



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Washington, D.C. 20240  
<http://www.blm.gov>



**JAN 18 2011**

In Reply Refer To:  
4100 (220)

Ms. Greta Anderson  
Arizona Director  
Western Watersheds Project  
P.O. Box 2264  
Tucson, Arizona 85702

Dear Ms. Anderson:

This responds to your Petition for Rulemaking to Amend the Grazing Fee Regulations to Reflect the Fair Market Value of Federal Forage, dated November 8, 2005 addressed to Secretary Norton, and your addendum to the petition, dated February 20, 2009 addressed to Secretary Salazar. Following the transition to the current Administration, the Department of the Interior provided an interim response to your petition in May 2009. The Secretary has asked the BLM to respond. This letter constitutes our comprehensive response to your petition.

I have considered your petition and determined not to initiate the rulemaking that you requested at the present time. The Bureau of Land Management (BLM) is currently engaged in other major rulemaking initiatives and other regulatory changes/commitments, including:

- A proposed revision to Onshore Oil and Gas Order 3: Site Security on Federal and Indian Oil and Gas leases. This proposed rule would update the standards for securing federal and Indian oil and gas production facilities.
- A proposed revision to Onshore Oil and Gas Order 4: Oil Measurement. This proposed rule would update the standards for ensuring that liquid hydrocarbons are accurately measured and reported.
- A proposed revision to Onshore Oil and Gas Order 5: Gas Measurement. This proposed rule would update the standards for ensuring that gas is accurately measured and reported.
- A proposed new Onshore Oil and Gas Order 9: Waste Prevention and Use of Produced Oil and Gas for Beneficial Purposes. This proposed rule would address venting or flaring of gas and use of oil and gas for the benefit of the lease. We anticipate that this proposed rule would update and replace the existing Notice to Lessees and Operators of Federal and Indian Oil and Gas Leases No. 4A.
- A proposed revision to the BLM's coal management regulations.

These initiatives represent major undertakings for the BLM and involve significant investments of limited agency resources and staff time.

In addition to these commitments, there are numerous high priority policy level efforts that involve the BLM's rangeland resources division. For example, the BLM is currently developing a comprehensive sage-grouse conservation strategy and drafting policy related to big-horn sheep. The BLM is also developing policies and data standards that will revise how the agency collects, stores, and uses various kinds of data, including vegetation data related to rangelands. These policies will help the BLM evaluate rangeland health and will help support decision-making processes and management of rangelands.

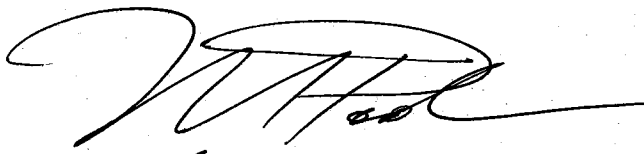
Moreover, the BLM's day-to-day rangeland management efforts are becoming more complex as rural communities expand and species like sage-grouse are placed in special categories. The BLM is confronting new challenges as the development of renewable and conventional energy sources accelerates and recreational demands on public lands increase. The BLM is experiencing greater workloads associated with administrative appeals and litigation as the public's expectations for the public lands change. As impacts from the spread of invasive species, alterations in the fire cycle, and changes to the Earth's climate continue to complicate public land management in the West, it is critical that the BLM prioritize its efforts on actions that directly improve resource conditions and promote land health.

Finally, the BLM and DOI are in contact with Congress and have engaged in numerous discussions about budget and deficit reductions. Congress has not suggested a change to the grazing fee during any of these discussions.

As a result of the above, I am unwilling to burden the agency's limited resources by initiating a major rulemaking at the present time and, therefore, your petition is denied. I am willing, however, to reassess this matter as the Administration moves forward with its regulatory agenda. In that regard, please note that the Department does not agree with the legal arguments offered in your petition concerning the legality of the current fee structure.

Thank you for your letter and your thoughtful petition. I apologize for the delay in responding.

Sincerely,



Robert V. Abbey  
Director

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