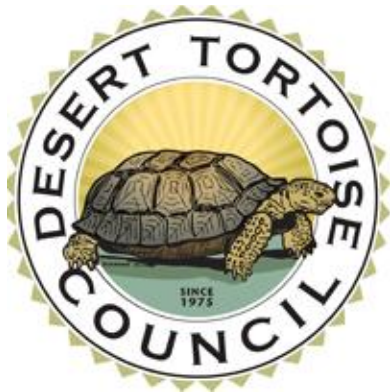




DESERT TORTOISE COUNCIL

3807 Sierra Highway #6-4514

Acton, CA 93510

www.deserttortoise.org

eac@deserttortoise.org



**DESERT TORTOISE PRESERVE
COMMITTEE, INC.**

P.O. Box 940

Ridgecrest, CA 93556

www.Tortoise-Tracks.org

Tom.Astle@tortoise-tracks.org

Via regulations.gov

July 13, 2026

U.S. Department of the Interior, Director (630)
Bureau of Land Management,
1849 C St. NW, Room 5646
Washington, DC 20240
Attention: Acting, BLM Director

Re: Revision of Regulations for Grazing Administration, Exclusive of Alaska (docket BLM-2026-0001)

Dear Acting Director,

The Desert Tortoise Council (DTC) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and northern Mexico, the DTC routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

The Desert Tortoise Preserve Committee (DTPC) is a non-profit organization formed in 1974 to promote the welfare of the desert tortoise in its native wild state. DTPC members share a deep concern for the continued preservation of the tortoise and its habitat in the southwestern deserts and are dedicated to the recovery and conservation of the desert tortoise and other rare and endangered species inhabiting the Mojave and western Sonoran deserts. The DTPC has a long track record of protecting desert tortoises and their habitat through land acquisition, preserve management, mitigation land banking, and educational outreach.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an “environmentally friendlier way” of receiving correspondence and documents rather than “snail mail.”

The Mojave desert tortoise is among the top 50 species on the list of the world’s most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature’s (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), “... based on population reduction (decreasing density), habitat loss of over 80% over three generations (90 years), including past reductions and predicted future declines, as well as the effects of disease (upper respiratory tract disease/mycoplasmosis). *Gopherus agassizii* (sensu stricto) comprises tortoises in the most well-studied 30% of the larger range; this portion of the original range has seen the most human impacts and is where the largest past population losses have been documented. A recent rigorous rangewide population reassessment of *G. agassizii* (sensu stricto) has demonstrated continued adult population and density declines of about 90% over three generations (two in the past and one ongoing) in four of the five *G. agassizii* recovery units and inadequate recruitment with decreasing percentages of juveniles in all five recovery units.”

This status, in part, prompted the Council to join Defenders of Wildlife and the DTPC to petition the California Fish and Game Commission (Commission) in March 2020 to elevate the listing of the Mojave desert tortoise from Threatened to Endangered under the California Endangered Species Act (CESA) (Defenders of Wildlife et al. 2020). Importantly, following California Department of Fish and Wildlife’s (CDFW) (2024a) status review, in their April 2024 meeting the Commission voted unanimously to accept the CDFW’s petition evaluation and recommendation to uplist the tortoise from threatened to endangered under the CESA based on the scientific data provided on the species’ status, declining trend, numerous threats, and lack of effective recovery implementation and land management (CDFW 2024b). On July 15, 2025, the tortoise was officially uplisted to endangered status under the CESA (Commission 2025).

Description of the Proposed Action

The proposed grazing regulations would make several changes to grazing on public lands managed by BLM. They include:

- Limiting the definition of “interested public,” meaning those who have a say in rangeland management;

- removing the requirement that BLM include the public in consultation, cooperation and coordination when making decisions that affect grazing such as changes to permitted use, range improvement decisions, and permit modifications;
- prioritizing restocking of areas previously grazed (vacant areas) but withdrawn from use for numerous reasons including the permittee as a willing seller had their grazing privilege purchased to retire grazing from that area so the land could recover from past grazing use;
- allowing a permittee to continue grazing while the appeal that he/she filed (because of an unfavorable BLM ruling) is being reviewed by BLM;
- streamlining the grazing permit renewal process;
- issuing grazing permits only for “production-oriented livestock” or commercial livestock production;
- rescinding existing BLM water quality standards and removing water quality from BLM’s rangeland health standards;
- assigning water quality standards on public lands as a responsibility of the states;
- removal of land health standards for rangelands under BLM’s grazing regulations;
- eliminating the requirement that proposed decisions be sent to the interested public;
- limiting public notification of proposed decisions to post information on BLM websites; and,
- expanding livestock grazing to reduce wildfire risk through “targeted grazing.”

Comments on the Proposed Action

Compliance with the Federal Land Policy and Management Act

BLM has not demonstrated in the proposed regulations how they would comply with the Federal Land Policy and Management Act (FLPMA). BLM should explain how proposed regulations would comply with the mandates in this statute, especially those that apply to the California Desert Conservation Area, “to provide for the immediate and future *protection* (emphasis added) and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.”

Multiple use is defined in FLPMA along with sustained yield. In managing public lands, BLM frequently cites FLPMA and its multiple use mandate but overlooks the sustained yield and environmental quality mandates.

The term “sustained yield” means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use. Thus, livestock grazing cannot achieve sustained yield if soils are compacted, soil crusts are degraded or destroyed, and diversity and abundance of native vegetation are adversely affected. Livestock grazing cannot achieve sustained yield consistent with multiple use if forage allocations do not include the quality, quantity, and distribution of forage needed by native fish and wildlife to sustain their populations and habitats.

BLM should explain how the proposed regulations would comply with the mandate of FLPMA to manage for multiple use, sustained yield, and environmental quality.

Under FLPMA, BLM is directed to manage public lands “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values;” and “will provide food and habitat for fish and wildlife.”

FLPMA also requires extensive public involvement “to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.” We interpret this to mean that BLM is required to have extensive public involvement in the formulations of plans and programs relating to the management of public lands to include the grazing program and associated plans.

Also, FLPMA requires that BLM “take any action necessary to prevent unnecessary or undue degradation of the lands.” For example, the proposed regulation appears to allow unnecessary and undue degradation of the public lands by allowing grazing practices that degrade public lands to continue during the permittee’s appeal of a BLM grazing decision. As described below, under “Compliance with BLM Land Use Plans,” with thousands of allotments administered by BLM and their respective grazing permits to manage these allotments, if several permittees appeal any BLM grazing decision, the resolution of that process for the thousands of appeals would take years or longer to complete. Allowing grazing practices to continue, especially those that damage the land health during the appeal process, would not be taking any action necessary to prevent unnecessary and undue degradation of public lands.

BLM should explain how the proposed regulations would comply with all the mandates of FLPMA.

Compliance with Other Federal Environmental Laws

In the *Federal Register* notice for the proposed regulations, we did not find information that BLM has complied with federal environmental laws including the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and other applicable environmental laws. BLM is mandated to comply with these federal laws. Under NEPA, BLM should prepare an environmental impact statement (EIS) that analyzes the impacts of the proposed regulations on the human environment. BLM should consult with the U.S. Fish and Wildlife Service (USFWS) on the effects of the proposed regulations on endangered and threatened species and their critical habitats. Compliance with these federal laws would provide the public and the States with information on the analysis of impacts from implementation of the proposed regulations, which is not provided in the document published in the *Federal Register*. This analysis is crucial to understanding how the implementation of the proposed regulations would affect the human environment. We mention the States because BLM is proposing to transfer responsibilities for surface water management to them, and this transfer of responsibilities (including any additional financial costs) may not have been coordinated with the States.

Compliance with Laws Establishing National Conservations and National Monuments

For some authorizations establishing National Conservation Areas (NCAs) (federal laws) and National Monuments (federal laws or Presidential proclamations), livestock grazing was an excluded use. In others, grazing would be allowed only if grazing would not interfere with protecting the objects named in the proclamation establishing the National Monument. The proposed regulations should not, and we believe do not, have the authority to change these authorizations. Please explain how the proposed regulations would comply with these federal laws.

Compliance with BLM Land Use Plans

Under FLPMA, BLM is directed to produce land use plans for the lands under their jurisdiction. These land use plans include how each resource use will be managed, which includes livestock grazing. Some BLM land use plans have excluded livestock grazing from certain areas for many reasons (e.g., off-highway vehicle open areas, etc.). The proposed regulations appear to ignore these well-founded reasons and decisions in current land use management plans. The proposed regulations require that all “vacant land” (meaning land that does not have an active mine or structure on it) should be grazed. We question the compliance of the proposed regulations with respect to FLPMA in which Congress declared under the definition of multiple use that “the use of some land for less than all of the resources;” meaning that grazing does not need to occur on all public lands.

BLM should clarify how existing land use plans, which exclude livestock grazing from certain areas on public lands, would be affected by the proposed regulations.

BLM did not fully evaluate the results of implementing these regulations because the likely results were not discussed fully in the proposed regulations. For example, BLM would allow a permittee to continue to graze during his/her appeal of a BLM decision that they find unfavorable. With about 18,000 grazing permits administered by BLM, this proposed change would encourage permittees to appeal any BLM decision that they find unfavorable. In doing this they could continue their existing grazing practices for an indefinite time. We say indefinite time because BLM has been understaffed, lost additional staff in 2025 under the administration’s policy to reduce the government workforce, and has not hired people to fill the key positions needed to implement these proposed regulations in a timely manner. If half the permittees disagreed with BLM and filed appeals (about 9,000 appeals), BLM would have a substantially increased workload in addition to the other work BLM is mandated to do. Being understaffed would likely mean that the appeal process would not be completed soon and grazing under existing conditions would continue for some time. We are unsure how this complies with FLPMA’s requirement of unnecessary and undue degradation of public lands.

Limiting Public Notification of Proposed Decisions to Posting Information on BLM Websites

Under the proposed regulations, if the public wanted to know what changes in management actions or renewals of grazing permits were being proposed by BLM on grazing allotments, they would need to access the websites of the BLM offices with management authority over those allotments. This would require checking all applicable BLM websites weekly or more frequently because the comment period for these changes or renewals may be only 15 days. If a member of the public is interested in allotments covering a particular region or state, they could be required to check on proposed changes or renewals for hundreds of allotments weekly. This is a substantial change from BLM’s past practice of BLM informing those entities that had requested BLM to identify them as an interested public or an affected interest.

Water and Air Quality

BLM states that water and air quality are best regulated by the State agencies responsible for enforcing State standards. Our understanding of this proposed regulation is that it would hold the States responsible for regulating water and air quality on BLM grazing allotments.

Water quality generally is determined by uses in the watershed. Watersheds do not follow political boundaries such as State boundaries. We are not sure how the States would be able to effectively administer water quality on BLM land when a watershed occurs in more than one State. Also, we are not sure why the responsibility of water quality on lands managed by federal agencies, such as BLM, should be handed over to the States, or if the States have the administrative infrastructure in place to begin to manage water quality. Is this setting a precedent under which all other federal lands (e.g., military, National Park Service, etc.) would have their water quality administered by the States? Traditionally, landowners are responsible for the activities and effects on lands that they own. And we are not sure that the States would accept this responsibility, especially when there is no mention or guarantee of funding to implement it.

Definitions

BLM is proposing to add a definition of the term, “beginning rancher (mentee),” to establish criteria for who may qualify as a beginning rancher. The proposed rule would revise certain provisions that encourage young ranchers to participate in public land grazing to expand the existing limitation that those young ranchers must be the sons or daughters of existing permittees. So long as “someone has not owned, controlled, or operated a farm or ranch for a period of more than 10 years and has not previously held a grazing permit, that person would be eligible for the allowances that are presently extended only to ‘sons and daughters.’”

This proposed change opens the door for anyone, including foreign nationals and foreign corporations, to acquire grazing permits, raise livestock on public lands using public resources while paying little for that privilege, and ship the meat and other livestock products overseas. This is already happening with the mining industry under the recent encouragement by BLM to open public lands for mineral development. Foreign companies are taking advantage of this encouragement and applying for authorizations to mine on BLM land, exporting the minerals from public lands for final processing and product manufacturing overseas, and selling the final products back to the United States.

BLM is proposing to add a definition of the term “carrying capacity.” The new definition would provide that the term means “the measurement of how much forage is available on a unit of land.”

Unfortunately, this definition is limited to the quantity of forage available (i.e., how much forage) and does not include the quality of forage available. For example, annual grasses in the genus *Bromus* are highly abundant in many areas of the Mojave Desert and Great Basin Desert. However, the nutritional content and moisture availability of these species is reduced and the time of palatability limited. In the Mojave Desert, livestock and wildlife would select native vegetation for forage over nonnative invasive *Bromus* grasses especially at certain times in the plant’s phenology and because of its higher nutritional values and moisture content. BLM should review information available in the scientific literature to revise its definition of carrying capacity to include forage quality, quantity, and time of availability.

BLM is proposing to revise the definition of the term “interested public” to make explicit that “anyone wishing to participate in the management of livestock grazing on public lands must have a cognizable interest in such management on the allotment or allotments for which they wish to participate as a member of the interested public. An interest in public lands management or the health of the range or particular resources on it would not alone be sufficient for the BLM to grant interested public status; rather, an articulable interest in those matters as applied to the allotment at issue would be necessary.”

We assert this proposed definition sets a precedent for management of lands that belong to the public and the resources on those lands that belong to the public. No such exclusion exists for other resource issues on public lands or lands managed by other federal agencies (e.g., National Park Service, USFWS, Army Corps of Engineers, etc.). It also indicates that BLM is not interested in input from the public regarding (1) impacts to air quality, water quality, and other resource issues affected by proposed grazing management actions, or (2) better ways to implement grazing management.

When managing public lands for livestock grazing, BLM is also affecting the management of other resource issues on public lands. Grazing management is not implemented in isolation from other resource issues on public lands. However, BLM’s proposed restriction on the definition of the interested public means that BLM could limit public input/public involvement in grazing management and grazing decisions. It would also hamper the States from effectively managing air and water quality on BLM grazing allotments, because the State air quality and water quality agencies would not be considered “interested public.” In addition, only persons involved with the management of grazing would participate in and be allowed to take legal action against BLM for its grazing management actions and decisions. This exclusion of the public from participating in the management of public lands would likely violate NEPA and FLPMA. Regarding FLPMA, please see our comments above on Compliance with the Federal Land Policy and Management Act and the paragraph beginning with “FLPMA also requires extensive public involvement...” on page 4, above.

BLM is proposing to add a definition of the term “prescribed grazing” to be more specific in identifying the “management objectives” that may be served by the practice. The BLM is proposing to add a definition of the term production-oriented livestock to inform the parameters for issuing grazing permits.

Although BLM claims that the Taylor Grazing Act has language that supports this proposed definition and limitation of “production-oriented livestock,” the language BLM offers from the Taylor Grazing Act to support this claim is not clear. For example, “Grazing permits shall be issued only to...groups, associations, or corporations authorized to conduct business under the laws of the State in which the grazing district is located. Preference shall be given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business bona fide occupants or settlers, or owners of water or water rights...” “Preference” does not result in exclusivity. Also, anyone including foreign companies could meet this requirement. There is no mention of production-oriented livestock in the Taylor Grazing Act. People raise livestock as pets or for limited hunting opportunities. Arizona raises bison and annually sells limited hunting licenses/tags. This is not production-oriented livestock in the traditional meaning of the term.

By limiting the current definition of “prescribed grazing” and requiring production-oriented livestock for all grazing on public lands, we would argue that BLM is limiting the purposes for which grazing may occur. These limitations are not present in the Taylor Grazing Act or FLPMA. Thus, BLM is limiting the purpose and intent that Congress had when it passed these two laws. We consider this limitation beyond the authority of BLM to know what Congress’s intent was in passing this legislation.

BLM is proposing to add a definition of the term “targeted grazing” to delineate the actions that may be taken under Section 4190.1(a)(1) to address wildfire risk. The proposed definition would make explicit that such actions include creating strategic linear fuel breaks, reducing fine fuel height and fuel loading, and maintaining fine fuel reductions.

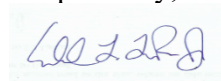
The non-native plants in the Mojave Desert area were thought to have been originally introduced through livestock grazing practices (D’Antonio and Vitousek 1992). Once in the desert, they were likely transported primarily by livestock throughout the desert. It is ironic that the source of the continuous fuels that carry wildfires in the Mojave Desert is now being proposed by BLM as a method to reduce wildfire risk. However, research is limited on the effectiveness of targeted grazing on reducing wildfire risk by creating fuel breaks especially in the Mojave Desert. For example, cattle will forage on *Bromus rubens* and *Bromus tectorum* but the time when these species are palatable to livestock is limited to certain phenological stages of the plants. Thus, livestock must be intensively managed to ensure that their grazing results in effective fuel breaks. Failure to do so would continue to spread and proliferate invasive nonnative annual plants. Before BLM implements this management idea in the Mojave Desert, it should conduct research to determine its effectiveness.

Using Science in the Development of the Proposed Regulations

We found no indication that BLM used the best available science when developing the proposed regulations. If correct, this means that BLM did not follow at least one of its policies when it developed the proposed regulations, that of Advancing Science in the BLM: An Implementation Strategy. “Throughout all the work processes the BLM employs to achieve various resource management outcomes, science and science-based tools should play a continual role (NLM 2015).” Please provide information in the regulations that demonstrates that BLM implemented this policy in the development of the proposed regulations.

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the DTC and DTPC want to be identified as Affected Interests for this and all other proposed actions funded, authorized, or carried out by BLM that may affect desert tortoises, and that any subsequent revision or decision for this proposed action is provided to us at the contact information listed above. Additionally, we request that you notify the DTC (eac@deserttortoise.org) and DTPC (Tom.Astle@tortoise-tracks.org) of any future proposed actions that BLM may authorize, fund, or carry out in the range of the desert tortoise in California.

Respectfully,



Edward L. LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson



Tom Astle

Desert Tortoise Preserve Committee, Board President

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