.”

⁴⁸ FSH 2209.13, §11. Section 11.1 identifies four kinds of term permits. When discussing FS term permits, this report focuses on the kind that authorizes individuals, partnerships, or corporations to graze livestock where only National Forest System (NFS) land is involved. The other three kinds are (1) term grazing permits with “on-and-off” provisions, which may be issued when a grazing allotment contains NFS lands and intermingled private land/or other lands owned or controlled by the applicant, where the applicant will become the permit holder on the NFS portion of the lands (§§11.12 and 15.6); (2) term private land grazing permits, which may be issued to persons who own or control lands in an allotment but who do not hold a term permit for use of the NFS lands (§§11.13 and 15.7); and (3) grazing agreements, which may assign responsibility to grazing associations or grazing districts to administer their members’ grazing on NFS lands and any intermingled land ownerships (§11.14 and FSH 2209.13, Chapter 20, “Grazing Agreements”).

temporarily available.⁴⁹ BLM also may issue *special grazing permits* for grazing by privately owned or controlled indigenous animals, for a term not to exceed 10 years.⁵⁰ Additional examples of permit types, for qualifying applicants under specified terms, include *free-use grazing permits* for owners of residences adjacent to BLM lands;⁵¹ *exchange-of-use grazing agreements* for applicants who own or control land that is unfenced and intermingled with BLM land in the same allotment;⁵² and *crossing permits* for applicants needing to cross land under BLM control, with temporary use authorizations for trailing livestock.⁵³

In some cases, it may be unclear what type of grazing permit is appropriate or whether multiple types of permits might be appropriate. For instance, BLM has taken the position that it may authorize grazing of privately owned bison by issuing either term permits or special grazing permits.⁵⁴

Forest Service

In addition to term permits, FS may issue *temporary grazing permits*, for periods not to exceed one year, under several circumstances. Among others, these circumstances include when unusually favorable climatic conditions create additional forage and when a term permit holder chooses not to use a permit for a period of time for personal convenience.⁵⁵ Further, FS may issue *livestock use permits*, for periods not to exceed one year, where the primary use is for certain purposes other than livestock production.⁵⁶ For example, FS may issue livestock use permits to persons who are engaged in certain commercial enterprises, such as outfitting and guiding, logging, and mining, that involve transportation on livestock.⁵⁷ FS also may issue livestock use permits for vegetation management purposes for grazing in conjunction with research.⁵⁸ In addition, FS can issue *grazing agreements* authorizing eligible associations to graze on FS lands for 10 years or less.⁵⁹ Grazing agreements contain provisions for the association to issue and administer permits.⁶⁰ Further, FS authorities provide for free grazing permits to Tribes consistent with treaty rights.⁶¹ The authorities also provide for issuance of special use permits where grazing is an incidental use (e.g., as part of commercial outfitting and guiding operations).⁶²

In contrast to BLM regulations, FS regulations do not single out indigenous animals for any particular kind of permit. FS regulations make term permits, along with other types of grazing

⁴⁹ 43 C.F.R. §4130.6-2 (2005).

⁵⁰ 43 C.F.R. §4130.6-4 (2005). The regulations do not define *indigenous*.

⁵¹ 43 C.F.R. §4130.5 (2005).

⁵² 43 C.F.R. §4130.6-1 (2005).

⁵³ 43 C.F.R. §4130.6-3 (2005).

⁵⁴ DOI, *Notice of Final Decision*, July 28, 2022, pp. 7-8, [https://eplanning.blm.gov/public_projects/103543/200243903/20064856/250071038/APR%20Final%20Decision%20\(Drft_v3_7.23.22\)%20Fmttd_Cmpld_signed_508.pdf](https://eplanning.blm.gov/public_projects/103543/200243903/20064856/250071038/APR%20Final%20Decision%20(Drft_v3_7.23.22)%20Fmttd_Cmpld_signed_508.pdf) (noting that special permits are not transferable). CRS was unable to locate any judicial opinion construing BLM's regulatory definition of *livestock* in the context of bison or addressing whether BLM may issue term grazing permits for privately owned indigenous animals or must instead issue special grazing permits.

⁵⁵ 36 C.F.R. §222.3(c)(2)(i).

⁵⁶ 36 C.F.R. §222.3(c)(2)(ii); FSH 2209.13, Chapter 30, "Temporary Grazing and Livestock Use Permits."

⁵⁷ 36 C.F.R. §222.3(c)(2)(ii)(A); 36 C.F.R. §222.1.

⁵⁸ 36 C.F.R. §222.3(c)(2)(ii); FSH 2209.13, Chapter 30, "Temporary Grazing and Livestock Use Permits."

⁵⁹ 36 C.F.R. §222.3(c)(1).

⁶⁰ FSH 2209.13, Chapter 20, "Grazing Agreements."

⁶¹ FSH 2209.13, Chapter 50, "Other Permits."

⁶² FSH 2209.13, Chapter 50, "Other Permits"; FSM 2700, Chapter 20, "Special Uses Authorizations," 2721.53.

permits, available for bison as they are for other kinds livestock. Further, FS has issued grazing permits for domestic bison.⁶³

What Types of Entities May Request a Grazing Permit?

BLM and FS allow various individuals and entities to request grazing permits, so long as they meet the requirements for a permit (e.g., related to base property and livestock for term permits).⁶⁴ Both agencies may issue permits to individuals, associations, corporations, and tribal entities,⁶⁵ among other parties, although the authorities are not identical.

Bureau of Land Management

The TGA provides that grazing permits may be issued to “bona fide settlers, residents, and other stock owners,” and that preference for grazing permits shall be given to those within or near a grazing district who are “landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights.”⁶⁶ BLM regulations establish that groups, associations, or corporations seeking term permits must be “authorized to conduct business” in the relevant state; BLM regulations do not require those entities to be engaged in the livestock business.⁶⁷ Thus, term permits are not limited to entities engaged in the livestock business, but such entities are entitled to preference.⁶⁸

Forest Service

FS issues term grazing permits to persons, defined as “any individual, partnership, corporation, association, organization, or other private entity,” and excluding government agencies.⁶⁹ FS regulations require that such persons own and have the capacity to graze livestock; the regulations do not require that the person be a for-profit entity.⁷⁰

⁶³ FS, *Benefits to People: At a Glance Report, Custer Gallatin National Forest*, p. 4, accessed January 2, 2026, <https://www.fs.usda.gov/emc/economics/documents/at-a-glance/benefits-to-people/northern/BTP-CusterGallatin.pdf> (“Rangeland on the forest provided grazing for about 51,100 cattle, horses, and bison in 2015”).

⁶⁴ For additional information on requirements for permits, with a focus on term permits, see the section below on “What Are the Eligibility Requirements to Obtain a BLM or FS Term Grazing Permit?”.

⁶⁵ The TGA neither establishes any grazing preference for Tribes or tribal entities nor extinguishes any preexisting right a Tribe may have had unrelated to the statute. See *Young v. Felornia*, 244 P.2d 862 (Utah 1952). Similarly, Tribes may maintain grazing rights to lands administered by FS pursuant to the terms of a relevant land cession agreement. See *Swim v. Bergland*, 696 F.2d 712, 716 (9th Cir. 1983).

⁶⁶ 43 U.S.C. §315b.

⁶⁷ 43 C.F.R. §4110.1 (2005).

⁶⁸ 43 U.S.C. §315b; see also *Public Lands Council v. Babbitt*, 529 U.S. 728, 747 (2000) (rejecting the argument that granting grazing permits to stockowners not engaged in the livestock business exceeded the authority provided under the TGA).

⁶⁹ 36 C.F.R. §222.1. FS policy limits issuance and renewal of term permits to entities recognized under state law. FSH 2209.13, Chapter 12.11. FS formerly issued permits to informal “livestock associations” but will no longer renew such permits. FSH 2209.13, Chapter 11.1.

⁷⁰ 36 C.F.R. §222.3(c)(1).

What Are the Eligibility Requirements to Obtain a BLM or FS Term Grazing Permit?⁷¹

Livestock operators who want to obtain a term permit must satisfy certain requirements and procedures. Both BLM and FS have mandatory qualifications for applicants. For instance, to qualify for grazing on BLM land, in general an applicant must be a U.S. citizen, or have filed a declaration of intention to become a U.S. citizen or a petition for naturalization, or be a group, association, or corporation authorized to conduct business in the relevant state.⁷² Similarly, among other qualifications, FS requires an applicant for a term grazing permit to be a U.S. citizen, or a citizen of a foreign country who has filed for naturalization as a U.S. citizen, or a legal entity in accordance with applicable federal and state law.⁷³

Additionally, to obtain a term permit, a livestock operator needs a nexus to base property and livestock. BLM and FS define these terms and the required nexus differently. For BLM, the applicant must *own or control* base property.⁷⁴ BLM generally defines *base property* as land capable of being used for livestock. In the desert Southwest, base property also can mean water suitable for consumption by livestock.⁷⁵ Similarly, the applicant must *own or control* livestock.⁷⁶ Control of base property and/or livestock without ownership could be obtained through mechanisms such as leasing. For FS, the applicant typically must *own* base property.⁷⁷ FS generally defines *base property* as “land and improvements owned and used by the permittee for a farm or ranch operation and specifically designated by him to qualify for a term grazing permit.”⁷⁸ Similarly, the applicant typically must *own* livestock.⁷⁹

⁷¹ Some requirements for other types of BLM and FS permits may be different than those discussed in this section for term permits. See, for example, BLM regulations at 43 C.F.R. §4110.1(a) (2005) on mandatory qualifications, 43 C.F.R. §4130.5 (2005) on free-use grazing permits (2005), and 43 C.F.R. §4130.6-3, 43 C.F.R. §4130.8-2 (2005), on crossing permits.

⁷² 43 U.S.C. §315b; 43 C.F.R. §4110.1 (2005).

⁷³ FSH 2209.13, Chapter 12.1. In addition, both agencies may issue grazing permits to Tribes. See the section above on “What Types of Entities May Request a Grazing Permit?”

⁷⁴ 43 C.F.R. §4110.2-1 (2005); FS and BLM, *Grazing Administration Requirements and Processes*.

⁷⁵ 43 C.F.R. §4110.2-1 (2005); FS and BLM, *Grazing Administration Requirements and Processes*. BLM policies do not appear to set out a minimum or maximum number of acres needed to meet base property requirements.

⁷⁶ 43 C.F.R. §4130.7 (2005); FS and BLM, *Grazing Administration Requirements and Processes*. BLM regulations, at 43 C.F.R. §4130.3-1 (2005), state that for each permit, the agency will “specify the kind and number of livestock.” For information on types of livestock, see the section above on “What Type of Livestock May Be Grazed?”

⁷⁷ 36 C.F.R. §222.3(c)(1)(i); FSH 2209.13, Chapter 10, “Term Grazing Permits”; FSH 2209.13, Chapter 20, “Grazing Agreements”; FS and BLM, *Grazing Administration Requirements and Processes*. Under certain limited circumstances, FS allows for the phased acquisition of base property. FSH 2209.13, Chapter 12.23.

⁷⁸ 36 C.F.R. §222.1(b). There are no national requirements regarding the minimum or maximum number of acres needed to meet base property requirements, according to FS policies at FSH 2209.13, §12.21.

⁷⁹ 36 C.F.R. §222.3(c)(1)(i); FSH 2209, Chapter 12.22; FS and BLM, *Grazing Administration Requirements and Processes*. FS policy, at FSH 2209.13, Chapters 12.22a and 12.23, provides a few exceptions to the livestock ownership requirement, including in the case of leased sires and in the case of phased acquisition of livestock. The number of livestock shown in a permit “is the maximum total number that will be allowed to graze under the term grazing permit,” according to FS policies at FSH 2209.13, §15.3. For information on types of livestock, see the section above on “What Type of Livestock May Be Grazed?”

Can Grazing Permits Be Transferred?

BLM and FS authorities do not authorize direct transfer of grazing permits. However, they set out procedures for purchasers of base property to obtain related permits. The authorities and approaches differ between the agencies. For BLM, grazing permit preference is associated with a base property. BLM regulations define *grazing preference* or *preference* as “a superior or priority position against others for the purpose of receiving a grazing permit or lease. This priority is attached to base property owned or controlled by the permittee.”⁸⁰ BLM allows transfer of grazing preference when base property is sold or leased, under specified conditions and processes.⁸¹ For FS, when a property is sold, the agency provides the option of a waiver of a permit back to the government by the present permittee in favor of the purchaser of the pertinent base property, permitted livestock, or both.⁸² Additional detail is provided below.

Bureau of Land Management

If a BLM permittee loses ownership or control of base property, for instance through sale of the property, a grazing permit associated with the property typically terminates “immediately without further notice” from BLM.⁸³ When a permit terminates under these circumstances, the grazing preference remains with the property and becomes available to the new owner/person in control of the base property through an application and transfer process.⁸⁴

In addition to owning or controlling land or water base property, the new owner/person in control (transferee) must meet other, more general eligibility requirements (e.g., related to citizenship).⁸⁵ The terms and conditions of any cooperative range improvement agreement or range improvement permit are binding on the transferee.⁸⁶ The transferee must accept the terms and conditions of the relevant terminating grazing permit, although BLM may require modifications or approve modifications requested by the transferee.⁸⁷ The transferee must simultaneously apply for a permit, to the extent of the grazing preference, and file a transfer application.⁸⁸

Alternatively, a permittee may apply to transfer their grazing preference from one base property to a new base property. The new base property may be owned or controlled by the permittee or by another person. If the preference is transferred to a new base property owned by someone other than the permittee, then the person acquiring the preference must apply for a permit.⁸⁹

⁸⁰ 43 C.F.R. §4100.0-5 (2005).

⁸¹ 43 C.F.R. §4110.2-1(d); 4110.2-3 (2005).

⁸² 36 C.F.R. §222.3(c)(1)(iv); FSH 2209.13, §17.

⁸³ 43 C.F.R. §4110.2-1(d) (2005). However, BLM may approve a permittee’s request for extension of the permit to the end of the grazing season or grazing year, under specified procedures.

⁸⁴ 43 C.F.R. §4110.2-1(d) (2005).

⁸⁵ 43 C.F.R. §4110.2-3(a)(1) (2005).

⁸⁶ 43 C.F.R. §4110.2-3(a)(2) (2005).

⁸⁷ 43 C.F.R. §4110.2-3(a)(3) (2005).

⁸⁸ 43 C.F.R. §4110.2-3(a)(4) (2005).

⁸⁹ 43 C.F.R. §4110.2-3(c) (2005) and FS and BLM, *Grazing Administration Requirements and Processes*.

Forest Service

FS does not allow direct transfer of grazing permits from one entity to another when a base property is sold.⁹⁰ Instead, when base property or permitted livestock are sold, the existing FS permittee may waive the permit back to the government in favor of the purchaser (of pertinent property and/or livestock), as noted.⁹¹ This is sometimes referred to as a *waiver with preference*. The purchaser of such base property and/or permitted livestock must then apply for a grazing permit and provide documentation showing that they qualify to meet base property/livestock requirements. They also must meet other, more general eligibility requirements (e.g., related to citizenship).⁹² FS typically issues a new permit to the purchaser of base property or permitted livestock if these and any other applicable qualification requirements are met.⁹³

Can Terms and Conditions of Grazing Permits Be Changed?

Both BLM and FS have broad authority to manage livestock grazing, including to cancel, suspend, increase, decrease, or otherwise alter grazing use, under specified terms and conditions. The agencies may exercise these authorities when they issue term permits and during the 10-year period typically covered by these permits.⁹⁴ This authority may be exercised for various reasons, including to address changes in resource conditions due to drought, fire, or other natural causes; to conform with (including changes to) laws, regulations, land use plans, and management objectives; and in response to violations of regulations and permit terms and conditions.⁹⁵

In seeking renewal of term permits, permittees may request changes to terms and conditions. Once permits are issued, permittees generally must graze their livestock in accordance with the provisions of permits unless the agencies approve of changes, as discussed below. However, authorities for both agencies indicate that permittees may seek and/or make adjustments to livestock grazing on their allotments, and may request not to graze a part or all of their allotments, under specified terms and conditions.⁹⁶ Some of the primary specific authorities applicable to each agency are discussed below. For more information, see below under “Do Permittees Have to Graze on Their Allotments?”

Bureau of Land Management

BLM permittees generally must graze in accordance with the provisions of permits unless BLM approves otherwise, as noted. This includes compliance with the specific terms and conditions of

⁹⁰ FSH 2209.13, §17.2.

⁹¹ 36 C.F.R. §222.3(c)(1)(iv); FSH 2209.13, §17.

⁹² 36 C.F.R. §222.3(c)(1)(iv); FSH 2209.13, §17.1.

⁹³ 36 C.F.R. §222.3(c)(1)(iv); FSH 2209.13, §17.

⁹⁴ A permit generally specifies the allotment to be used, the kind and number of livestock authorized, the amount and/or period of use, and particular terms and conditions (e.g., to achieve management and resource condition objectives), among other provisions. See, for example, 43 C.F.R. §4130.3 (2005) and 43 C.F.R. §4130.3-1 (2005) for BLM and 36 C.F.R. §222.3(c) and FSH 2209.13, §15 for FS.

⁹⁵ See, for example, BLM regulations at 43 C.F.R. §4110.3 (2005) and 43 C.F.R. §4130.3-1(b) (2005) and FS regulations at 36 C.F.R. §222.4.

⁹⁶ See, for example, 43 C.F.R. §4130.4 (2005) for BLM and 36 C.F.R. §222.4(a)(8) for FS.

the permit.⁹⁷ To renew a permit, a BLM permittee must be in “substantial compliance” with the terms and conditions of the existing permit and related rules and regulations.⁹⁸ In addition, BLM regulations prohibit “failing to make substantial grazing use as authorized for 2 consecutive fee years.”⁹⁹ They also provide, in the event of a violation, that the agency may cancel the amount of permitted use that the permittee failed to use.¹⁰⁰ In effect, this cancellation would bar the permittee from using previously authorized use.

After a grazing permit is issued, a BLM permittee may apply for changes in grazing use. BLM may approve changes to the terms and conditions of the permit.¹⁰¹ Further, BLM may provide flexibility to permittees to adjust their grazing operations without prior BLM approval. Such flexibility could be included in the terms and conditions of the permit, an allotment management plan for the pertinent grazing allotment,¹⁰² or an activity plan that is the functional equivalent.¹⁰³ Such allotment (or activity) plan must specify the “limits of flexibility” granted to the permittee to adjust operations.¹⁰⁴ BLM’s Instruction Memorandum (IM) 2025-011 sets out additional policies for developing grazing permits that provide flexibility for permittees to make adjustments in grazing use to accommodate yearly fluctuations in forage production or to meet specific ecological or resource outcomes.¹⁰⁵

Forest Service

FS permittees generally must graze in accordance with the provisions of permits unless FS approves otherwise, as noted. This includes compliance with the specific terms and conditions of the permit.¹⁰⁶ Under FS authorities, the agency may cancel, modify, or suspend grazing permits, in whole or in part, under specified circumstances and conditions.¹⁰⁷ Under FS policies, the agency may suspend or cancel a permit, in whole or in part, if the permittee violates its terms and conditions.¹⁰⁸

After a grazing permit is issued, an FS permittee may apply for changes in grazing use. FS may approve changes to the permit at the permittee’s request, among other reasons (e.g., changes in resource conditions). FS can approve varied changes, including to the period of use; number, kind, and class of livestock; and area to be grazed.¹⁰⁹

⁹⁷ BLM regulations addressing permit terms and conditions include 43 C.F.R. §4130.3 (2005), 43 C.F.R. §4130.3-1 (2005), and 43 C.F.R. §4130.3-2 (2005).

⁹⁸ 43 C.F.R. §4110.1(b)(1) (2005).

⁹⁹ 43 C.F.R. §4140.1(a)(2) (2005). The regulations specify exceptions for approved temporary nonuse, conservation use, or use temporarily suspended by an authorized officer.

¹⁰⁰ 43 C.F.R. §4170.1-2 (2005).

¹⁰¹ 43 C.F.R. §4130.4(a) and (b) (2005).

¹⁰² BLM regulations define an *allotment management plan* as “a documented program developed as an activity plan, consistent with the definition at 43 U.S.C. 1702(k), that focuses on, and contains the necessary instructions for, the management of livestock grazing on specified public lands to meet resource condition, sustained yield, multiple use, economic and other objectives.” 43 C.F.R. §4100.0-5 (2005).

¹⁰³ 43 C.F.R. §4120.2(a)(3) (2005).

¹⁰⁴ 43 C.F.R. §4120.2(a)(3) (2005).

¹⁰⁵ BLM, Instruction Memorandum (IM) IM 2025-011, *Flexibility in Livestock Grazing Management*, December 11, 2024, <https://www.blm.gov/policy/im-2025-011>.

¹⁰⁶ FS regulations addressing permit terms and conditions include 36 C.F.R. §222.3.

¹⁰⁷ 36 C.F.R. §222.4.

¹⁰⁸ FSH 2209.13, §16.3.

¹⁰⁹ 36 C.F.R. §222.4(a)(8); FSH 2209.13, §16.2.

Do Permittees Have to Graze on Their Allotments?

Both BLM and FS allow permittees to seek “nonuse” of their grazing allotments, as detailed below.

Bureau of Land Management

Under BLM regulations, permittees may apply for “temporary nonuse” of their allotments.¹¹⁰ The regulations define *temporary nonuse* as “the authorized withholding, on an annual basis, of all or a portion of permitted livestock use in response to a request” of the permittee.¹¹¹

BLM may approve temporary nonuse if such a determination conforms with BLM’s plans pertaining to the area (e.g., resource management plans, allotment management plans) and rangeland health standards and guidelines.¹¹² A permittee applying for temporary nonuse must provide the reasons. BLM may approve temporary nonuse for “reasons including but not limited to financial conditions or annual fluctuations of livestock.”¹¹³ BLM may approve temporary nonuse on an annual basis for no more than three consecutive years.¹¹⁴ During periods of approved temporary nonuse, the forage made available may be used by qualified applicants (e.g., other permittees) through a nonrenewable permit.¹¹⁵ When the need for temporary nonuse ends, a permittee may apply to activate forage in the permit.¹¹⁶

In 2009, BLM issued IM 2009-057, which set out policies for processing a nonuse application for conservation and protection.¹¹⁷ The IM defines *conservation and protection nonuse* as “the authorized withholding, on an annual basis, of all or a portion of the permitted livestock use in response to a request of the permittee or lessee for purposes of: (1) Protecting the land and its resources from destruction or unnecessary injury; (2) Improving rangeland conditions; or (3) Enhancing resource values, uses, or functions.”¹¹⁸ On an annual basis, BLM may approve conservation and protection nonuse where justified based on current or projected rangeland

¹¹⁰ 43 C.F.R. §4130.4(b) (2005).

¹¹¹ 43 C.F.R. §4100.0-5 (2005). A BLM IM “establishes that it is BLM policy that all regulatory references to temporary nonuse in 43 C.F.R. Part 4100, 43 C.F.R. §4130.8-2 (2005) pertain to nonuse that the permittee or lessee requests because of financial or operational considerations, such as annual fluctuations of livestock operations, personal reasons beyond the control of the operator, including hardship, or livestock disease and quarantine.” See IM 2009-057, *Nonuse of Grazing Permits or Leases*, January 12, 2009, <https://www.blm.gov/policy/im-2009-057> (hereinafter referred to as IM 2009-057). BLM continues to rely on this guidance in administering livestock grazing. Personal communication between CRS and BLM, Legislative Affairs Division, April 17, 2025.

¹¹² 43 C.F.R. §4130.2(g) (2005).

¹¹³ 43 C.F.R. §4130.2(g)(2) (2005).

¹¹⁴ 43 C.F.R. §4130.2(g)(2) (2005).

¹¹⁵ 43 C.F.R. §§4130.2(h), 4130.6-2 (2005).

¹¹⁶ 43 C.F.R. §4130.4(b) (2005).

¹¹⁷ IM 2009-057. This IM was issued in light of court decisions that invalidated provisions of BLM grazing regulations including provisions pertaining to conservation use for up to 10 years. *Public Lands Council v. Babbitt*, 167 F.3d 1287, 1307-1308 (10th Cir. 1999). Two appendixes were attached to the IM. Appendix 1 provided background on the history and development of the term *conservation use* and related court actions. According to the IM, Appendix 2 differentiated between regulatory provisions on conservation use that are “useful for implementing” conservation and protection nonuse from regulatory references that “must not be implemented” to comply with court decisions and the injunction.

¹¹⁸ IM 2009-057.

conditions.¹¹⁹ Conservation and protection nonuse “should not be used as a surrogate method to implement a long term grazing reduction or rest on allotments that the governing land use plan has determined are available for grazing use,” according to the IM.¹²⁰ During periods of approved nonuse, the forage is not available to other applicants (under a nonrenewable grazing permit). According to the IM, BLM will not authorize a permittee to resume using the lands until the agency determines that rangeland conditions have been restored.

Forest Service

FS authorities allow a permittee to seek approval for nonuse of all or part of grazing authorized in a term permit.¹²¹ Under FS policies, nonuse applies only to the number of livestock. In general, “a permittee is in nonuse status when less than 90 percent of the permitted number of livestock are planned to be grazed that year.”¹²²

FS may approve nonuse for three purposes: (1) personal convenience of the permittee,¹²³ (2) resource management needs,¹²⁴ and (3) rangeland research.¹²⁵ In a written request for nonuse, a permittee must include information pertaining to the type of nonuse, the number of livestock and head months or animal unit months of nonuse,¹²⁶ and the pertinent seasons and allotments.¹²⁷

FS may approve requests for nonuse for personal convenience for up to 3 consecutive years, and for a maximum of 4 years, in any rolling 10-year period.¹²⁸ FS authorities allow the agency to “fill in behind” in cases of approved nonuse for personal convenience, for instance, by authorizing temporary grazing by another entity.¹²⁹

Nonuse for resource management needs may be requested by a permittee or required by FS. The need should be identified by allotment and include the objectives to be met by nonuse. FS policies identify circumstances that may warrant nonuse for resource management needs. They include climatic and other events that impact resource conditions, impair allotment accessibility, and/or damage structural rangeland improvements, enhancing resource conditions, facilitating vegetation treatments, and herd reductions due to livestock disease outbreaks.¹³⁰ Nonuse for resource management needs that is approved for a specific period may be extended if FS determines that the objectives have not been met and that an extension is needed and/or likely to achieve the specified objectives.¹³¹

¹¹⁹ IM 2009-057, stating that “this approval is not subject to 43 C.F.R. §4130.2(g)(2), which limits temporary nonuse to three consecutive years.”

¹²⁰ IM 2009-057.

¹²¹ FS regulations direct the FS Chief to prescribe the conditions for approving nonuse of term permits for specified periods. 36 C.F.R. §222.3(c)(1)(vi)(D); FSH 2209.13, §16.1.

¹²² FSH 2209.13, §16.11.

¹²³ FSH 2209.13, §16.11.

¹²⁴ FSH 2209.13, §16.12.

¹²⁵ FSH 2209.13, §16.13.

¹²⁶ For grazing fee purposes, head months and animal unit months are measurements of use and occupancy of FS lands. See the section below on “How is the Grazing Fee Determined?”.

¹²⁷ FSH 2209.13, §16.1.

¹²⁸ FSH 2209.13, §16.11.

¹²⁹ 36 C.F.R. §222.3(c)(2)(i)(C). FSH 2209.13, §16.11a.

¹³⁰ FSH 2209.13, §16.12.

¹³¹ FSH 2209.13, §16.12.

FS may authorize nonuse of an allotment, or a portion thereof, for rangeland research.¹³² The authorization is provided with the agreement of the permittee and through a written agreement among the FS, permittee, and entity conducting the research.¹³³ FS must set guidelines with the approval, including the period and amount of nonuse, a description of the study area, a description of the research project, and the monitoring that will be conducted.¹³⁴ The study area could be grazed by livestock not owned by the permittee or not grazed to study approaches such as rest and vegetation manipulation.¹³⁵

What Is a Range Improvement?

Range improvements generally seek to enhance land health through structural changes (e.g., fencing) and/or nonstructural actions (e.g., seeding).

Under BLM regulations, a *range improvement* is defined as

an authorized physical modification or treatment which is designed to improve production of forage; change vegetation composition; control patterns of use; provide water; stabilize soil and water conditions; restore, protect and improve the condition of rangeland ecosystems to benefit livestock, wild horses and burros, and fish and wildlife. The term includes, but is not limited to, structures, treatment projects, and use of mechanical devices or modifications achieved through mechanical means.¹³⁶

Under FS regulations, a *range improvement* is defined as “any activity or program designed to improve production of forage and includes facilities or treatments constructed or installed for the purpose of improving the range resource or the management of livestock.”¹³⁷ FS regulations authorize the FS Chief to install and maintain structural and nonstructural range improvements.¹³⁸ The regulations also provide that improvements may be constructed or installed and maintained by individuals other than the FS under specified terms.¹³⁹

How Can Range Improvements Be Made?

Both BLM and FS may authorize a permittee to install range improvements on lands for which a grazing permit has been issued. For both agencies, the issuance of a grazing permit does not in and of itself confer such authority on the permittee. Instead, the agencies engage in decisionmaking processes to provide this authority.

¹³² FSH 2209.13, §16.13.

¹³³ FSH 2209.13, §16.13.

¹³⁴ FSH 2209.13, §16.13.

¹³⁵ FSH 2209.13, §16.13.

¹³⁶ 43 C.F.R. §4100.0-5 (2005).

¹³⁷ 36 C.F.R. §222.1(b)(21). The definition distinguishes between *nonstructural improvements*, which are practices and treatments to improve the range that do not involve construction, and *structural improvements*, which require construction or installation to improve the range, facilitate management, or control distribution and management of livestock. Structural improvements can be permanent or temporary.

¹³⁸ 36 C.F.R. §222.9(a).

¹³⁹ 36 C.F.R. §222.9(b). More specifically, the regulations allow such work to be performed by “individuals, organizations, or agencies other than the Forest Service.”

Bureau of Land Management

BLM may authorize construction, installation, or implementation of a range improvement project as part of a decision authorizing livestock grazing or through a separate decision. A permittee may seek authorization for a range improvement or, under specified conditions, BLM may require a permittee to install, maintain, or modify range improvements.¹⁴⁰ Any subsequent changes to a previously authorized range improvement project require separate approval by BLM.¹⁴¹ Whether a range improvement project is requested by the permittee or proposed by BLM, the agency is required to comply with NEPA and other applicable laws and regulations prior to authorizing a range improvement. In cases of transfer of grazing preference, the terms and conditions of the authorization are binding on the transferee.¹⁴²

BLM may authorize the permittee to install, use, maintain, or modify range improvements through two mechanisms: (1) a cooperative range improvement agreement or (2) a range improvement permit.¹⁴³

- Cooperative range improvement agreements are used for *permanent* range improvements or developments, such as fences, wells, reservoirs, and pipelines. Such permanent improvements typically have more benefit to the land than temporary improvements, such as by helping improve range conditions and achieve resource objectives, according to BLM staff.¹⁴⁴ The agreement is to specify how the costs and/or labor are divided between the United States and the permittee.¹⁴⁵ In practice, the government typically shares the costs, according to BLM staff. As an example, the staff asserted that BLM often pays for materials for an improvement and the permittee constructs the improvement.¹⁴⁶
- Range improvement permits are used for *removable* range improvements, such as corrals and loading chutes, or temporary structural improvements, such as troughs for hauled water.¹⁴⁷ Such removable and temporary improvements typically have more benefit to the livestock operations of the permittee than to the land, according to BLM staff.¹⁴⁸ The permittee is to provide full funding for construction, installation, modification, or maintenance of improvements under a range improvement permit.¹⁴⁹

¹⁴⁰ 43 C.F.R. §4120.3-1(c) and (d) (2005).

¹⁴¹ Information in this paragraph is based on a personal communication between CRS and BLM, Legislative Affairs Division, September 7, 2023.

¹⁴² 43 C.F.R. §4110.2-3 (2005).

¹⁴³ 43 C.F.R. §4120.3-1(b) (2005).

¹⁴⁴ Personal communication between CRS and BLM, Legislative Affairs Division, and BLM, Forest, Range, and Vegetation Resources Division, March 16, 2022.

¹⁴⁵ 43 C.F.R. §4120.3-2(a) (2005).

¹⁴⁶ Personal communication between CRS and BLM, Legislative Affairs Division, and BLM, Forest, Range, and Vegetation Resources Division, March 16, 2022.

¹⁴⁷ 43 C.F.R. §4120.3-3(a) and (b) (2005).

¹⁴⁸ Personal communication between CRS and BLM, Legislative Affairs Division, and BLM, Forest, Range, and Vegetation Resources Division, March 16, 2022.

¹⁴⁹ 43 C.F.R. §4120.3-3(a) (2005). Additional provisions of BLM regulations and policies address title to range improvements and compensation to the permittee for range improvements under certain circumstances. For instance, regulations at 43 C.F.R. §4120.3-6(c) (2005) provide for “reasonable compensation” to a permittee for construction or placement of permanent improvements, if BLM cancels a permit to devote the lands to another purpose (including disposal). A similar provision of FS regulations applies to FS lands, as noted below.

Forest Service

FS regulations authorize the FS Chief to install and maintain structural and nonstructural range improvements.¹⁵⁰ The regulations also provide that improvements may be constructed or installed and maintained by individuals other than the FS under specified terms.¹⁵¹

Similar to BLM, FS is required to comply with NEPA and other authorities prior to authorizing a range improvement. Thereafter, FS issues a project-level decision that may authorize the action, in which case FS modifies the term grazing permit, assigning maintenance of the rangeland improvement to the applicable permittee once construction is complete.¹⁵² For changes to term permits, including to authorize construction of range improvements or to modify terms and conditions related to construction, reconstruction, or maintenance of range improvements, a new analysis under NEPA is not required if the changes are within the scope and range of effects in a current analysis.¹⁵³

FS may authorize range improvements by cooperative agreement or memorandum of understanding, the provisions of which become part of the grazing permit.¹⁵⁴ According to FS staff, FS typically modifies a permit to set out the terms of the improvement. For new improvements, FS usually pays for the materials and the permittee is responsible for the construction. Permittees also typically pay for materials for and perform annual maintenance.¹⁵⁵

How Is the Grazing Fee Determined?

Charging fees for grazing private livestock on federal lands is statutorily authorized and has been FS policy since 1906 and BLM policy since 1936.¹⁵⁶ The current fee structure is based on a formula established in the Public Rangelands Improvement Act of 1978 (PRIA) and continued administratively.¹⁵⁷

The fee is based on a specified number of animals grazing on federal rangelands for one month, as described below. For BLM, this is known as an *animal unit month* (AUM). BLM defines an AUM, for fee purposes, as a month's use and occupancy of the range by one animal unit, which

¹⁵⁰ 36 C.F.R. §222.9(a).

¹⁵¹ 36 C.F.R. §222.9(b). More specifically, the regulations allow such work to be performed by “individuals, organizations, or agencies other than the Forest Service.”

¹⁵² Personal communication between CRS and FS, Office of Legislative Affairs, June 15, 2023.

¹⁵³ FSH 2209.13, §16.2.

¹⁵⁴ 36 C.F.R. §222.9(b)(1).

¹⁵⁵ Personal communication between CRS and FS, Office of Legislative Affairs and FS, Rangeland Program, March 17, 2022. Additional provisions of FS regulations and policies address title to range improvements and compensation to the permittee for range improvements under certain circumstances. For instance, FS regulations at 36 C.F.R. §222.6(a) provide for “reasonable compensation” to a permittee for permanent improvements that the permittee constructed or placed on the relevant lands, if FS cancels a permit to devote the lands to another purpose, including disposal. A similar provision of BLM regulations applies to BLM lands, as noted above.

¹⁵⁶ For FS, see FS, *The USDA Forest Service—The First Century*, April 2005, p. 75, https://www.fs.usda.gov/sites/default/files/media/2015/06/The_USDA_Forest_Service_TheFirstCentury.pdf. For BLM, see U.S. Government Accountability Office, *Livestock Grazing: Federal Expenditures and Receipts Vary, Depending on the Agency and the Purpose of the Fee Charged*, GAO-05-869, September 2005, p. 84.

¹⁵⁷ P.L. 95-514, 92 Stat. 1803; 43 U.S.C. §§1901, 1905. Executive Order 12548, 51 *Federal Register* 5985 (February 19, 1986), <https://www.archives.gov/federal-register/codification/executive-order/12548.html>. These authorities govern grazing on BLM and FS lands in the 16 contiguous western states, as listed in footnote 6.

includes, for example, one yearling, one cow and her calf, one horse, or five sheep or goats.¹⁵⁸ FS uses *head-month* (HD-MO) as its unit of measurement for use and occupancy of FS lands; this measurement is nearly identical to AUM as used by BLM for fee purposes.¹⁵⁹ Hereinafter, *AUM* is used to cover both HD-MO and AUM.

PRIA established a policy of charging a grazing fee that is equitable and prevents economic disruption and harm to the western livestock industry.¹⁶⁰ The law requires the Secretaries of Agriculture and the Interior to charge an annual fee that reflects the estimated economic value of grazing to the livestock owner.¹⁶¹ Congress set the base fair market value as \$1.23 per AUM and established a formula for adjusting the base value annually.¹⁶² The adjustment formula includes three cost-related factors: (1) the rental charge for pasturing cattle on private rangelands, (2) the sales price of beef cattle, and (3) the cost of livestock production. However, Congress also established that the annual fee adjustment could not exceed 25% of the previous year's fee. The adjustment factors are calculated each year by the National Agricultural Statistics Service (NASS) and are discussed in the next section (see "What Is an Example of How the Grazing Fee Is Calculated?").

PRIA provided for a seven-year trial (1979-1985) of the formula while BLM and FS undertook a study to help Congress determine a permanent fee or fee formula.¹⁶³ In 1986, President Reagan issued Executive Order 12548 to continue indefinitely the PRIA fee formula and to establish the minimum fee of \$1.35 per AUM.¹⁶⁴ In each year since 1981, BLM and FS have charged fees that are the same for both agencies,¹⁶⁵ ranging from \$1.35 per AUM (for about half of the years during

¹⁵⁸ Specifically, BLM regulations at 43 C.F.R. §4130.8-1(c), 43 C.F.R. §4130.8-2 (2005) provide that in general, "for the purposes of calculating the fee, an animal unit month is defined as a month's use and occupancy of range by 1 cow, bull, steer, heifer, horse, burro, mule, 5 sheep, or 5 goats, over the age of 6 months at the time of entering the public lands or other lands administered by the Bureau of Land Management; by any such weaned animal regardless of age; and by such animals that will become 12 months of age during the authorized period of use."

¹⁵⁹ Specifically, FS regulations at 36 C.F.R. §222.50 provide that "a grazing fee shall be charged for each head month of livestock grazing or use. A head month is a month's use and occupancy of range by one animal, except for sheep or goats. A full head month's fee is charged for a month of grazing by adult animals; if the grazing animal is weaned or 6 months of age or older at the time of entering National Forest System lands; or will become 12 months of age during the permitted period of use. For fee purposes 5 sheep or goats, weaned or adult, are equivalent to one cow, bull, steer, heifer, horse, or mule."

¹⁶⁰ 43 U.S.C. §1901.

¹⁶¹ 43 U.S.C. §1905.

¹⁶² 43 U.S.C. §1905. The base value of \$1.23 per animal unit month (AUM) was established by the 1966 Western Livestock Grazing Survey.

¹⁶³ 43 U.S.C. §§1905, 1908(b). In 1986, the Secretary of Agriculture and the Secretary of the Interior issued a report with the results of the study, entitled *Grazing Fee Review and Evaluation Report*. The report is available at <https://babel.hathitrust.org/cgi/pt?id=uc1.b000646384&view=1up&seq=7&skin=2021>. It is referenced hereinafter as *1986 Grazing Fee Report*. In 1992, the Secretary of Agriculture and the Secretary of the Interior issued an update to the 1986 report, entitled *Grazing Fee Review and Evaluation: Update of the 1986 Final Report*. The report is available at <https://archive.org/details/grazingfeereview7514unit/page/n1/mode/2up>.

¹⁶⁴ Executive Order 12548 of February 14, 1986, "Grazing Fees," 51 *Federal Register* 5985, February 19, 1986, <https://www.archives.gov/federal-register/codification/executive-order/12548.html>.

¹⁶⁵ The current grazing fee formula has been used to calculate grazing fees since 1979, according to the *1986 Grazing Fee Report*, p. 16. However, in 1979 and 1980, BLM and FS charged different fees. In 1979, FS charged \$1.93, as calculated under the formula, and BLM charged \$1.89. In 1980, FS charged \$2.41, as calculated under the formula, and BLM charged \$2.36. The reasons for the differences are not readily clear but appear to relate to separate agency calculations being made for those years. See U.S. Government Accountability Office, *Livestock Grazing: Federal Expenditures and Receipts Vary, Depending on the Agency and the Purpose of the Fee Charged*, GAO-05-869, September 2005, e.g., p. 48 and the *1986 Grazing Fee Report*, p. 22.

the period) to \$2.31 per AUM (for 1981).¹⁶⁶ The 2025 fee, in effect from March 1, 2025, through February 28, 2026, is \$1.35 per AUM.¹⁶⁷

Each permit typically specifies the number of AUMs that can be grazed. For both agencies, permittees are charged for each AUM of authorized use, and payment generally is due prior to grazing use.¹⁶⁸ However, there are exceptions for both agencies.¹⁶⁹ Both agencies allow for refunds under specified circumstances. As an example, BLM regulations allow for refunds prior to the period of use upon application for a change of use and during periods of range depletion (e.g., from fire or drought).¹⁷⁰

What Is an Example of How the Grazing Fee Is Calculated?

Though BLM and FS set grazing fees, NASS annually performs the calculation of the adjustment factors and fee formula specified by PRIA.¹⁷¹ Below is an example calculation of the change in the grazing fee from 2015 to 2016, as prepared by NASS and shared with the Congressional Research Service.¹⁷² The calculation of the fee led to an increase from \$1.69 per AUM for 2015 to \$2.11 per AUM for 2016. The fee change primarily stemmed from a rise in income, driven by an increase in the prices received for beef cattle, and a decrease in expenses, driven by a decline in fuels and energy costs, according to NASS.

Terms and acronyms used in the example are as follows.

- *FVI* refers to the *Forage Value Index*, which reflects the weighted average estimate of the annual rental charge for pasturing cattle on private rangelands in 11 western states.¹⁷³
- *BCPI* refers to the *Beef Cattle Price Index*, which reflects the weighted average annual selling price for beef cattle in 11 western states.¹⁷⁴

¹⁶⁶ The annual grazing fee from 1981 to 2019 is contained in CRS Report RS21232, *Grazing Fees: Overview and Issues*, by Carol Hardy Vincent. For each of 2020-2025, the grazing fee was set at \$1.35 per AUM.

¹⁶⁷ BLM, “BLM, USDA Forest Service Announce 2025 Grazing Fees,” press release, January 31, 2025.

¹⁶⁸ For BLM, 43 C.F.R. §4130.8-1(c) (2005) and (e). For FS, 36 C.F.R. §222.50(g).

¹⁶⁹ As an example for BLM, allotment management plans may provide for billing after the grazing season based on actual use. See 43 C.F.R. §4130.8-1(e) (2005).

¹⁷⁰ 43 C.F.R. §4130.8-2 (2005). However, applications for changes in grazing use that are filed after billing notices have been issued, and which require a replacement or supplemental billing notice, are subject to a service charge. 43 C.F.R. §4130.4(a) (2005).

¹⁷¹ BLM Instruction Memorandum IM 2025-019, dated February 13, 2025, notes that “The USDA, National Agricultural Statistics Service, collects the data to support the grazing fees and related computations.” See <https://www.blm.gov/policy/im2025-019>.

¹⁷² Personal communication between CRS and the USDA, National Agricultural Statistics Service, Statistics Division, Economics Section, September 26, 2016, and September 28, 2016.

¹⁷³ As noted in footnote 146, BLM and FS charge fees for grazing essentially under a formula established in PRIA and continued administratively by an executive order. Section 2 of the executive order set out these 11 western states for use in calculating the forage value index: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Executive Order 12548 of February 14, 1986, “Grazing Fees,” 51 *Federal Register* 5985, February 19, 1986, <https://www.archives.gov/federal-register/codification/executive-order/12548.html>; see also 36 C.F.R. §222.51 (FS calculation); 43 C.F.R. §4130.8-1 (2005, BLM regulation).

¹⁷⁴ See footnote 161.

- *PPI* refers to the *Prices Paid Index*, which reflects the prices paid by farmers for certain goods and services (adjusted by weights) to reflect the cost of livestock production in the 11 western states.¹⁷⁵
- The *unadjusted fee* refers to the fee that was calculated based on the application of the formula.
- The *capped fee* is the fee that was charged because the annual fee adjustment cannot exceed 25% of the previous year's fee.

Table 1. Example of Grazing Fee Calculation
(change from 2015 to 2016)

	2015	2016
<i>Fee = \$1.23 * ((FVI + BCPI - PPI) / 100)</i>		
Formula	<i>Fee = \$1.23 * ((540 + 646 - 1,015) / 100)</i>	<i>Fee = \$1.23 * ((548 + 676 - 943) / 100)</i>
Unadjusted Fee	\$2.10	\$3.46
Capped Fee	\$1.69	\$2.11

Source: Personal communication between the Congressional Research Service and the National Agricultural Statistics Service, Statistics Division, Economics Section, September 26, 2016, and September 28, 2016.

Notes: FVI = Forage Value Index; BCPI = Beef Cattle Price Index; PPI = Prices Paid Index.

Additional information on the formula and calculation of the grazing fee on BLM and FS lands is contained in federal regulations governing livestock grazing.¹⁷⁶

In Addition to the Grazing Fee, Are There Costs Specific to Livestock Grazing on BLM and FS Lands?¹⁷⁷

A primary cost of livestock grazing on BLM and FS lands is the grazing fee (as discussed above, under “How Is the Grazing Fee Determined?”). Permittees also may incur costs of range improvements (as discussed above, under “How Can Range Improvements Be Made?”). Permittees on BLM and/or FS lands might incur other costs. For example, both agencies may authorize permittees to use supplemental feed in grazing operations, including salt, and the

¹⁷⁵ The Prices Paid Index includes goods and services such as fuels and energy, farm and motor supplies, tractors and other machinery, building and fencing materials, and farm wage rates, among others, as set out in BLM regulations at 43 C.F.R. §4130.8-1 (2005) and FS regulations at 36 C.F.R. §222.51.

¹⁷⁶ BLM grazing fee regulations are at 43 C.F.R. §4130.8 (2005); see especially §4130.8-1, Payment of Fees. FS grazing fee regulations are at 36 C.F.R. Subpart C; see especially §222.51, National Forests in 16 Western States, at <https://www.ecfr.gov/current/title-36/chapter-II/part-222>.

¹⁷⁷ The focus of this response is on certain costs to permittees that may be particular to, or common for, grazing on BLM and FS lands. It does not cover costs of livestock operations generally (e.g., purchase of cattle, veterinary services). Further, permittees might or might not incur the costs described in this section, or might incur other costs, as this summary is not exhaustive. Additionally, the type and extent of costs might differ between the agencies, types of grazing operations and practices, and lands and their resources, among other variables. Because of this, CRS is unable to generalize or estimate the value of these costs by agency, activity, permittee, or any other metric.

permittees typically pay for the purchase and placement of such supplemental feed.¹⁷⁸ Further, BLM and FS permittees sometimes hire herders to perform certain tasks, including on large allotments. Tasks might include moving livestock among pastures and monitoring livestock regularly, such as to prevent entry into riparian or other sensitive areas.¹⁷⁹

In addition, BLM permittees pay the federal government a surcharge for grazing livestock that they do not own, except for livestock owned by their children. The surcharge varies by state and equals 35% of the difference between the current year's federal grazing fee and the prior year's private land lease rate for the relevant state.¹⁸⁰ FS generally does not allow permittees to graze cattle they do not own and thus does not have similar surcharges.¹⁸¹ Also, BLM charges a service fee of \$10 for specified agency actions, such as issuance of a replacement or supplemental bill to reflect actions by the permittee (e.g., a change in the number of cattle to be grazed).¹⁸² FS does not charge such service fees, according to FS staff consulted on this topic.¹⁸³

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¹⁷⁸ For BLM, regulations at 43 C.F.R. §4130.3-2(c) (2005) provide that grazing permits may authorize and direct the placement of supplemental feed, for improved livestock and rangeland management. FS regulations do not appear to contain a specific provision on supplemental feed. FS staff consulted on this topic (on March 17, 2022) expressed that the agency also may authorize supplemental feed and that the permittee pays for purchase and placement.

¹⁷⁹ In addition, FS staff consulted on this topic identified certain potential costs of livestock operations on federal lands that might be more common or larger than livestock operation costs on private lands. They included costs of transportation to and from allotments and replacement of lost cattle due to predation or wildfire, given the size, distance from base property, and availability of water on federal grazing allotments.

¹⁸⁰ 43 C.F.R. §§4130.7(f), 4130.8-1(d) (2005). BLM Instruction Memorandum IM 2025-019, dated February 13, 2025, identifies the 2025 surcharge rate by state. See <https://www.blm.gov/policy/im2025-019>.

¹⁸¹ Personal communication between CRS and FS, Office of Legislative Affairs and FS, Rangeland Program, March 17, 2022.

¹⁸² 43 C.F.R. §4130.8-3 (2005). The regulations set out four categories of service fees. In practice, BLM does not charge a service fee for one of the categories identified—an application for nonuse—according to BLM staff consulted on this topic (March 16, 2022).

¹⁸³ Personal communication between CRS and FS, Office of Legislative Affairs and FS, Rangeland Program, March 17, 2022.

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