



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

OCT 1 2010

The Honorable Dianne Feinstein
Chairman
Subcommittee on Interior, Environment,
and Related Agencies
Committee on Appropriations
United States Senate
131 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Madam Chairman:

Enclosed is the Department of Agriculture's Forest Service report on the status of the National Environmental Policy Act (NEPA) analysis for grazing permits, as required in Section 325 of the fiscal year (FY) 2004 Interior and Related Agencies Appropriations Act, Public Law 108-108. The report addresses FY 2009 grazing NEPA accomplishments and highlights proposed legislation contained in the President's 2011 budget necessary to ensure all grazing permit renewals are completed in a timely manner.

In compliance with section 435 of Public Law 111-88, after 45 days this report will be posted to the Forest Service Web site at: <http://www.fs.fed.us/aboutus/budget/congressional-directives.shtml>.

A similar letter and copy of the report is being sent to Senator Lamar Alexander and Congressmen James R. Moran and Michael K. Simpson.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack", written over a circular stamp.

Thomas J. Vilsack
Secretary

Enclosure



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The Honorable Lamar Alexander
Ranking Member
Subcommittee on Interior, Environment,
and Related Agencies
Committee on Appropriations
United States Senate
125 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Alexander:

Enclosed is the Department of Agriculture's Forest Service report on the status of the National Environmental Policy Act (NEPA) analysis for grazing permits, as required in Section 325 of the fiscal year (FY) 2004 Interior and Related Agencies Appropriations Act, Public Law 108-108. The report addresses FY 2009 grazing NEPA accomplishments and highlights proposed legislation contained in the President's 2011 budget necessary to ensure all grazing permit renewals are completed in a timely manner.

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Thomas J. Vilsack
Secretary

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The Honorable James P. Moran
Chairman
Subcommittee on Interior, Environment,
and Related Agencies
Committee on Appropriations
U.S. House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

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Thomas J. Vilsack
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Washington, D.C. 20250

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The Honorable Michael K. Simpson
Ranking Member
Subcommittee on Interior, Environment,
and Related Agencies
Committee on Appropriations
U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Simpson:

Enclosed is the Department of Agriculture's Forest Service report on the status of the National Environmental Policy Act (NEPA) analysis for grazing permits, as required in Section 325 of the fiscal year (FY) 2004 Interior and Related Agencies Appropriations Act, Public Law 108-108. The report addresses FY 2009 grazing NEPA accomplishments and highlights proposed legislation contained in the President's 2011 budget necessary to ensure all grazing permit renewals are completed in a timely manner.

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Secretary

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Fiscal Year 2009 Grazing National Environmental Policy Act Accomplishments and Recommended Legislative Provisions for Timely Permit Renewal

Grazing NEPA Background:

The 1995 Rescissions Act required the Department of Agriculture's Forest Service to establish and adhere to a schedule for the completion of decisions on grazing allotments for which National Environmental Policy Act (NEPA) analysis is needed. In 1996, the Forest Service established a grazing allotment NEPA schedule for the years 1995-2010 that included 6,886 allotments. Congress, in the fiscal year (FY) 2004 Appropriations Act (P.L.108-108) Section 325, authorized the Forest Service to use its discretion to set the priority and timing for the completion of grazing NEPA analysis, the Rescissions schedule notwithstanding. The Rescissions Act does not expire; however, the grazing NEPA schedule was updated in 2008 to ensure all allotments requiring NEPA are scheduled.

- In 2008, the Forest Service updated the grazing NEPA schedule to incorporate those allotments that were missing from the original schedule; and included allotments with changed conditions based on environmental issues. The updated Rescissions schedule covers the years 2008-2016, with annual review and update as necessary.
- There are 3,897 allotments on the updated 2008 schedule. Accomplishments are scheduled in three 3-year increments: FY 2008 through FY 2010, FY 2011 through FY 2013 and FY 2014 through FY 2016. Completing the schedule by the end of FY 2016 requires an average accomplishment rate of 433 allotments per year from FY 2008 through FY 2016.

Grazing NEPA Accomplishments:

In FY 2009, the Forest Service completed NEPA analysis for 370 allotments or 80 percent of the Agency's target. Resource issue complexity and controversy, the associated appeal and litigation workload, and increasing demand and cost for comprehensive resource condition and trend data to support successful decisions contributed to the shortfall in NEPA accomplishments.

In FY 2008, the Agency completed 470 allotment decisions; 78 of which utilized the Congressional categorical exclusion authority that expired at the end of FY 2008.

The following table is a summary of grazing NEPA status by Forest Service Region:

REGION	NUMBER OF ALLOTMENTS with NEPA DECISIONS								
	Scheduled				Accomplished			Remaining After FY 2009	
	1st 3-Yr Increment 2008 - 2010	2nd 3-Yr Increment 2011 - 2013	3rd 3-Yr Increment 2014 - 2016	TOTAL SCHEDULE 2008-2016	FY 2008 Accomp.	FY 2009 Accomp.	Total 2008-2009 Accomp.	Balance for 1st 3-Yr Increment 2008 - 2010	Balance for Total Schedule
Northern (01)	266	306	244	816	5	49	54	212	762
Rocky Mountain (02)	532	171	94	797	241	115	356	176	441
Southwest (03)	332	203	116	651	115	70	185	147	466
Intermountain (04)	375	290	222	887	33	33	66	309	821
Pacific Southwest (05)	153	78	59	290	31	36	67	86	223
Pacific Northwest (06)	144	86	50	280	31	23	54	90	226
Southern (08)	13	8	10	31	3	0	3	10	28
Eastern (09)	70	39	36	145	11	44	55	15	90
TOTAL	1885	1181	831	3897	470	370	840	1045	3057

Recommendations for Legislative Provisions:

The FY 2011 President's Budget for the Forest Service recommends extension of the terms and conditions of Section 325 of the 2004 Interior Appropriations Act (PL 108-108), through FY 2011. This provision authorized the Forest Service to use its discretion to set the priority and timing for the completion of grazing NEPA analysis, the Rescissions schedule notwithstanding. Extending the provision will continue the Agency's authority to update the original allotment NEPA schedules and reprioritize which allotments will be done based on emerging environmental issues and available funding for allotment NEPA analyses.