



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Headquarters
Washington, DC 20240
<https://www.blm.gov>



May 8, 2026

Dear Permittee or Interested Public:

NOTICE OF FINAL DECISION

Pursuant to a memorandum dated December 9, 2025, the Secretary of the Interior assumed jurisdiction over administrative appeals challenging the Bureau of Land Management's (BLM) July 28, 2022, Final Decision that modified grazing permits held by American Prairie (formerly known as American Prairie Reserve) to authorize a change in kind of livestock from cattle only to cattle and/or bison on BLM-administered grazing allotments in Phillips County, Montana. On December 15, 2025, the Secretary granted the BLM's motion to remand that decision without vacatur and directed the BLM to reconsider its previous decision in light of the issues raised by the parties to the appeals and in coordination with the Office of the Solicitor. Consistent with the Secretary's direction, this Notice of Final Decision reflects the BLM's reconsideration of its previous decision, in coordination with the Office of the Solicitor, and the scope of BLM's permitting authority under the Taylor Grazing Act (TGA) (43 U.S.C. § 315 *et seq.*) and related statutory authorities.

This letter serves as notice of the BLM's Final Decision affecting seven BLM grazing allotments involved in the 2022 Final Decision and so relevant to the Secretary's December 15 order granting the BLM's motion for remand. The seven allotments are Telegraph Creek (allotment #05654), Box Elder (allotment #15634), Flat Creek (allotment #15439), Whiterock Coulee (allotment #15417), East Dry Fork (allotment #05617), French Coulee (allotment #05616), and Garey Coulee (allotment #05447). The permittee on record for each of the seven allotments is American Prairie.

BACKGROUND

On July 28, 2022, the BLM Malta Field Office issued a Final Decision authorizing cattle and bison permits to be issued to American Prairie on seven allotments in Phillips County, Montana. Specifically, the BLM authorized cattle and/or bison grazing permits on four allotments (Flat Creek, Whiterock Coulee, French Coulee, and Garey Coulee), authorized bison grazing permits on two allotments where bison grazing was previously permitted (Telegraph Creek and Box Elder), and authorized cattle-only grazing permits on the East Dry Fork Allotment. The

Telegraph Creek and Box Elder Allotments were originally permitted for cattle-only, but were subsequently converted to bison in 2005 and 2008, respectively (Notice of Final Decision, August 26, 2005, Change in Class of Livestock; EA-MT-090-04-026 and Notice of Final Decision, May 15, 2008, Middle Box Elder Allotment Change in Livestock Use; EA-MT-090-08-019).

The 2022 Final Decision was appealed to the Department of the Interior, Office of Hearings and Appeals, Departmental Cases Hearings Division (DCHD) by various parties, including the State of Montana, which filed two separate appeals, by and through its Governor and by and through its Attorney General, respectively. The Appellants sought to stay the 2022 Final Decision; however, the stay requests were denied by the DCHD and, subsequently, the Interior Board of Land Appeals.

In March 2023, the BLM issued the permits described above to American Prairie on all seven allotments in accordance with the 2022 Final Decision. On February 3, 2025, in the then-still-pending administrative appeals, the BLM filed a Motion for Voluntary Remand without vacatur of the 2022 Final Decision. On December 9, 2025, pursuant to 43 CFR 4.5, the Secretary of the Interior assumed jurisdiction of the administrative appeals. Thereafter, on December 15, 2025, the Secretary granted the BLM's February 3, 2025, Motion for Remand without vacatur of the 2022 Final Decision. In so doing, the Secretary directed the BLM to consider arguments raised in the appeal in the course of the BLM's review of the 2022 Final Decision and to coordinate with the Office of the Solicitor.

Following that review and coordination, the BLM issued a Proposed Decision on January 16, 2026, which proposed to terminate American Prairie's permits to the extent those permits authorize grazing by bison and issue, instead, permits authorizing American Prairie to graze cattle only. Receipt of that Proposed Decision by American Prairie and other interested parties initiated a 15-day protest period. American Prairie received the Notice of Proposed Decision on or about January 27, 2026, and filed a timely protest on February 6, 2026. The BLM received 34 other protest letters that, together with American Prairie's protest, contained nearly 200 unique protest points. Having considered the protests received, the Authorized Officer is hereby serving this Final Decision, affirming the Proposed Decision, on the permittee, other protesters, agents, and the interested public. The Final Decision addresses below the protest points raised by American Prairie. Protest points raised by other parties are discussed in Appendix 1.

RESPONSE TO PROTEST BY PERMITTEE

In American Prairie's Protest of Notice of Proposed Decision Rescinding BLM's July 28, 2022, Final Decision Authorizing Indigenous Bison and/or Cattle Grazing on Six Federal Allotments in Phillips County, Montana (Feb. 6, 2026) (hereinafter, "American Prairie Protest"), American Prairie raises a number of protest points in response to the Proposed Decision. Some of those points raise questions of legal interpretation while others submit information for the BLM to

consider in the course of finalizing its decision here. The BLM summarizes and responds to the key points of protest that American Prairie raises in the following sections.

The BLM's Authority to Authorize Grazing Under the TGA Is Limited to Production-Oriented Operations

American Prairie, as do other of the protest letters that the BLM received, disputes the interpretation of the TGA that the BLM articulated in the Proposed Decision. American Prairie argues that the TGA and related authorities do not limit the authority of the BLM to authorize grazing by wildlife or other animals not intended for use as part of a production-oriented operation. The BLM is not persuaded. Consistent with the conclusions that informed the Proposed Decision, the BLM issues this Final Decision based on its understanding that its authority to grant grazing permits under the TGA is limited to cases where the animals to be grazed are domestic and will be used for production-oriented purposes.

The TGA authorizes the BLM to “issue or cause to be issued permits to *graze livestock*.” 43 U.S.C. § 315b (emphasis added). The Federal Land Policy and Management Act (FLPMA) (43 U.S.C. § 1701 *et seq.*) provides a refined statutory framework for the exercise of this authority and refers to “permits and leases for *domestic livestock* grazing on public lands.” *Id.* § 1752(a) (emphasis added). And the Public Rangelands Improvement Act (PRIA) (43 U.S.C. § 1904 *et seq.*) further confirms the congressional understanding that grazing under the TGA is intended for “domestic livestock” by defining the term *rangelands* to mean, in pertinent part, “lands . . . on which there is *domestic livestock* grazing or which the Secretary . . . determines may be suitable for *domestic livestock* grazing.” *Id.* § 1902(a) (emphases added). Because the TGA authorizes the BLM to issue grazing permits only for grazing by “livestock,” 43 U.S.C. § 315b, the scope of that term, properly understood, also establishes the scope of the BLM’s permitting authority.

The TGA, FLPMA, and PRIA do not define the term *livestock*. The BLM’s regulations define the term to mean “species of domestic livestock—cattle, sheep, horses, burros, and goats.” 43 C.F.R. § 4100.0-5.¹ But that definition does not answer the question whether *livestock* can mean anything other than animals managed as part of a production-oriented operation. The term *livestock* is a compound of the words *live* and *stock*. The term *stock* is tied to commerce, *i.e.*, “[a] merchant’s goods that are kept for sale or trade.” *Black’s Law Dictionary* (12th ed. 2024) (definition of *stock*). The dictionary definition, therefore, supports the proposition that *livestock* as used in the TGA and related authorities refers to animals “kept for sale or trade,” *id.*, and that the authority to issue grazing permits and leases is limited to applicants who will use the animals to graze the public lands in that manner.

¹ American Prairie takes time to argue that this regulatory definition does not preclude grazing by bison. American Prairie Protest, at 6-7. The BLM agrees insofar as bison that qualify as livestock under the principles articulated here may be authorized to graze the public lands under an authorization issued under the TGA and the BLM’s grazing regulations. For the reasons laid out in this decision, American Prairie’s bison do not so qualify.

The addition of the term *domestic* to modify *livestock* in FLPMA and PRIA, and in the grazing regulation's definition of the latter term, puts further gloss on the appropriate scope of BLM grazing authorizations. As with the term *livestock*, the term *domestic* is left undefined by the statutes that use it. Its plain and obvious meaning, when applied to animals, is as the opposite of wild.² Therefore, animals that are presently treated as wild or are intended to be released into the wild or integrated into a wild herd in the future are not properly considered "domestic livestock."

The BLM, therefore, may issue permits where the animals to be grazed will be used for production-oriented purposes. That would include their being used primarily for their meat, milk, fiber, or other animal products. The meaning of *livestock* also extends to animals used in support of production-oriented operations, such as horses used to herd cattle managed for production. Conversely, the BLM lacks statutory authority to issue grazing permits under the TGA where the animals to be grazed are treated as wildlife and intended for conservation purposes and will not be managed for production in this way, and so fall outside the meaning of the term *domestic livestock*.

The BLM May Authorize Grazing by Bison in Appropriate Circumstances

Much of American Prairie's protest argues that the TGA does not prevent the BLM from issuing grazing permits under the TGA for grazing by bison. American Prairie Protest, at 6-10. That basic proposition is correct, but nothing in the Proposed Decision suggested otherwise. As the Proposed Decision noted, administrative courts that have had occasion to consider whether the term *livestock* may extend to bison have concluded that it may in some circumstances, but not in others. In *Hampton Sheep Co. v. Bureau of Land Mgmt.*, Docket No. WY-01-74-01 (Sept. 26, 1975), the Department's Office of Hearings and Appeals found that bison may be considered "livestock" within the meaning of the TGA "when in substantial respects they are treated as livestock and have characteristics in common with livestock." *Id.* at 13. The court went on to conclude, as a factual matter, that the bison in question in that case were "in many respects similar to cattle, and *are to be utilized for the most part as cattle or other 'livestock' might be.*" *Id.* (emphasis added). In other words, the bison in that case were managed for production in that they would be used "as cattle . . . might be," and that is what brought them within the meaning of livestock under the TGA. *Id.*

The issue before the BLM is not whether bison can, under certain circumstances, be considered livestock, but whether the specific animals at issue here are managed as domestic livestock within the meaning and purpose of the BLM's governing statutes. The BLM lacks statutory authority to authorize grazing by *any* animals, regardless of species, that are not domestic and are not managed primarily for production-oriented purposes in accordance with the TGA, FLPMA, and PRIA. The BLM's determination in this decision, therefore, focuses on the manner in which the animals are managed and the primary purpose of that management, rather than their species

² See "Domestic." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/domestic> ("tame, domesticated").

classification.

American Prairie's Operation Is Not Production-Oriented and Its Bison Are Not Domestic

Next, American Prairie argues that its operation should nevertheless be considered production-oriented. For the same reasons noted in the Proposed Decision and notwithstanding the additional information and argument presented by American Prairie in its protest, the BLM concludes that American Prairie is not a production-oriented operation. As such, the BLM is obliged to terminate American Prairie's permits to the extent they authorize bison grazing and affirms the decision it previously proposed, as described in more detail below.

American Prairie asserts at various points in its protest letter that it has used bison from its herd for "meat consumption, commercial purposes, breeding stock for existing bison operations, [and] other purposes of commercial and/or cultural value." American Prairie Protest, at 11. American Prairie claims to have contributed hundreds of bison to tribal food sovereignty programs and other food banks, has supplied bison as breeding stock "to start and grow buffalo herds for meat production and other economic benefits," and has allowed for an annual harvest open to the public through a lottery system. *Id.* at 11-14. Overall, American Prairie submits that 370 bison have been field harvested and that 645 bison have been shipped to other producers to grow their herds or for the production of meat, out of 2,100 bison it has raised since 2005 (when the BLM first issued American Prairie a bison grazing permit). *Id.* at 14.

American Prairie describes these practices as "not unlike a cattle production operation." *Id.* However, American Prairie is describing a wide range of activities, some of which resemble those that a true production-oriented operation might undertake, along with others that do not. To take the most obvious, a lottery for the public to harvest animals in a sponsored hunt is not a practice familiar to livestock cattle operation.

But ultimately, whether American Prairie should be considered a production-oriented operation is judged on the full factual record, including organizational materials, management plans, and public communications. That record, by American Prairie's own admission, reflects that the primary purpose of American Prairie's management of the herd is conservation. American Prairie has consistently and repeatedly described the management of its herd as a broader effort to restore wild populations and reestablish natural ecological processes. Those stated objectives are directly relevant to determining how American Prairie intends to use their bison and so whether they fall within the meaning of *livestock* and *domestic livestock* under the TGA, FLPMA, and PRIA.

American Prairie, on its website, describes itself as "setting the gold standard for bison conservation in North America." It further describes its model as a "patchwork of ownership with a common goal of conserving the landscape for wildlife and people." In discussing its herd, American Prairie states, "So rather than focusing on an exact number of animals, it is important to prioritize the ecological role of the species and the impact on the landscape." American

Prairie’s vision is “to fully restore the shortgrass prairie ecosystem in an identified region of Montana’s plains Successful restoration means the wildlife species that are native to this region are present and fulfilling their natural ecological role”³

The Proposed Decision highlighted similar statements from American Prairie materials and representatives, all of which emphasized bison restoration rather than commercial livestock production.⁴ Notably, American Prairie, in its protest, does not actually refute the statements of its representatives; instead, it labels them as “stale.” American Prairie Protest, at 15. Tellingly, even today American Prairie prominently advertises that its mission is to “create one of the largest nature reserves in the United States [that] will serve as a refuge for people and wildlife, forever.”⁵ Recently, in a November 2025 podcast, in summarizing what American Prairie does, its President described American Prairie’s activities as “assembling a park” and boasted that it is assembling a place where “someday all native wildlife will be back.”⁶ This is not the language of a livestock production-oriented operation.

Further, when describing its bison restoration work, American Prairie deliberately distinguishes itself from commercial bison operations. American Prairie notes that recovery has been slow and that most bison in North America are “raised for commercial uses in herds on small acreages behind fences.”⁷ American Prairie declares, in contrast, “We believe a herd of 5,000 is realistic and possible. A herd of that size is considered the minimal viable population to fulfill its ecological role on the landscape, to be genetically viable, and to survive what the species encounters on the landscape, including disease, fire and starvation due to drought and extreme winters.”⁸ These statements reinforce American Prairie’s longstanding emphasis on ecological, conservation, and restoration objectives rather than domestic livestock production.

American Prairie’s protest asks the BLM to disregard American Prairie’s own historical statements and overlook the organization’s repeated and ongoing references to conservation and restoration as core to its bison efforts. Doing so would be incompatible with the BLM’s statutory obligations under the TGA, FLPMA, and PRIA.

Considering American Prairie’s consistent public messaging, it is clear that American Prairie is not engaged primarily in domestic livestock production. Rather, any production-oriented practices appear ancillary, and are themselves conducted chiefly to advance American Prairie’s broader conservation and restoration mission. This context is relevant, material, and cannot be ignored in the BLM’s decision making.

Finally, whether American Prairie’s bison are considered “domestic” under Montana state law,

³ <https://americanprairie.org/>, last visited May 8, 2026.

⁴ See Notice of Proposed Decision, at 4 (Jan. 16, 2026).

⁵ <https://americanprairie.org/>, last visited May 8, 2026.

⁶ <https://thewildidea.com/episode-37/>, November 18, 2025.

⁷ <https://americanprairie.org/bison-restoration/>, last visited May 8, 2026.

⁸ *Id.*

as American Prairie asserts in its protest letter, is a separate question from that of whether they are “domestic” livestock under FLPMA, PRIA, and the BLM’s grazing regulations. The use of the term in the federal statutes is not focused on disease control, identification, and the payment of state fees—the aspects of American Prairie’s management of its bison that it cites in its protest letter. American Prairie Protest, at 14-16. Rather, the question for understanding the scope of the federal allowance to graze the public lands is whether the animal in question is intended to be kept as a wild animal or not. Recently on the Wild Idea podcast featuring American Prairie, a representative of American Prairie mentioned the state’s treatment of bison as livestock and stated that, as a result, American Prairie owns its bison and that they are private property, but that American Prairie “do[es]n’t really think of [bison] that way.”⁹ As a private owner of these bison, American Prairie can “put them to work as the ecosystem engineer that they are . . . in terms of rewilding the prairie.”¹⁰ Based on the same record rehearsed above, it is clear that American Prairie intends to keep its bison as wild animals to further its conservation goals.

The BLM’s Decision Is Neither Unconstitutionally Vague nor an Illegal Rulemaking

In addition to advocating for a different outcome and presenting new information in support of that alternative proposal, American Prairie asserts that this decision is legally infirm for allegedly being unconstitutionally vague or for amounting to a rulemaking requiring certain additional procedures under the Administrative Procedure Act (APA). The claims are related and for related reasons are both without merit.

Both arguments fall against the fact that the BLM is applying a statutory limit on its authority. Having determined that, as a matter of fact, American Prairie does not maintain a production-oriented operation, the BLM *must* terminate the various authorizations to graze bison as beyond the agency’s authority to have granted in the first instance. As such, the BLM has not created a standard that American Prairie can credibly accuse of being vague; it is applying a requirement set by Congress in passing the TGA.

And in any event, the standard is sufficiently defined to survive any claims that it is unconstitutionally vague, a doctrine ordinarily reserved for criminal rules that only applies in the civil context when a standard is “so vague and indefinite as really to be no rule or standard at all.” *A.B. Small Co. v. Am. Sugar Refining Co.*, 267 U.S. 233, 239 (1925). As noted above, production-oriented means that, to be considered livestock, animals must be intended for use primarily for their meat, milk, fiber, or other animal products. Where, as here, there is considerable evidence that an operator intends their animals for some other purpose, such as conservation, the standard straightforwardly applies to exclude the operation from being considered production-oriented.

Nor is the BLM effectively or constructively amending its grazing regulations in this case, such

⁹ <https://thewildidea.com/episode-37/> at 36.46, November 18, 2025.

¹⁰ *Id.*

that rulemaking procedures under the APA would be required. It is applying a statutory constraint on the administration of those regulations. It is wholly appropriate to do so, as here, through case-by-case adjudication and without initiating an APA-style rulemaking. *See Friends of Animals v. Bernhardt*, 961 F.3d 1197, 1208-09 (D.C. Cir. 2020).

FINAL DECISION

The record discussed above demonstrates that American Prairie's bison herd is managed as wildlife in a way that is not meant for production. Under the TGA, FLPMA, and PRIA, such animals do not qualify as livestock for which the BLM may lawfully issue grazing permits.

Therefore, the BLM lacks statutory authority under the TGA to authorize grazing by bison under the circumstances presented here. Termination of American Prairie's permits to the extent they authorize bison grazing is therefore required to bring the BLM's permitting actions into compliance with governing law. 43 U.S.C. § 315b; 43 CFR 4130.3-3.

Reissuing cattle-only permits on allotments where bison or a combination of cattle and/or bison were previously authorized on the terms and conditions herein ensures that the BLM is acting within the limits of its statutory authority. Specifically, it is my final decision to:

1. Terminate permits that currently authorize bison on the following allotments: Telegraph Creek (allotment #05654) and Box Elder (allotment #15634).
2. Terminate permits that currently authorize cattle and/or bison on the following allotments: Flat Creek (allotment #15439), Whiterock Coulee (allotment #15417), French Coulee (allotment #05616), and Garey Coulee (allotment #05447).
3. Issue cattle-only grazing permits based on the terms and conditions herein and according to the tables presented below, for the following allotments: Flat Creek (allotment #15439), Whiterock Coulee (allotment #15417), French Coulee (allotment #05616), Garey Coulee (allotment #05447), Box Elder (allotment #15634) and Telegraph Creek (allotment #05654).
4. Issue no changes to the current cattle-only grazing permits for East Dry Fork (allotment #05617), consistent with the table presented below.
5. Authorize modification, maintenance, construction, or reconstruction of range improvement projects, including fences, in accordance with approved Cooperative Range Improvement Agreements established prior to implementation.
6. Delay the effectiveness of all permit terminations until September 30, 2026, to allow for the orderly removal of bison from the relevant public lands.

Telegraph Creek Allotment 05654 (Authorization # 2501506)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs

Current	2	I ¹¹	3/1	2/28	100	17
	112	I	3/1	2/28	100	1,344
New	2	C ¹²	3/1	2/28	100	17
	112	C	3/1	2/28	100	1,344

Box Elder Allotment 15634 (Authorization # 2500017)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs
Current	235	I	3/1	2/28	41	1,158
New	235	C	3/1	2/28	41	1,158

Flat Creek Allotment 15439 (Authorization # 2504616)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs
Current	2	C/I ¹³	3/1	2/28	100	21
	203	C/I	4/1	9/30	100	1,222
New	2	C	3/1	2/28	100	21
	203	C	4/1	9/30	100	1,222

Whiterock Coulee Allotment 15417 (Authorization # 2500511)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs
Current	16	C/I	3/1	2/28	100	193
	418	C/I	4/1	9/30	74	1,862
New	16	C	3/1	2/28	100	193
	418	C	4/1	9/30	74	1,862

French Coulee Allotment 05616 (Authorization # 2500276)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs
Current	1	C/I	3/1	2/28	100	7
New	1	C	3/1	2/28	100	7

¹¹ I denotes the species of authorized domestic livestock as indigenous (bison).

¹² C denotes the species of authorized domestic livestock as cattle.

¹³ C/I denotes the species of authorized domestic livestock as cattle and/or indigenous (bison).

Garey Coulee Allotment 05447 (Authorization # 2500611)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs
Current	3	C/I	3/1	2/28	100	40
	74	C/I	5/1	11/30	100	521
New	3	C	3/1	2/28	100	40
	74	C	5/1	11/30	100	521

East Dry Fork Allotment 05617 (Authorization # 2500276)

Authorization	# of Livestock	Kind of Livestock	Begin Date	End Date	% Public Land	BLM AUMs
Current	225	C	5/1	11/30	100	1,584

TERMS AND CONDITIONS/STIPULATIONS

In addition to the Standard Terms and Conditions found on all grazing permits, the following Terms and Conditions would apply to all allotments subject to this decision and related Cooperative Range Improvement Agreements, as appropriate:

1. A *Livestock Control Agreement* or *Pasturing Agreement* must be filed with the authorized officer and approval received prior to any grazing use for livestock which graze the public lands that are being leased or are not owned by the permittee or lessee (43 CFR 4130.7(d)).
2. In order to improve livestock and rangeland management on the public lands, all salt and/or mineral supplements must be located at least 0.25 mile from water located on public land (any riparian area, wet meadow, or watering facility) (43 CFR 4130.3-2(c)).
3. Numbers of livestock may vary within the permitted season of use as long as the total permitted AUMs are not exceeded (HiLine RMP; BLM 2015a).
4. An Actual Livestock Grazing Use Report must be submitted to the Malta BLM Office within 15 days after livestock are removed from the Allotment(s).
5. All range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple use management, and as agreed to in a Cooperative Range Improvement Agreement (43 CFR 4120.3-l(a)) and contingent upon site-specific cultural resource inventory results.
6. All water developments and tanks will include functional wildlife escape ramps.
7. Per Appendix B of the HiLine RMP (BLM 2015a), all fences within 1.2 miles of Greater Sage-Grouse leks should be marked to decrease the chance of Greater Sage-

Grouse collisions.

8. The authorized officer may modify terms and conditions of the permit or lease when the grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or are not in conformance with the provisions of subpart 43 CFR 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
9. Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR 4150.1 and 4160.1-2 (43 CFR 4130.8-1(f)).
10. All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease (43 CFR 4130.3-1(b)).
11. If on-the-ground monitoring determines that livestock grazing has prevented suitable habitat conditions for Greater Sage-Grouse on more than three or more than half of the key monitoring sites within an allotment, livestock numbers will be reduced by 10 percent. They may be reduced another 10 percent the following year if habitat conditions remain unimproved. Livestock numbers would only be restored to full numbers when a management action plan is in place to correct the reason(s) for the failure. Desired Conditions for Greater Sage-Grouse Habitat are found in Table 2.3-2 of the HiLine RMP.
12. Range improvement projects will be constructed, maintained, modified, and reconstructed in accordance with approved Cooperative Range Improvement Agreements established prior to implementation.
13. To ensure adequate public vehicular access, gates and/or cattleguards will be installed in fences on every publicly accessible road or trail. Additional gates will be installed along fences where access is recommended by the BLM. As a general rule, at least one gate will be installed every 0.50 mile and in sharp angle corners. The Permittee will be required to install additional gates, stiles, or fence ladders where additional public access may be needed in order to ensure public safety.
14. For all Active Use allotments, The Permittee has the flexibility to apply to turn out earlier or stay later up to 14 days on the allotment provided AUMs allocated are not exceeded. The application must be submitted to the BLM before the grazing use occurs, reviewed by BLM specialists and approved by the authorized officer.
15. Grazing use will be in accordance with the Final Decision for all allotments.

AUTHORITY

The following sections of the Code of Federal Regulations, Chapter 43, authorize the actions in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address: <https://www.govinfo.gov/content/pkg/CFR-2005-title43-vol2/pdf/CFR-2005-title43-vol2-part4100.pdf>

- § 4100 Grazing Administration – Exclusive of Alaska; General
 - § 4100.0-2 Objectives
 - § 4100.0-3 Authority
 - § 4100.0-8 Land use plans
 - § 4110.1 Mandatory Qualifications
 - § 4110.2 Grazing preference
 - § 4110.2-2 Specifying grazing preference
 - § 4120.2 Allotment Management Plans
 - § 4120.3-1 Conditions for Range Improvements
 - § 4120.3-2 Cooperative Range Improvement Agreements
 - § 4120.3-4 Standards, Design, and Stipulations
 - § 4130.1-1 Filing Applications
 - § 4130.2 Grazing Permits or Leases
 - § 4130.3 Terms and Conditions
 - § 4130.3-1 Mandatory Terms and Conditions
 - § 4130.3-2 Other Terms and Conditions
 - § 4160.1 Proposed decisions
 - § 4160.2 Protests
 - § 4160.3 Final decisions
 - § 4160.4 Appeals
 - § 4180.1 Fundamentals of rangeland health
 - § 4180.2 Standards and guidelines for grazing administration

RIGHT OF APPEAL

APPEAL PROCEDURES: Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may appeal the decision to an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, and 4.170. Any notice of appeal must be filed with the DCHD and must include a copy of the decision being appealed, a statement of standing, a statement of timeliness, and a statement that clearly and concisely states the reasons why the appellant believes the BLM grazing decision is incorrect. The statement must contain specific factual allegations related to the BLM grazing decision being appealed and a summary of the applicable legal arguments. If you wish to file a petition for a stay of the effectiveness of the final decision during the time that your appeal is being reviewed, the petition for a stay must meet the criteria at 43 CFR 4.171.

The appellant must serve a copy of the notice of appeal and any accompanying documents on the office of the officer who made the decision; each person or entity named in the decision, and the appropriate Office of the Solicitor at the same time you file them with DCHD (see 43 CFR 4.170 (c)). Parties must serve the Office of the Solicitor as specified in the OHA Standing Orders on Contact Information (<https://www.doi.gov/oha/oha-standing-orders>). Service on a party known to be represented by an attorney or other designated representative must be made on the representative.

If you have any questions or need additional information, please contact Brittany Jones, Supervisory Public Affairs Specialist, at brittany_jones@ios.doi.gov



Bill Groffy
Exercising the Delegated Authority
of the Director
Bureau of Land Management

APPENDIX 1: PROTEST RESPONSE

A Proposed Decision was issued on January 16, 2026, the receipt of which by interested parties initiated a 15-day protest period. In addition to the protest received from American Prairie, the BLM received 34 other protest letters that, together with American Prairie's protest, contained nearly 200 unique protest points. Several letters were not fashioned as protests and did not contain protest points but, rather, expressed a general view in favor of or opposed to the Proposed Decision. Although some letters did not raise proper protest points or were not timely submitted, the Authorized Officer has reviewed all the letters received and has reconsidered the Proposed Decision based on these protests, ultimately deciding, for the reasons discussed in the Notice of Final Decision, to affirm the Proposed Decision.

The protest points have been organized and summarized by topic area in this appendix. Responses are provided in this appendix, including cross-references in cases where the protest topic was also raised by American Prairie and is addressed in the body of the Notice of Final Decision. Complete text of protest letters is available at the following location:

<https://eplanning.blm.gov/Project-Home/?id=23a49ba0-a7f2-f011-8407-001dd803d067>

Topic #1: Tribal Interests

1a. Tribal Interests (Precedent)

Protesters assert that the Bureau of Land Management's (BLM) Proposed Decision sets a harmful precedent that could broadly impact tribal bison management and conservation efforts. By excluding bison based on practices that tribes widely use—such as raising animals as naturally and “wild” as possible—the decision risks disqualifying nearly all tribal herds from future federal grazing leases. This precedent threatens long-standing partnerships between tribes and federal agencies, including co-stewardship programs and surplus bison transfers, and undermines tribal sovereignty and food security initiatives. Protesters emphasize that the decision disregards decades of collaborative conservation work and could ripple across other agencies, creating systemic barriers for Indigenous-led restoration and cultural stewardship.

1b. Tribal Interests (Treaty Rights)

Several tribal organizations object to the BLM's Proposed Decision, emphasizing that bison are a treaty-protected resource. Historic treaties, such as those with the Sioux, Arapaho, Kiowa, Comanche, and Cheyenne, explicitly reserved tribal rights to hunt bison on lands beyond reservations “so long as the buffalo may range thereon in such numbers to justify the chase.” Protesters argue that these treaties remain binding as “the supreme law of the land,” and only Congress can abrogate them. They assert that federal agencies, including BLM, must ensure their actions do not violate treaty terms or effectively nullify them. The protests highlight that the decision affects treaty territories of multiple tribes, including Fort Belknap, which hosts one of the largest and fastest-growing tribal bison herds. Excluding these herds from BLM

grazing leases would prohibit expansion opportunities and disrupt partnerships, such as subleases with American Prairie, that support tribal herd growth and food sovereignty. Tribes also stress that numerous adjudicated and unadjudicated treaty rights exist across Montana and beyond, granting rights to graze and hunt bison. The Proposed Decision fails to consider these rights and could severely impact tribal efforts to restore bison populations.

Additionally, the Cheyenne River Sioux Tribe frames the decision as a painful reminder of historic federal attempts to eradicate bison, noting that all BLM lands are traditional tribal lands with existing treaty rights. The Tribe emphasizes that honoring these rights is essential to tribal sovereignty and cultural survival. Overall, the protests demand withdrawal or revision of the Proposed Decision to respect treaty obligations and ensure tribal bison herds are not excluded from federal grazing opportunities.

1c. Tribal Interests (Consultation):

Protesters object to the BLM's failure to conduct tribal consultation before issuing the Proposed Decision. They argue that the new definitions adopted—such as those for *livestock*, *domestic*, and *production-oriented purposes*—have substantial and direct effects on tribal governments and ranchers, triggering consultation requirements under federal policy. The Coalition of Large Tribes (COLT) emphasizes that these changes could impact more than 70 tribal governments and set precedent affecting future grazing lease decisions across multiple federal agencies, including the U.S. Forest Service and other DOI agencies. The protests assert that consultation is a cornerstone of federal Indian policy and a legal obligation when agency actions significantly affect tribal interests. By bypassing this process, protesters say the BLM disregarded its trust responsibilities and violated its own stated commitment to honoring nation-to-nation relationships. Protesters warn that the lack of consultation undermines tribal sovereignty, food security, and cultural practices tied to bison stewardship. They urge BLM to withdraw or revise the Proposed Decision and engage in tribal consultation before finalizing any changes that could exclude tribal bison herds from federal grazing opportunities.

1d. Tribal Interests (Trust Responsibilities)

Protesters argue that the BLM's Proposed Decision violates the federal government's treaty and trust obligations to Tribal Nations. These obligations require agencies to uphold treaty rights and consult tribes on actions with substantial impacts. By introducing new definitions and restrictions that exclude tribal bison herds from grazing leases, BLM disregards its constitutional and statutory responsibilities. Protesters emphasize that such actions undermine Indigenous food sovereignty, economic self-sufficiency, and cultural stewardship, while perpetuating historic inequities in access to public lands. They call for withdrawal or revision of the decision to honor trust responsibilities and ensure tribal interests are protected in federal land management.

1e. Tribal Interests (Self-determination and Sovereignty)

Protesters argue that the BLM's Proposed Decision undermines tribal sovereignty and self-determination by imposing definitions and policies that exclude tribal bison herds from federal grazing leases. Tribes

emphasize that bison are central to their cultural identity, food systems, and spiritual responsibilities, and that federal actions disregarding these relationships perpetuate historical injustices. The decision is viewed as enabling local political pressure and discriminatory attitudes to influence federal policy, threatening tribal rights and long-standing efforts to restore bison populations. Protesters stress that honoring the government-to-government relationship requires meaningful consultation and respect for Indigenous management practices, which prioritize ecological balance and cultural continuity.

Consolidated response to tribal comments:

The BLM received a number of letters from tribal governments and tribal organizations expressing concerns regarding the impacts this decision might have on treaty rights, trust responsibilities, and principles of tribal sovereignty. The protests emphasize that bison are treaty-protected resources and that tribes retain rights to hunt and manage bison on traditional lands unless Congress explicitly revokes those rights. The protests also expressed concerns that this decision could exclude tribal bison herds from grazing leases which in turn could impact tribal bison herd expansion, partnerships, food sovereignty, and cultural restoration. Protesters suggest that consultation should have occurred due to the alleged potential for direct impacts to more than 70 tribal nations.

The BLM takes its treaty, trust, and consultation obligations seriously and appreciates the information submitted by tribes and tribal organizations in their letters. This decision, however, is specific to this particular non-tribal permittee and the particular allotments for which that permittee holds grazing permits. The BLM does not typically consult with tribal nations on individual grazing permitting decisions, as they are specific to individual allotments and individual permittees. Here, the BLM is not adjudicating grazing rights of any tribal governments or representatives, nor does it appear that the decision would directly affect any of the tribal representatives. Nothing in the decision is intended to limit or eliminate existing treaty rights for hunting and managing bison. Moreover, the BLM is in the process of initiating rulemaking on its grazing regulations and will engage with tribes at that time and encourage and welcome feedback on these and any other topics of interest.

Topic #2: Statutory

2a. Taylor Grazing Act (Definitions)

Protesters broadly challenge the BLM's interpretation of the Taylor Grazing Act (TGA) in its Proposed Decision, arguing that the agency's new definitions of *livestock*, *domestic*, and *production-oriented purposes* are unsupported by law and contrary to decades of precedent. They emphasize that the TGA does not define these terms, nor does it impose any explicit requirement that livestock be raised for commercial production. Protesters suggest that the BLM's reliance on dictionary definitions and subjective intent standards is arbitrary and capricious, introducing requirements that Congress never enacted.

Many protests highlight that bison have historically qualified as livestock under federal and state law, with Montana statutes explicitly classifying bison as domestic livestock. Protests note that privately owned bison are fenced, managed, vaccinated, and subject to livestock health protocols—hallmarks of domestic livestock management. They argue that conservation grazing, seedstock herds, and educational or non-

commercial operations have long been authorized under TGA permits, and excluding bison based on conservation motives or cultural practices undermines the Act's purpose.

Protests also argue that the BLM's interpretation conflicts with the Federal Land Policy and Management Act (FLPMA) and the Public Rangelands Improvement Act (PRIA), which mandate multiple use and sustained yield, including wildlife habitat and conservation. Several cite Supreme Court and appellate rulings (e.g., *Public Lands Council v. Babbitt*) affirming that grazing permits need not be limited to those engaged in the livestock business. By imposing new definitions without rulemaking or consultation, protesters say, the BLM risks creating unlawful standards that could exclude tribal and private bison operations, reverse decades of agency practice, and harm rangeland health objectives.

Response:

See response in Notice of Final Decision.

2b. Statutory (Taylor Grazing Act - Land Health)

The protesters argue that the TGA was enacted primarily to prevent overgrazing and protect rangeland health, not to restrict grazing to commercial livestock operations. Excluding bison from BLM-managed lands undermines the Act's original intent and contradicts ecological principles. Historically, the Act followed the devastation caused by overgrazing after the near eradication of bison, a keystone species vital to prairie ecosystems. Protests emphasize that bison grazing improves land health by enhancing biodiversity, soil stability, and overall ecosystem resilience, aligning with the BLM's multiple-use and sustained-yield mandate. Preventing bison from grazing in their native habitat is viewed as both scientifically unsound and contrary to the statutory purpose of maintaining healthy rangelands.

Response:

See response in Notice of Final Decision.

2c. Statutory (Administrative Procedure Act)

Protesters assert that the BLM's Proposed Decision violates the Administrative Procedure Act (APA) by reversing decades of established policy without providing a reasoned explanation or new evidence. They argue the decision is arbitrary and capricious, as it disregards prior environmental analyses and scientific findings that supported bison grazing, and instead relies on selective statements unrelated to statutory criteria. The introduction of new requirements—such as defining *livestock* in terms of “production-oriented purposes”—constitutes a substantive rule change that should have undergone formal notice-and-comment rulemaking under 5 U.S.C. § 553. By imposing these changes through adjudication, the BLM bypassed public participation and transparency, undermining procedural fairness and exposing the decision to legal challenge.

Response:

See response in Notice of Final Decision.

2d. Statutory (National Environmental Policy Act)

Protesters argue that the BLM violated the National Environmental Policy Act (NEPA) by failing to adequately analyze the environmental consequences of its Proposed Decision and by neglecting to consider a reasonable range of alternatives. Previous Environmental Assessments (EA) documented that bison grazing improves rangeland health, biodiversity, and riparian recovery, while reducing erosion compared to cattle. Despite these findings, the BLM's decision to rescind bison permits and revert to cattle-only grazing was made without evaluating the ecological impacts of this change or exploring alternatives such as mixed-use grazing or modified permit terms. Protests emphasize that NEPA requires agencies to use the best available science and provide transparent, comparative analysis of all viable options. Significantly, the prior EA did not consider an alternative that specifically analyzed the impacts of an all-cattle grazing regime, which is what the proposed decision would implement. By ignoring prior data and skipping this critical evaluation, the BLM undermines NEPA's purpose of informed, science-based decision-making and public participation.

Response:

The primary purpose of NEPA is to ensure that the BLM considers the environmental impacts of its proposed actions before authorizing or taking action. NEPA is a procedural requirement that focuses on the process of evaluating environmental effects and does not dictate a specific outcome. The Final EA (March 2022) disclosed the environmental effects that would result from cattle-only grazing on some of the allotments at issue in this decision. Although that EA did not evaluate an alternative that would result in cattle-only grazing on all seven allotments, the effects of such grazing are within the scope of the EA's analysis, and the final decision here is within the range of reasonable alternatives duly considered in the EA. The BLM monitors rangelands to ensure degradation does not occur and must change management when authorized management, regardless of species grazed, is found to cause degraded conditions.

2e. Statutory (Federal Land Policy and Management Act)

Protesters argue that the BLM's Proposed Decision conflicts with the Federal Land Policy and Management Act's (FLPMA's) mandate to manage public lands under principles of multiple use and sustained yield. FLPMA, protesters say, requires balancing diverse resource uses—such as livestock grazing, wildlife habitat, recreation, and conservation—rather than prioritizing commercial livestock production. By excluding bison grazing based on conservation-oriented management, the BLM undermines these statutory objectives and disregards ecological and cultural values that FLPMA explicitly protects. Protesters emphasize that grazing decisions should focus on land health and resource sustainability, not impose arbitrary restrictions tied to production motives, which FLPMA does not require.

Response:

FLPMA was enacted to establish a permanent federal policy of retaining public lands, while directing the BLM to manage them, in most cases, under principles of "multiple use and sustained yield." But FLPMA does not mandate any particular use for any particular part of the public lands and, certainly, does not mandate uses that the BLM is without statutory right to authorize. FLPMA does not alter the limits of the BLM's authority under the TGA to authorize grazing use of the public lands. And so because authorizing grazing by American Prairie's bison is beyond those limits, the BLM must terminate the permits that authorize grazing by bison. Doing so is wholly consistent with FLPMA.

2e. Statutory (Public Rangelands Improvement Act)

Protesters argue that the BLM's Proposed Decision conflicts with the Public Rangelands Improvement Act (PRIA), which prioritizes improving rangeland conditions and managing public lands for multiple values—including wildlife habitat, recreation, and soil and water conservation—not solely livestock production. They emphasize that PRIA's purpose is to restore degraded lands and maintain ecological health, aligning with conservation grazing practices such as bison management. By excluding bison and imposing a "production-oriented" requirement, the BLM disregards PRIA's statutory objectives and undermines sustainable land management. Protests stress that PRIA, along with FLPMA and the Taylor Grazing Act, supports adaptive management and biodiversity, making the Proposed Decision inconsistent with congressional intent and long-standing policy.

Response:

PRIA was enacted to reverse the degradation of western states' public rangelands, which were producing below their potential. It aimed to improve rangeland conditions through comprehensive inventories, consistent federal management, and funding for improvements, while balancing livestock grazing with habitat, recreational, and conservation needs. Importantly, PRIA was intended to operate in concert with the TGA and so the limits in the TGA on the BLM's authority to issue grazing permits are necessarily consistent with PRIA.

2f. Statutory (Other)

Protesters argue that the BLM's Proposed Decision employs an improper remedy by terminating grazing permits outright rather than considering less restrictive alternatives. They assert that even if the BLM believed bison authorization was problematic, the agency could have modified permit terms, clarified management requirements, or imposed additional controls instead of resorting to full termination. This approach is viewed as punitive rather than corrective and inconsistent with principles of fair and proportional administrative action. Protests emphasize that such drastic measures disregard decades of precedent and collaborative management practices, creating unnecessary disruption for permit holders and undermining confidence in the BLM's regulatory process.

Response:

The Final Decision necessarily follows from the conclusion, supported by the record, that American Prairie does not use its public land grazing permits as part of a production-oriented operation. Having reached that conclusion, the BLM is not authorized under the TGA to issue permits for grazing by American Prairie's bison and must, by extension, terminate the permits purporting to authorize such use. Some lesser remedy is not available. The Final Decision, therefore, is appropriate and necessary to uniformly administer grazing use on BLM-administered lands. Moreover, the Final Decision authorizes the BLM to issue new permits that authorize cattle-only grazing. Previous permits must be terminated prior to issuing new permits.

Topic #3: Livestock Grazing**3a. Livestock Grazing (Season of Use)**

Protesters argue that the BLM failed to restore original grazing seasons after canceling bison permits. The 2022 Environmental Assessment modified seasons of use specifically to accommodate bison, but the Proposed Decision did not revert these changes when reissuing cattle-only permits. This oversight could lead to increased grazing intensity during critical growing periods, negatively impacting rangeland health. Protests emphasize that returning to pre-2022 seasons would reduce ecological stress, improve land conditions, and align with management practices on adjacent allotments, ensuring consistency and sustainability.

Response:

The BLM chose to retain the season of use due to the implementation to date of the 2022 decision, which resulted in some fencelines changing to accommodate the changed season of use. The BLM monitors rangelands to ensure degradation does not occur and must change management when authorized management is found to cause degraded conditions. Current seasons of use specified in the final decision are appropriate for use by cattle. Nevertheless, the BLM is prepared to work with the permittee to adjust season of use as appropriate and in connection with appropriate changes to range improvements in future permit renewals.

3b. Livestock Grazing (Fencing)

Protesters argue that the BLM failed to address fencing modifications implemented for bison after canceling their grazing permits. Electrified fencing was originally authorized to securely contain bison, but the Proposed Decision does not clarify whether these fences should be removed or reverted to pre-2022 configurations. Concerns include safety risks for recreational users and neighboring ranchers, as electrified fences impede access and pose hazards during hunting seasons. Protesters also highlight that the Environmental Assessment lacked adequate analysis of fencing impacts on wildlife, such as sage grouse habitat, and failed to provide accurate mapping or details of fencing changes. They insist that any final decision should restore fencing to its original state to reduce safety risks and environmental harm.

Response:

Range improvement projects will be constructed, maintained, modified, and reconstructed in accordance with approved Cooperative Range Improvement Agreements established prior to implementation and evaluated based on current resource conditions. The BLM can address modifications to fence specifications in cooperative agreements to be consistent with authorized uses described in the Final Decision. BLM fencing specifications are designed to contain livestock while mitigating impacts to wildlife. In addition, the BLM monitors range conditions and can change management including fence specifications or locations to best maintain land health standards while providing for containment, access, public safety, and other resource objectives.

3c. Livestock Grazing (Removal of Bison)

Protesters emphasize that the BLM's Proposed Decision lacks clarity on the timeline and process for removing bison from public lands after terminating grazing permits. While the notice states that "ample time" will be provided for orderly removal, it does not specify a deadline or detailed steps, creating uncertainty for permittees and the public. Protesters argue that a final decision should include a clear removal date and procedural guidance to avoid confusion, logistical challenges, and potential conflicts during implementation.

Response:

The Final Decision September 30, 2026, deadline for removal of bison from the relevant public lands to accommodate an orderly removal process.

3d. Livestock Grazing (Regulations)

Protesters argue that the BLM's Proposed Decision disregards its own grazing regulations under 43 C.F.R. Part 4100, which, protesters say, clearly outline eligibility requirements for permits without imposing a "production-oriented" standard. The regulations authorize grazing for various purposes, including conservation and ecological management, and even allow special permits for indigenous animals such as bison. Protesters emphasize that these rules were designed to promote healthy rangelands, multiple-use objectives, and adaptive management—not to restrict grazing based on economic intent. By introducing new definitions and requirements outside the regulatory framework, protesters allege that the BLM is acting arbitrarily and capriciously, violating both the intent and structure of its established regulations.

Response:

See response in Notice of Final Decision.

3e. Livestock Grazing (Unauthorized Use)

A complaint from March 2019 was resubmitted during the protest period that focused on alleged compliance issues and claims of unauthorized use. The complaint stated that American Prairie repeatedly failed to comply with mandatory permit conditions, including submission of Actual Grazing Use Reports and adherence to stocking limits. For example, according to the complaint, American Prairie reportedly grazed bison far beyond permitted levels—claiming 620 head in 2015 on allotments authorized for roughly 2,517 Animal Unit Months (AUMs), which equates to about 210 bison. This resulted in overgrazing and exceeded permitted forage use. Additional violations alleged include grazing outside authorized timeframes, installing and modifying fences without BLM approval, obstructing wildlife movement, and interfering with lawful public land use. The complaint alleges that American Prairie made false statements in official reports and disregarded state livestock transport regulations, collectively representing significant non-compliance with federal grazing and land management rules under 43 CFR § 4140.1.

Protesters raised other compliance-related issues, alleging that American Prairie's actions prior to 2019 constitute unauthorized grazing and failure to follow rest-rotation requirements, undermining the integrity of the BLM's permitting system. They argue that these violations should trigger enforcement under existing regulations, and that American Prairie should not instead be allowed to continue grazing under revised terms. The resubmitted comment also raises ethical concerns, citing potential conflicts of interest between BLM staff and American Prairie, and questions whether preferential treatment influenced past decisions. Overall, these protests characterize American Prairie's conduct as a pattern of disregard for regulatory obligations, reinforcing calls for permit termination and stricter oversight of grazing operations on public lands.

Response:

Consideration of alleged past violations is beyond the scope of this Final Decision. Under this Final Decision, use must be consistent with the specified terms and conditions of the grazing permits to be issued. Compliance with terms and conditions will be addressed in accordance with Subpart 4140 and 4150.

Topic #4: Other

4a. Precedent:

Protesters caution that the BLM's Proposed Decision creates a sweeping precedent that could reshape federal grazing policy nationwide. By excluding bison used for conservation-oriented practices, the decision signals that any operation prioritizing ecological health, wildlife coexistence, or cultural stewardship may be deemed ineligible for grazing permits. This precedent threatens long-standing mixed-use grazing systems, tribal sovereignty, and collaborative conservation programs, while destabilizing private and tribal bison enterprises that rely on predictable federal policy. Protesters argue that such a shift undermines trust in fair, science-based land management and could ripple across agencies, jeopardizing decades of progress in restoring native species and sustainable rangeland practices.

Response:

This decision is specific to this particular permittee, the allotments for which the permittee holds grazing permits, and the specific facts discussed in the Final Decision.

4b. Policy:

Protesters argue that canceling bison grazing permits is not only legally flawed but also represents bad public policy. They emphasize that bison grazing provides ecological benefits such as improved soil health, biodiversity, and climate resilience, while aligning with conservation goals and cultural values. The decision to prioritize cattle over bison is seen as counterproductive, given that bison are a native species with a fraction of the population compared to cattle and pose less environmental impact. Protesters warn that this policy shift undermines decades of progress in restoring bison to their historic range, disregards scientific evidence, and ignores the broader public interest in sustainable land management.

Response:

American Prairie unique in that it does not manage its herd for production-oriented purposes, according to its own admission. The BLM is not aware of any other bison grazing authorizations that are not associated with a production-oriented operation. Consistent with the Secretary's direction, this Final Decision reflects the BLM's reconsideration of its previous decision, in coordination with the Office of the Solicitor, and the BLM's understanding of the scope of its permitting authority under the TGA and related statutory authorities. The BLM has clarified that its authority to grant grazing permits under the TGA is limited to cases where the animals to be grazed are domestic and will be used for production-oriented purposes.

4c. Conflict-of-Interest

Protesters raise concerns about alleged conflicts of interest influencing the BLM's Proposed Decision. They point to the involvement of individuals who previously represented industry groups opposing bison grazing and later assumed senior leadership roles within the Department of the Interior. The reasoning adopted in the Proposed Decision closely mirrors arguments these individuals advanced in prior litigation, creating an appearance of impropriety and undermining confidence in the integrity of the decision-making process. Protesters argue that this sequence of events suggests political pressure and personal influence, rather than science-based or statutory considerations, drove the reversal of long-standing policy.

Response:

It is not within the scope of this decision for the BLM to address alleged conflicts of interest. Consistent with the Secretary's direction, this Final Decision reflects the BLM's reconsideration of its previous decision, in coordination with the Office of the Solicitor, and the BLM's understanding of the scope of its permitting authority under the TGA and related statutory authorities. The BLM has clarified that its authority to grant grazing permits under the TGA is limited to cases where the animals to be grazed are domestic and will be used for production-oriented purposes.