



Cattle Producer's Handbook

Range and Pasture Section

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Endangered Species Act (ESA) for Ranchers A Look at Section 7: Interagency Consultation

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Most ranchers in the West are dependent, in one way or another, on federal and/or state grazing permits. The U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) are the two primary federal land management agencies which administer lands that are grazed by livestock in the western United States. The BLM, which administers about 245 million acres of public lands, manages livestock grazing on 157 million acres of those lands as guided by Federal Law. Further, livestock grazing is permitted on over 81 million acres of National Forest lands spread across 28 states. Grazing use on these lands is administered through a grazing permit system.

The government of the United States is directly responsible for managing 29 percent of the nation's land area. Most western states have a high percentage of federal lands. Ranking in order are: Nevada (83.1%), Utah (64.5%), Idaho (63.8%), Alaska (62.7%), Oregon (52.6%), Wyoming (49.9%), Arizona (45.4%), California (44.9%), Colorado (36.2%), New Mexico (34.2%), Washington (28.5%), and Montana (28.0%).

Livestock grazing, which was one of the earliest uses of rangelands when the West was settled, continues to be an important use of those same lands today. Managed grazing on public lands provides numerous environmental benefits. Grazing can be used to change vegetation, including decreasing invasive species and reducing fuel loads that can lead to catastrophic wildfires. Besides providing traditional products such as meat and fiber, rangelands and associated private ranch lands support healthy watersheds, wildlife habitat, and numerous recreational opportunities.

Livestock grazing on public lands helps maintain the private ranches that, in turn, preserve the open spaces that we enjoy today. However, livestock grazing now competes with more uses than it did in the past, as other industries and the general public look to public

lands as sources of both conventional and renewable energy and as places for outdoor recreational opportunities. Some of the key issues that face public land managers today are global climate change, severe wildfires, invasive plant species, dramatic population increases, endangered species protection, and litigation.

Legal Mandates Relating to Grazing on Public Lands

Many laws apply to the management of grazing on public lands. Some of these include the Taylor Grazing Act of 1934, the National Environmental Policy Act (NEPA) of 1969, the Endangered Species Act (ESA) of 1973 as amended, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978. In an attempt to summarize one of the most common subjects of grazing on public lands, we will discuss the ESA, specifically Section 7, known as "*Interagency Consultation*."

Endangered Species Act

The Endangered Species Act, passed by Congress on Dec. 28, 1973 with subsequent amendments, is a broad and powerful law designed to conserve threatened and endangered (T&E) species and their habitats. Section 2(b) of ESA states "*The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate.*" A species is considered *endangered* if it is in danger of extinction throughout all or a significant portion of its range. A species is considered *threatened* if it is likely to become endangered in the foreseeable future.

Slightly more than 2,000 species are listed under the ESA. Of these, approximately 1,400 are found in