

GAO Highlights

Highlights of [GAO-16-559](#), a report to the Committee on Natural Resources, House of Representatives

Why GAO Did This Study

BLM, within the Department of the Interior, and the U.S. Forest Service, within the Department of Agriculture, are responsible for managing most of the nation's public rangelands.

Ranchers must obtain permits or leases from the agencies to graze livestock on federal lands.

Unauthorized grazing may take various forms, such as grazing more livestock than permitted or grazing without a permit.

GAO was asked to examine unauthorized grazing. This report (1) describes what is known about the frequency and extent of unauthorized grazing, and its effects, and (2) examines the agencies' efforts to detect, deter, and resolve unauthorized grazing. GAO analyzed 5 years of the most recent data available on incidents where the agencies had taken formal action on unauthorized grazing (grazing years 2010 through 2014); examined federal laws and agency regulations, policies, and practices; and interviewed by telephone or site visit officials in a nongeneralizable sample of 22 agency field offices in eight western states where most unauthorized grazing had occurred.

What GAO Recommends

GAO is making six recommendations, including that the agencies take actions to record all incidents of unauthorized grazing, that they amend regulations to reflect their practices for resolving such incidents or comply with their regulations, and that the Forest Service revise its unauthorized grazing penalty structure. The agencies generally agreed with GAO's findings and recommendations.

View [GAO-16-559](#). For more information, contact Anne-Marie Fennell at (202) 512-3841 or fennella@gao.gov.

July 2016

UNAUTHORIZED GRAZING

Actions Needed to Improve Tracking and Deterrence Efforts

What GAO Found

The frequency and extent of unauthorized grazing on Bureau of Land Management (BLM) and U.S. Forest Service lands are largely unknown because, according to agency officials, the agencies prefer to handle most incidents informally (e.g., with a telephone call) and do not record them. The agencies' databases contained information on nearly 1,500 incidents of unauthorized grazing where formal action was taken by the agencies' range program or law enforcement staff for grazing years 2010 through 2014 (March 1 to February 28). Unauthorized grazing incidents were recorded in the agencies' databases when the agencies billed a penalty for unauthorized grazing or prepared a law enforcement report. However, agency staff told GAO that they handle most incidents informally—their preferred practice—and do not record them in databases or consistently in paper files, because, in part, they do not consider it a priority. As a result, the agencies have incomplete information on the extent of unauthorized grazing. Federal internal control standards call for clear documentation of all transactions and other significant events. Until the agencies require that all incidents of unauthorized grazing be recorded, including those incidents resolved informally, BLM and the Forest Service will not have a complete record of unauthorized grazing incidents with which to identify any potential pattern of violations.

GAO found that the agencies' preferred practice of informally resolving unauthorized grazing is not provided for under agency regulations. Specifically, the regulations do not provide the flexibility to resolve incidents informally without a written notice of violation (in the case of BLM) and without charging unauthorized grazing penalties (in the case of the Forest Service). Most agency staff told GAO that informal resolution is the most effective way to resolve non-willful unauthorized grazing (e.g., when livestock stray outside of their permitted area and graze in an unauthorized area). As discussed in federal internal control standards, program operations are effective and efficient in achieving agency objectives when they produce the intended results and minimize the waste of resources. By amending regulations to establish a procedure for the informal resolution of minor infractions, the agencies could achieve the objective of efficiently resolving such incidents with minimal conflict within its regulatory authority. Alternatively, rather than amending their existing regulations to match their practices, the agencies' could change their practices to comply with their existing regulations. In addition, BLM and the Forest Service undertake similar efforts to detect and deter unauthorized grazing, such as conducting compliance inspections and assessing penalties for unauthorized grazing, but agency staff said that such efforts have limited effectiveness. For example, most of the Forest Service staff GAO interviewed said that unauthorized grazing penalties are too low to act as an effective deterrent. Under current policy, the Forest Services' unauthorized grazing penalty formula calculated a negative number or a number less than the permitted grazing fee for grazing years 2009 through 2012. By adopting an unauthorized grazing penalty structure that is, like BLM's, based on the current price of private forage, the Forest Service's unauthorized grazing penalty can better serve as a deterrent to such grazing.