

Implications of The Congressional Grazing Guidelines (CGG)

To which agencies do these guidelines apply?

House Report 96-1126 states, “...it has been the intent of the Congress...that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service.” Most grazing operations on wildlife refuges and in national parks are the result of administrative determination that grazing serves a needed biological function, rather than it being the result of a pre-designation permitted use. For those wildlife refuges and park areas with permitted commercial livestock grazing prior to designation, it is unclear if the CGG applies to those units.

What did the Wilderness Act mean by “shall be permitted to continue”?

If grazing and its associated facilities were present at the time of designation, Congress nevertheless must have determined the area was “suitable for wilderness” at that time. However, “these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued” prior to designation. Discontinued uses may be a specific facility, tool, or livestock use in general.

Are adjustments in the numbers of livestock allowed?

“There shall be no curtailments of grazing...simply because an area...has been designated as wilderness.” Reductions in numbers can only be made “as a result of revisions in the normal grazing and land management planning and policy setting process” and for the protection of biophysical resources. Livestock numbers can be increased only if so doing has “no adverse impact on wilderness values,” both biophysical and social.

Can supporting facilities be maintained?

Facilities “existing in an area prior to its classification as wilderness” can be maintained. Maintenance using motorized equipment is permissible if “expressly authorized” and “where practical alternatives do not exist...based on a rule of practical necessity and reasonableness.” Motorized equipment use will “normally be permitted...only where they had occurred prior to the area’s designation as wilderness.” Reconstruction of deteriorated facilities should be with “‘natural materials’ unless...their use [would create] unreasonable additional costs on grazing permittees.”

Can new facilities be built?

Yes, but only if “for the purpose of resource protection and the more effective management of these resources” rather than the grazing operation. In this case, the resources to be protected include the resource of wilderness and its wilderness character.

When else can motorized equipment be used?

The only other time motor vehicles or motorized equipment can be used is in an emergency, such as rescuing a sick animal. “This privilege is to be exercised only in true emergencies, and should not be abused by permittees.”