




Rangeland Management Directives

Overview of Proposed Updates, Timelines and Opportunities to Comment




Webinar Cadre Introductions


- ▶ Casey Johnson, Washington Office, National Grasslands Manager
 - ▶ Myra Black, Washington Office, Senior Range Program Manager
 - ▶ Bob Mountain, USDA FS Retired
 - ▶ Julie Wheeler, District Ranger, Fall River RD, Buffalo Gap National Grassland, Nebraska NFs&NGs, (formerly Black Hills NF Rangeland Program Manager).
 - ▶ Maura Laverty, Wallowa-Whitman and Umatilla NFs, Rangeland Program Manager
 - ▶ Aaron Baldrige, Reserve Ranger District, Gila NF, Rangeland Program Manager
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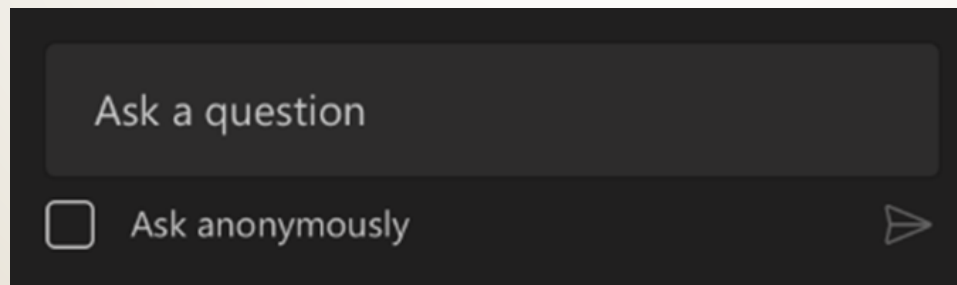


Webinar Agenda and Format

- ▶ We will start today's webinar with a background on the Directives that are being updated.
 - ▶ We will provide a summary of updates for each portion of the Range Directives starting with the Manual followed by the Handbooks.
 - ▶ There will be time for questions following each portion of the presentation.
 - ▶ We have chosen to leave FSH 2209.13, Chapter 10 until the end as we anticipate a lot of opportunities for discussion on that chapter.
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How do I ask a question?


- After each presentation, the Facilitator will check the question and answer pod for questions.
- To ask a question, select **Q&A**  on the right side of the screen.
- Type your question in the compose box, and then select **Send**. If you want to ask your question anonymously, select **Ask anonymously**.




Ask a question

Ask anonymously





Rangeland Management Directives Updates Background

- The existing WO Directives have been in place for approximately 30 years.
 - The updates are intended to make them more usable, modern, and to conform to recent legislation and case law.
 - They provide greater clarity and flexibility and explain the policies and procedures to guide responsible and consistent management of NFS lands.
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Range Directives Revisions Timeline and Opportunities to Comment

Timeline

- ▶ The directives are available for a 60 day public comment period.
- ▶ The comment period started on December 18, 2020 and **will close on February 16, 2021**.
- ▶ To review the directives and the review companion documents, please go to:
<https://www.fs.fed.us/rangeland-management/directives.shtml>

How to Comment

- ▶ To submit comments you can:
 - ▶ Submit electronically through the digital comment form.
 - ▶ Submit comments by mail.
- ▶ Please be sure to submit your comments before the comment period closes (**February 16, 2021**).



What are Directives?

- ▶ The Forest Service Directive System consists of the Forest Service Manual (FSM) and Handbooks (FSH), which codify the agency's policy, practice, and procedure.
- ▶ The system serves as the primary basis for the internal management and control of all programs and the primary source of administrative direction to Forest Service employees.

FSM

- ▶ Manuals contain the legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff to plan and execute assigned programs and activities.

FSH

- ▶ Handbooks are the principal source of specialized guidance and instruction for carrying out the direction issued in the FSM.
- ▶ Handbooks may also incorporate external directives with related USDA and Forest Service directive supplements.
- ▶ Handbooks contain national direction; supplements can be issued at R.O., NF/NG, and RD levels to meet local situations but must be consistent with and not in conflict with national direction.

How do directives fit in the hierarchy of laws, regulations, and other direction?

CONSTITUTION		
Article I	Article II	Article II
Authorizes Congress to make laws Legislative Branch	Authorizes Presidents to execute laws Executive Branch	Authorizes courts to interpret laws Judicial Branch
LAWS (U.S. Statutes and U.S. Code)	EXECUTIVE ORDERS (Issued by Presidents; codified in Title 3, Code of Federal Regulations (3 CFR))	LEGAL DECISIONS (Case Law)
	REGULATIONS (Issued by Federal agencies; published in Federal Register and codified in CFR)	
	ADDITIONAL GOVERNMENT-WIDE GUIDANCE	
	INTERNAL AGENCY POLICY AND PROCEDURES <ul style="list-style-type: none"> • Department of Agriculture <ul style="list-style-type: none"> ▪ Departmental Manual (DM) ▪ Departmental Regulations (DR) ○ Forest Service: <ul style="list-style-type: none"> ▪ Issues regulations at 36 CFR ▪ Issues internal policies and procedures in FSM and FSH 	



FSM 2200 – Rangeland Management (All Chapters)

➤ **What function does FSM 2200 Serve?**

- Describes the authorities that are applicable to the Rangeland Management Program.
- Articulates the overarching objectives and policy for the Rangeland Management Program.
- Defines the delegated authorities and resulting responsibilities for the Rangeland Management Program.
- Provides instruction and defines the various elements of the Rangeland Management Program.



FSM 2200 Continued


What's Changing?

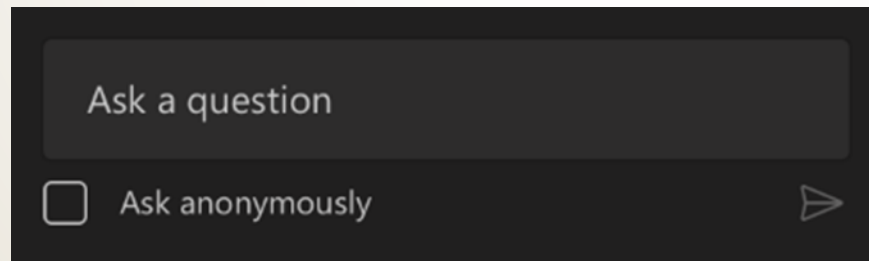
- Updated list of Laws, Regulations, and Executive Orders.
- Added section called Ownership of Federal Lands.
- Adds/Reaffirms the official Agency policy on Third-Party Buyouts by external groups and the policy against closing grazing allotments.
- Clarifies the policy on how annual grazing fees are collected, deposited and a portion returned.
- Better describes how the returned portion of grazing fees are used for non-structural and structural rangeland improvements.

What's Not Changing?


- All previous governing Laws, Regulations and Executive Orders.
- Delegated authorities and responsibilities.
- Objectives relative to the rangeland management program.
- The policies relative to the rangeland management program.

Any Questions on FSM 2200?

- To ask a question, select **Q&A**  on the right side of the screen.
- Type your question in the compose box, and then select **Send**. If you want to ask your question anonymously, select **Ask anonymously**.



Ask a question

Ask anonymously 




FSH 2209.13 – Grazing Permit Administration Handbook

- **What function does FSH 2209.13 Serve?**

- Contains grazing permit administration procedures.
- Provides instruction for carrying out those procedures in a manner that is consistent with Manual direction.

- **How many chapters are in FSH 2209.13?**

- There are nine chapters. One chapter is reserved (chapter 40).



FSH 2209.13 Chapter 20 – Grazing Agreements


What's Changing?

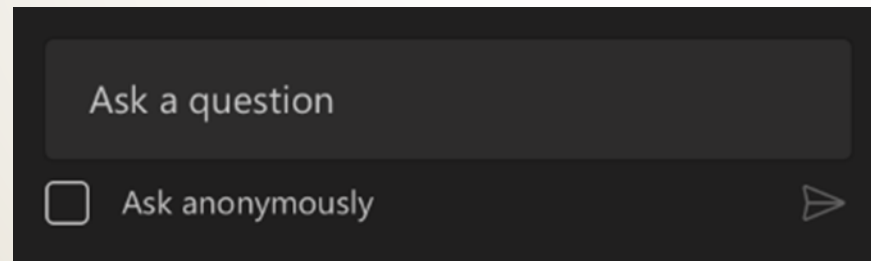
- ▶ Adds 5 exhibits which represent the standard grazing agreements used by:
 - ▶ All National Grasslands in Regions 2-8.
 - ▶ R1 Dakota Prairie Grasslands
 - ▶ Grazing associations operating on National Forests in Regions 1-6.
 - ▶ Grazing associations operating on National Forests in Regions 8 & 9.
 - ▶ Indian tribes exercising treaty rights for grazing livestock on National Forest System lands.
- ▶ Allows for fee credits to be carried into future years by small Associations in order to complete big expensive rangeland improvement projects.
- ▶ Clarifies and simplifies some of the wording and the clauses of the Grazing Agreements.
- ▶ Changes the term leased livestock to successional livestock to better frame the intent of the opportunity.

What's Not Changing?


- ▶ Maintains grazing agreements as a type of term grazing permit.
- ▶ Maintains that grazing agreements can only be issued to a qualified grazing association or grazing district established under state law.
- ▶ Continues the exception on National Grasslands relative to the ability for applicants to buy base property and livestock over time.

Any Questions on FSH 2209.13 Chapter 20?

- To ask a question, select **Q&A**  on the right side of the screen.
- Type your question in the compose box, and then select **Send**. If you want to ask your question anonymously, select **Ask anonymously**.



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FSH 2209.13 Chapter 30 – Temporary Grazing and Livestock Use Permits


What's Changing?

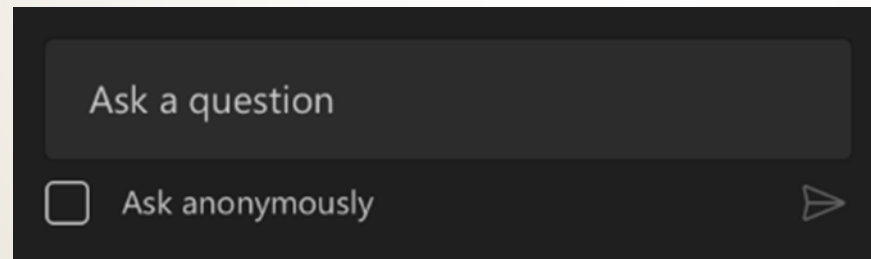
- ▶ The two types of permits were formerly addressed in separate chapters. They are now consolidated under this chapter.
- ▶ Livestock Use Permits must be issued for the use of Leased Sires since FS regulations do not allow for un-owned livestock on a Term Grazing Permit.
- ▶ Clarifies and adds criteria under which temporary grazing and livestock use permits may be authorized.

What's Not Changing?


- ▶ Maintains the same eligibility requirements to hold temporary grazing permits and livestock use permits.
- ▶ Maintains the same qualification requirements to hold for temporary grazing permits and livestock use permits
- ▶ Provides for the same circumstances that support the issuance of temporary grazing permits.

Any Questions on FSH 2209.13 Chapter 30?


- To ask a question, select **Q&A**  on the right side of the screen.
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FSH 2209.13 Chapter 40 – Livestock Use Permits

- This Chapter was combined with Chapter 30 Temporary Grazing Permits in 2005. Chapter 40 is now **reserved** for future use.
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FSH 2209.13 Chapter 50 – Tribal Treaty Authorizations and Special Use Permits


What's Changing?

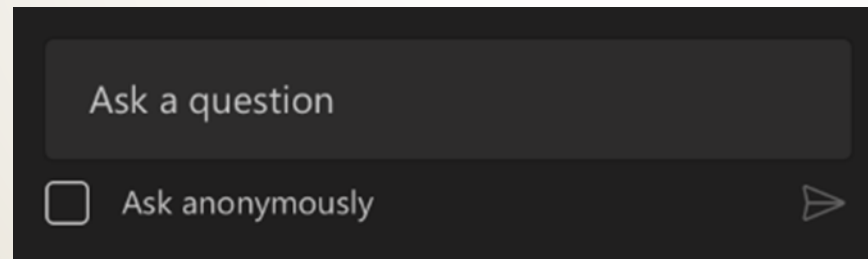
- ▶ Expands the discussion on Tribal Treaty Grazing Rights and how those reserved or granted rights are authorized and administered.
- ▶ Inserts a new Section on the administration of “Cow Camps” and how Archeological Stipulations for Properties exceeding 50 years of age may or may not be required or applicable.
- ▶ Special Use Permittees that offer horseback riding need to be administered to the same forage utilization requirements on NFS lands as are required of Grazing Permittees.
- ▶ Expands the discussion on types of special use permits.

What's Not Changing?

- ▶ Maintains and describes the methods of to authorize livestock grazing guaranteed by Treaty.

Any Questions on FSH 2209.13 Chapter 50?

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FSH 2209.13 Chapter 60 - Records


What's Changing?

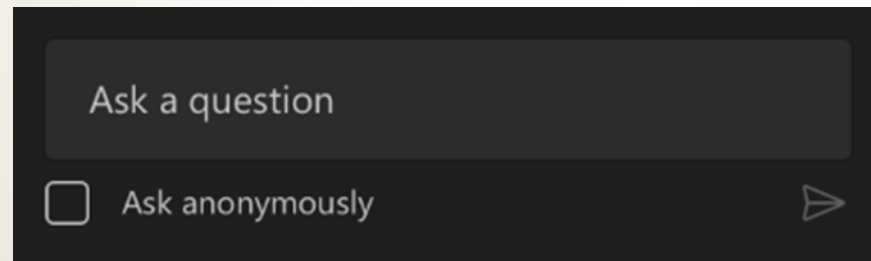
- Adds the new requirements for maintaining electronic records and databases.

What's Not Changing?

- Affirms that the official grazing permit and allotment case files created by the Forest Service is the paper copy.

Any Questions on FSH 2209.13 Chapter 60?

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FSH 2209.13 Chapter 70 - Compensation for Permittee Interest in Range Improvements


What's Changing?

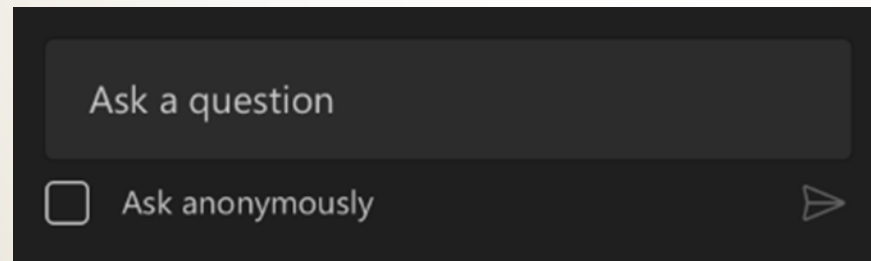
- Clarifies who may qualify for compensation and under what circumstances compensation payments may be paid.
- Provides examples of where lands may be devoted to another public purpose.
- Reiterates that range betterment funds or conservation practice monies cannot be used to pay for range improvement compensation.

What's Not Changing?

- Compensation only applies to the current permittee(s) who contributed to the funding of rangeland improvements on that allotment(s). Previous permittees who have since waived their term grazing permit and no longer run livestock on that allotment(s) are not eligible for compensation.

Any Questions on FSH 2209.13 Chapter 70?

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FSH 2209.13 Chapter 80 – Grazing Fees

What's Changing?

- ▶ Updates methods by which permittees may pay their grazing fee bills.
- ▶ Adds clarifying direction on the limited use of refunds and credits.
- ▶ Proposes that the fee charged each year for excess and unauthorized use on all National Forests and National Grasslands in the 16 Western states and Texas will be the average of the private land lease rates for those 17 states (as computed by NASS).

What's Not Changing?

- ▶ Maintains that there are only a few instances where livestock grazing may be authorized free-of-charge.




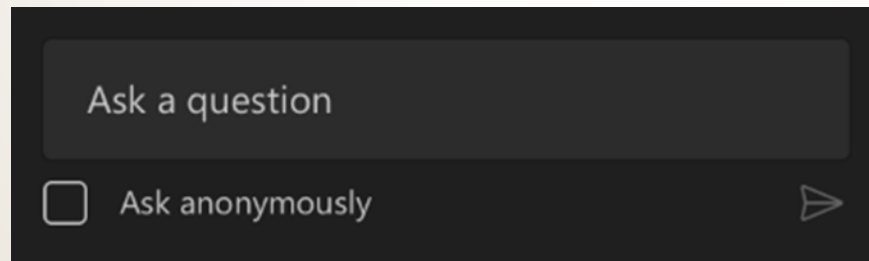
FSH 2209.13 Chapter 80 – Grazing Fees Cont.

What's Changing Continued.

- ▶ Proposes that the fee charged each year for excess and unauthorized use on all National Forests and Land Utilization Projects in the Eastern regions will be double the annual grazing fee for noncompetitive permits and competitive bid permits.
- ▶ Clarifies and updates the policy on split grazing bills.
 - ▶ Split bills are now only allowed for Grazing Associations & Grazing Districts and sometimes for year-round Direct permittees.
 - ▶ Split bills are no longer allowed if the total grazing fee bill for the year is less than \$1000.

Any Questions on FSH 2209.13 Chapter 80?

- To ask a question, select **Q&A**  on the right side of the screen.
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FSH 2209.13 Chapter 90 – Rangeland Management Decision Making


What's Changing?

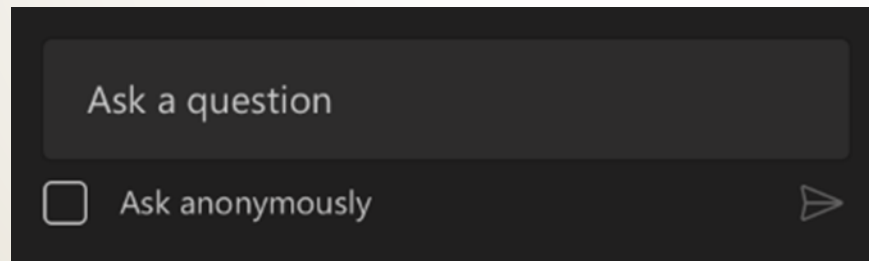
- ▶ Explains the proper use of AOs (or similar documents). AOs are not required by law or regulation.
- ▶ Explains that spring/annual permittee meetings, are a business meeting between the 2 parties where financial or other private matters are often discussed and are not open to the general public.
- ▶ Expands the discussion on Cooperative Permittee Monitoring.
- ▶ Provides direction on when new environmental analysis is not needed or required.

What's Not Changing?


- ▶ Maintains the discussion on NEPA Section 18 reviews and the use of process remaining a viable tool under certain circumstances.

Any Questions on FSH 2209.13 Chapter 90?

- To ask a question, select **Q&A**  on the right side of the screen.
- Type your question in the compose box, and then select **Send**. If you want to ask your question anonymously, select **Ask anonymously**.



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FSH 2209.16 – Allotment Management Handbook

➤ **What function does FSH 2209.16 Serve?**

- Provides assistance to new rangeland management specialists, forest officers, and authorized officers in the management of rangelands, associated livestock grazing allotments, and other uses of rangelands.
- Details how to manage grazing allotments and serves as a policy and procedure companion to the existing direction on how to administer Forest Service grazing permits.
- The handbook is intended to help fill gaps in current rangeland management direction.

➤ **How many chapters are in FSH 2209.16?**

- The handbook contains one chapter.




What are some examples of what is included in FSH 2209.16?


- Describes the status of grazing allotments, and the different types (categories) of grazing allotments, as well as other rangelands not included in grazing allotments.
- Briefly discusses how allotments can be created, modified, vacated, or closed.
- Discusses how to determine priorities for allotment management, what is required to administer allotments to standard, and documenting the results of allotment administration.
- Addresses management of currently-available forage resources, including non-use for resource protection or permittee convenience, and situations regarding temporary use of vacant allotments.

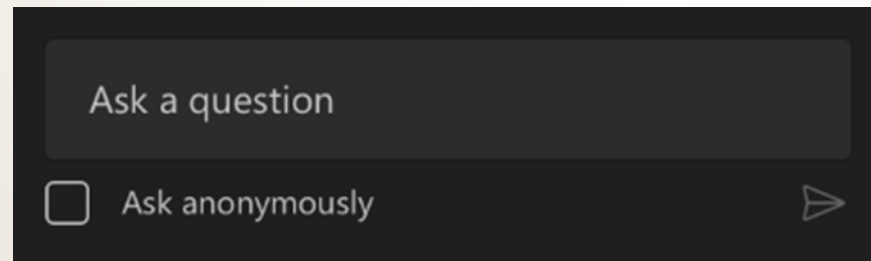


FSH 2209.16 Continued.

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- Details the relationship between management of permitted livestock use, excess livestock use, and unauthorized livestock use.
 - Discusses cooperation with other uses of rangelands, including outfitters and guides, other types of special use permits, and the critical need for early communication regarding planned recreation special use events.
 - Discusses cooperation with other agencies and other uses in the construction, reconstruction, and maintenance of rangeland improvements.

Any Questions on FSH 2209.16?

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- Type your question in the compose box, and then select **Send**. If you want to ask your question anonymously, select **Ask anonymously**.



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FSH 2209.13 Chapter 10 – Term Grazing Permits

- ▶ Chapter 10 contains the most updates and revisions of all the chapters.
- ▶ The proposed changes revise, reorganize, update, and recode the entire chapter.
- ▶ The changes are intended to make the chapter more user friendly, add clarity, provide for consistency across units and boundaries when appropriate, and modernize the chapter to:
 - ▶ conform to recent legislation
 - ▶ reflect current practices
 - ▶ describe updated opportunities
- ▶ The following slides outline some of the more substantive proposed changes followed by a brief description of what's not changing.



FSH 2209.13 Chapter 10 Continued Slide 1

What's Changing?

- ***Opportunities for improved management flexibility such as:***
 - Allows for a more flexible livestock operation (similar to BLM's Outcome-Based Grazing).
 - Allows “phased-in” validation after natural events such as periods of severe or prolonged drought.
 - Flexibility when changing kind or class of livestock.



FSH 2209.13 Chapter 10 Continued Slide 2

What's Changing?

- ***Addresses New Tools and Contemporary Agricultural Succession/Ownership Challenges***
 - Adds a Section on Conservation Easements and Agricultural Land Trusts and how permits can be issued.
 - Grandchildren as well as children can run up to 50% of the older generation's term permit.
 - After the permit is waived to children or grandchildren, the older generation can continue to run up to 50% of that generation's numbers as they phase out of the family operation.



FSH 2209.13 Chapter 10 Continued Slide 3

What's Changing?

- ***Adds Clarity/Improvement on Long Standing Questions/Tools.***
 - Updates the excess and unauthorized use rate to be more “similar” to the BLM policy.
 - Better explanation of the formal Mediation process.
 - Clarifies the definition of “Waived” private lands and the administration of allotments containing waived private and state lands.
 - Expands the discussion of types of entities eligible and qualified to hold term permits.



FSH 2209.13 Chapter 10 Continued Slide 4

What's Not Changing?

- Applicants on NGs are still able to buy base property over time although clarification is provided on reasonable time limits (7-10 years) and the opportunity is now called “**successional** base property” (conventionally called leasing) to better frame the intent of the tool.
- On NGs, applicants are still able to buy livestock over time although clarification is provided on reasonable time limits (3-5 years) and the opportunity is now called “**successional** permitted livestock” (no longer referred to as leased livestock) to better frame the intent of the tool.
- Permit validation is still required.




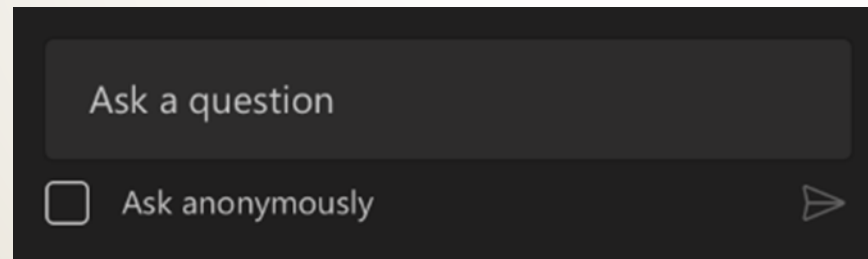
FSH 2209.13 Chapter 10 Continued Slide 5

What's Not Changing?

- Eligibility and qualification requirements remain the same.
- Permit application and issuance processes remain the same (e.g., preferred applicant, grant process, etc.).
- Personal convenience non-use remains at 3 consecutive years and no more than 4 years out of any “rolling” 10-year period.


Any Questions on FSH 2209.13 Chapter 10?

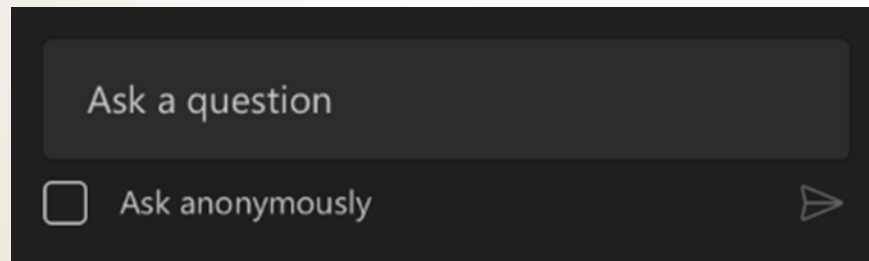
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Any Additional Questions on the Rangeland Management Directives?

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Ask a question

Ask anonymously 



THANK YOU!

We appreciate you all taking the time to tune into today's webinar.

We are looking forward to your continued engagement and comments on the proposed Rangeland Management Directives.