

**RANGELAND MANAGEMENT DIRECTIVES**  
**Master Digest**

**Table of Contents**

Document Description ..... 1

FSM 2200 – RANGELAND MANAGEMENT MANUAL ..... 2

    2200    ZERO CODE ..... 2

    2210    RANGELAND MANAGEMENT PLANNING..... 2

    2220    MANAGEMENT OF RANGELANDS (RESERVED) ..... 2

    2230    GRAZING PERMIT SYSTEM ..... 3

    2240    RANGELAND IMPROVEMENTS ..... 3

    2250    RANGELAND MANAGEMENT COOPERATION ..... 5

    2270    INFORMATION MANAGEMENT AND REPORTS..... 6

FSH 2209.13 – GRAZING PERMIT ADMINISTRATION HANDBOOK ..... 7

    CHAPTER 10 - TERM GRAZING PERMITS ..... 7

    CHAPTER 20 – GRAZING AGREEMENTS ..... 18

    CHAPTER 30 - TEMPORARY GRAZING AND LIVESTOCK USE PERMITS..... 20

    CHAPTER 40 – LIVESTOCK USE PERMITS (RESERVED)..... 21

    CHAPTER 50 - TRIBAL TREATY AUTHORIZATIONS AND SPECIAL USE PERMITS ..... 21

    CHAPTER 60 – RECORDS ..... 25

    CHAPTER 70 - COMPENSATION FOR PERMITTEE INTEREST IN RANGE  
    IMPROVEMENTS ..... 26

    CHAPTER 80 - GRAZING FEES ..... 26

    CHAPTER 90 - RANGELAND MANAGEMENT DECISIONMAKING..... 27

FSH 2209.16 - ALLOTMENT MANAGEMENT HANDBOOK ..... 29

**Document Description**

This document summarizes the digests for all revised chapters of Forest Service Manual (FSM) 2200, Forest Service Handbook (FSH) 2209.13 and FSH 2209.16. This master digest is intended to assist readers in their review by providing an overview of changes made to the directives and where those changes are located. This document is organized by FSM and FSH chapter as shown in the table of contents below.

## FSM 2200 – RANGELAND MANAGEMENT MANUAL

### 2200 ZERO CODE

2200 - Changes the title from “Range Management” to “Rangeland Management.”

2201 - Revises the Authority section to expand the list of Federal laws, regulations, and Executive Orders pertaining to the administration of National Forest System (NFS) rangeland resources and provides a brief explanation of each.

2201 - Removes all laws, regulations, and Executive Orders pertaining to noxious weeds and invasive species and relocates them under the proper file designation of FSM 2900 in the current FS filing system.

2201 - Explains that management of noxious weeds and invasive species is not a rangeland vegetation or livestock management responsibility any more than it is for every other resource program in the Forest Service. However, treatment of invasive species nearly always falls within the assigned duties of rangeland management specialists, even when they are not rangeland vegetation species. For this reason, discussion of the laws, regulations, and orders concerning noxious weeds and invasive species is also included in FSM 2250 Rangelands Cooperation.

2201.5 - Inserts a new Section titled “*Ownership of Federal Grazing Lands*” to provide a comprehensive background on Constitutional law, applicable court cases, and Federal land ownership and management authority.

The section will serve as a useful reference for agency employees to consult, and also to provide to members of the general public involved or interested in states’ rights movements and/or advocating for privatization of the Federal lands.

2202 - Consolidates objectives for national forests and national grasslands into one section.

2203 - Consolidates policies for national forests and national grasslands into one section.

2204 - Consolidates responsibilities and delegations of authority into one section.

2205 - Establishes code, caption, and consolidates all definitions previously included in the different chapters of the Rangeland Management Manual (FSM 2200) and the Grazing Permit Administration Handbook (FSH 2209.13) into one location.

2206 - Adds additional references for more information about rangeland management.

2207 - Establishes code, caption, and sets forth direction on “National Forms” and provides a list of all the national standard forms for use in rangeland management and grazing permit administration in one central location.

### 2210 RANGELAND MANAGEMENT PLANNING

2210.1 - Establishes this code and provides a cross-reference to specific authorities on rangeland management planning set out in FSM 2201.

2210.2 - Establishes this code to provide objectives for rangeland management planning.

### 2220 MANAGEMENT OF RANGELANDS (RESERVED)

This Chapter was combined into the other Chapters prior to 1990. Chapter 2220 is now reserved for Future Use

## **2230 GRAZING PERMIT SYSTEM**

2230 - Changes the chapter title from “Grazing and Livestock Use Permit System” to “Grazing Permit System.”

2230.6 - Moves direction concerning Forest Service lack of legal responsibility to construct and/or maintain fences to prevent livestock from straying onto or from National Forest System lands from this section and relocates it to FSM 2240.6.

2231 - 2231.84 - Moves procedural direction on term grazing permits and relocates it to FSH 2209.13, chapter 10.

2232 - 2232.3 - Moves procedural direction on grazing agreements and relocates it to FSH 2209.13, chapter 20.

2233 - 2233.6 - Moves procedural direction on temporary grazing permits and relocates it to FSH 2209.13, chapter 30.

2234 - 2234.6 - Moves procedural direction on livestock use permits, combines it with temporary permits, and relocates it to FSH 2209.13, chapter 30; this eliminates chapter 40 of FSH 2209.13.

2235 - 2235.3 - Moves procedural direction on other permits and memoranda of understanding and relocates it to FSH 2209.13, chapter 50.

2236 - Moves procedural direction on grazing permit and agreement records and relocates it to FSH 2209.13, chapter 60.

2237 - 2237.03 - Moves procedural direction on compensation for permittee interest in rangeland improvements and relocates it to FSH 2209.13, chapter 70.

2238 - 2238.6 - Moves procedural direction on grazing fees and relocates it to FSH 2209.13, chapter 80.

2239 - 2239.9 - Moves procedural direction on rangeland management decision-making, including analysis, inventory, and monitoring efforts to conduct site-specific NEPA analyses, and relocates it to FSH 2209.13, chapter 90.

## **2240 RANGELAND IMPROVEMENTS**

2240 - Changes the chapter title from “Range Improvements” to “Rangeland Improvements.”

2240.1 - Moves authorities section to FSM 2201 and consolidates with other authorities.

2240.2 - Revises objectives to increase focus on land management plans (LMPs) and on project level National Environmental Policy Act (NEPA) based decisions.

## 2240 RANGELAND IMPROVEMENTS CONTINUED

2240.3 - Adds and clarifies policy to include consultation requirement with rangeland management experts in projects involving rangeland resources or impacting livestock operations (para. 3). Modifies policy requiring permittees to make proportional contributions associated with cooperative range improvements on National Forest System (NFS) lands (para. 7). Removes policy requiring the providing of opportunity for State wildlife agency personnel to review revegetation project plans prior to implementation, opportunity now provided by the National Environmental Policy Act (formerly para. 11). Adds new policy to establish, maintain, and update electronic inventory of all rangeland improvements on NFS lands (para. 12). Clarifies policy regarding the nonexclusive use of rangeland improvements by permittees (para. 13). Clarifies policy regarding the assignment of responsibility for maintenance of rangeland improvements as a term and condition of the grazing permit (para. 14). Clarifies policy regarding responsibility of permittees to perform assigned maintenance even in periods of nonuse (para. 15). Clarifies Forest Service improvement maintenance responsibilities (para. 16). Clarifies policy regarding rangeland improvements in congressionally designated wilderness areas (para. 17). Establishes consistent policy regarding removal and disposal of nonfunctional and unnecessary structural rangeland improvements based on the cost-share agreement at the time of construction (para. 19).

2240.4 - Moves Responsibilities section to FSM 2204 and consolidates with other responsibilities.

2240.5 - Moves Definitions section to FSM 2205 and consolidates with other definitions.

2240.6 - Adds a section, changes the caption from “Lands Not Under the Jurisdiction of the Forest Service” to “Livestock Intrusion” and moves direction from FSM 2230.6 to this section.

2241 - Changes the caption from “Financing Range Improvements” (recoded to FSM 2247) to “Structural Rangeland Improvements,” and moves direction formerly coded to 2242 to this section.

2241.12 - Removes this section and consolidates the direction on the Range Betterment Fund to section 2247.11.

2241.32 - Removes section on procurement.

2242 - Moves direction on nonstructural range improvements from 2243 to this section.

2243 - Changes caption from “Nonstructural Improvements” to “Maintenance of Improvements,” and moves direction formerly coded to FSM 2244 to this section.

2244 - Changes caption from “Maintenance of Improvements” to “Rangeland Improvements within Wilderness Areas,” and adds new section clarifying construction, repair, and maintenance of rangeland improvements in congressionally designated wilderness areas.

2245 - Moves to FSH 2209.13 chapter 20.

2246 - Changes caption and replaces former direction on range improvement investment with new direction on grazing fee credits for rangeland improvements on Eastern national forests.

2247 - Moves direction on financing range improvements in its entirety from 2241 to this section and updates for clarification.

2247.1 - Moves and incorporates direction on the use of appropriate funds from 2241.12 to this section.

## **2240 RANGELAND IMPROVEMENTS CONTINUED**

2247.11 - Consolidates and clarifies policy on the use of Range Betterment Funds (RBF) for expenses associated with the planning, design, layout, contracting, and inspection of rangeland improvements, not to exceed six percent of the total project costs (para. 2).

2247.13 - Moves direction on improvement funding from other appropriated sources from 2241.14 to this section.

2247.2 - Moves direction on use of grazing fees from 2241.2 to this section and changes the caption to “Adjustment of Grazing Fees,” and revises for clarity.

2247.3 - Moves direction on private contributions from 2241.3 to this section and changes the caption to “Non-Forest Service Contributions.”

2247.31 - Moves direction on permit modifications section from 2241.3 to this section, changes the caption to “Permittee Contributions,” and revises for clarity.

2247.32 - Moves direction on collection agreements from 2241.33 to this section.

2247.33 - Moves direction on memorandums of understanding from 2241.34 to this section.

2247.34 - Moves direction on interagency agreements from 2241.35 to this section.

2248 - Moves and clarifies direction concerning compensation for permittee investment in rangeland improvements, where permits cancelled to devote grazing land to another public purpose from FSH 2209.13, chapter 70 to this new section.

## **2250 RANGELAND MANAGEMENT COOPERATION**

2250 - Changes the title of this chapter from “Range Cooperation” to “Rangeland Cooperation” and revises chapter in its entirety.

2250.1 - Revises authorities by adding a cross-reference to the general Rangeland Management authorities in the FSM 2200 zero code chapter.

2250.4 - Removes specific responsibilities and adds a cross-reference to FSM 2204, exhibit 01 Delegation of Authority where specific responsibilities for range cooperation are set out.

2250.5 - Removes definitions and adds cross-reference to the definitions listed in FSM 2205.

2251 - Revises and simplifies specific requirements for recognizing and working with national forest livestock associations at the local level, and revises captions accordingly. Removes obsolete codes and captions 2251.6 through 2251.8.

2251.2 - Clarifies the difference between livestock associations and grazing associations. Explains the roles of livestock associations and emphasizes that livestock associations are not eligible to hold term grazing permits; instead, a permit is issued to each of the individual members of the livestock association.

2251.4 - Expands on the role of membership and participation in professional societies, and the value of attendance, certification, and the necessity of employee involvement to chart the course of the rangeland management profession.

## 2250 RANGELAND MANAGEMENT COOPERATION CONTINUED

2252 - Changes caption from “Cooperation With State And National Livestock Organizations” to “Interagency Cooperation” and sets forth direction throughout section.

2252.1 - Expands on the importance of coordination when permittees run on both BLM and FS allotments, and the need to look at the effects on the year-round livestock operation when proposing to modify either agency’s permit.

2252.2 - Expands the discussion on cooperating with other agencies to control animal disease and introduces the topic of diseases dangerous to humans.

2252.21 - Inserts this new section to expand on the discussion of certain contagious diseases that are dangerous to humans, and how to deal with effects of the disease if livestock become infected during the permitted use season.

2252.22 - Inserts this new section to discuss management requirements for permittees and Agency employees concerning livestock transmittable diseases.

2252.3 - Provides direction on cooperating with other agencies regarding estray livestock. References FSH 2209.13 chapter 80 for policy and procedure dealing with excess and unauthorized use. Reinforces the role of law enforcement personnel when dealing with estray livestock.

2252.4 - Provides direction on cooperating with other agencies and parties concerning management and control of noxious weeds and invasive species. Explains the role of Rangeland Management specialists in cooperating with other program areas to control noxious weeds and invasive species. Adds information on funds available for treatment.

2253 - Incorporates direction on formal memoranda of understanding and other written documentation from section 2253 and direction on interagency cooperation from section 2254 into this section. Updates the caption of this section to accurately reflect the combined contents and expands the list of Memorandum Of Understandings and agreements to add recent approved cooperative efforts.

2254 - Removes obsolete direction concerning grazing advisory boards as the authority under the Federal Land Policy and Management Act expired on December 31, 1985.

## 2270 INFORMATION MANAGEMENT AND REPORTS

2270.4 - Establishes code, caption, and sets forth responsibilities for Director of Forest Management, Rangeland Management, and Vegetation Ecology; /grassland/prairie supervisors.

2271 - Changes caption from “Forest Service Range Information System” to “Reporting Requirements”. Removes obsolete references to Forest Service Range Management Information System (FSRAMIS), as this system is no longer in use, and replaces it with Rangeland Information Management System (RIMS).

2271.04a - 04c - Adds reporting requirement responsibilities for Regional Foresters, Forest/Grassland/Prairie Supervisors, and District Rangers.

2271.1 - Changes caption from “Forest Service Rangeland Management Information System Applications” to “Forest Service Rangeland Management Automated Systems” and sets forth direction and expands discussion of system application responsibilities for all four organizational levels.

## 2270 INFORMATION MANAGEMENT AND REPORTS CONTINUED

2272 - Changes code from 2271.1 to 2272 and sets forth direction on additional reports with upward reporting requirements and responsibilities.

2272 - Changes this from section 2271.3 and adds additional reports with upward reporting requirements and responsibilities.

## FSH 2209.13 – GRAZING PERMIT ADMINISTRATION HANDBOOK

### CHAPTER 10 - TERM GRAZING PERMITS

Extensively revises, reorganizes, updates, and recodes entire chapter. Numerous substantive, organizational, and stylistic changes are made. Major changes are as follows:

11 - Reinstates an earlier policy that 90 percent of the permitted animals must be placed on the allotment and for at least a majority of the permitted use season (rather than just one day) in order to validate the permit in full.

11.1 - Clarifies that term grazing permits are a privilege, not a property right, pursuant to 36 CFR part 222.3(b).

11.2 - Clarifies the duration of term grazing permits is 10 years, except under certain instances when they can be issued for a shorter period of time.

11.2 - Changes the expiration date for all term grazing permits to February 28 rather than the end of the calendar year (December 31). Provides the rationale in doing so; this also coincides with the end of the grazing fee year. As existing permits expire, directs line officers to issue all new term permits with the February 28 expiration date.

11.3 - Clarifies a term grazing permit with multiple allotments should be administered as separate allotment-by-allotment permits.

11.5 - Terminates the use of all livestock association permits. Clarifies that livestock associations are not to be confused with grazing associations.

11.52 - Clarifies that private lands permitted under term permits with on-and-off provisions are also waived to the government for establishing permitted numbers and seasons of use, as well as for access to all private lands necessary for allotment administration, and requires modification of Form FS-2200-10e.

11.54 - Implements the use of Standard Grazing Agreement FS-2200-135 for grazing associations and grazing districts operating on all national grasslands except for the Dakota Prairie Grasslands units in Region 1, Standard Grazing Agreement FS-2200-136 for use on all national grasslands on the Dakota Prairie Grasslands in Region 1, Standard Grazing Agreement FS-2200-137 for grazing associations operating on national forests in the West (Regions 1-6), and Standard Grazing Agreement FS-2200-138 for grazing associations operating on national forests in the East (Regions 8 and 9).

11.54 - Creates a Standard Grazing Agreement FS-2200-139 for use with Indian tribes exercising treaty rights and privileges for grazing livestock on National Forest System lands.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

12 - Adds language explaining the complex legal world that employees find themselves in, especially as permittees go through estate planning and attempt to pass their considerable assets down to the next generation. Provides information on helpful sources that are available to them.

12 - References the single exception in section 18.36 whereby ownership of base property and permitted livestock can be in two entities, but they must be comprised of the same people.

12a - Inserts examples of legal entities that do not meet or may not meet Forest Service eligibility requirements to be issued term grazing permits. This section discusses joint ventures, life estates, and lifetime tenancy.

12b - Inserts examples of terminology and documents that do not meet or may not meet Forest Service eligibility requirements to be issued Forest Service term grazing permits. This section discusses “doing business as” (DBAs), use of “and” and “or” on legal documents, tenants in common versus joint tenancy with right of survivorship (JTROS), and quitclaim deeds.

12.1 - Adds clarification as to how a citizen of a foreign country must be in the process of becoming a naturalized citizen in order to be eligible to apply for a term grazing permit.

12.1 - Inserts limited liability companies, family limited partnerships, Non-Governmental Organizations (NGOs), nonprofit organizations, and other legal entities to the list of representative entities that may hold term grazing permits.

12.1 - Regarding eligibility of entities to hold a term grazing permit, changes the phrase authorized to conduct business in the State(s) “where the permitted grazing activity would occur” to “where the qualifying base property is located”. Since entities can be authorized in one State and be permitted to run on an allotment in an adjacent State, eligibility requirements for each State may need to be met.

12.11 - Removes the term “husband and wife” as an entity and changes it to “married persons” as an entity, since most States now recognize same-sex marriages.

12.12 - Combined “A Minor Who is Head of a Family” and “A Minor Who has Acquired Base Property or Permitted Livestock” into one section.

12.13 - Adds language clarifying under what circumstances a Forest Service employee and/or their family members might qualify to hold a term grazing permit and provides sideboards as to how the permit and the allotment(s) will need to be administered.

12.14 - Provides additional clarifying language regarding the different types of trusts.

12.15 - Provides additional clarifying language regarding estates and estate settlements.

12.16 - Provides additional clarifying language because statutory requirements to be licensed as corporations or partnerships to do business can vary by State.

12.17 - Adds an additional section for Limited Liability Companies (LLCs) and Family Limited Partnerships (FLPs) as qualifying entities to hold term grazing permits.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

12.18 - Adds an additional section for Non-Governmental Organizations (NGOs) and Nonprofit Organizations (NPOs) as qualifying entities to hold term grazing permits.

12.19 - Adds an additional section and discussion for Grazing Associations and Grazing Districts as qualifying entities to hold term grazing permits.

12.21 - Expands on the description of base property requirements and discusses how listing of base property should be done to meet Forest Service qualification requirements as well as the needs of the permit holder.

12.21 - Changes the term “leased base property” to “successional base property” where such leases exist on national grasslands. These agreements are and have been intended to result in the lessee becoming the owner and are limited to a specific number of years (ten) for completion. Existing leases are grandfathered in for specific periods of time. Provides for a grace period by which all new successional base property agreements will be written to conform to existing time requirements for ownership.

12.21 - Explains that the only legal exception to ownership of base property to hold a Term Grazing Permit exists for grazing association members on the Dakota Prairie Grasslands in R-1, and cites the Consolidated Appropriations Act of 2008 as the legislative authority for this single exception to Forest Service regulations and policy.

12.21(a) - Inserts a new section to discuss emerging situations where the base property, and entire base ranch, has been placed under a Conservation Easement or Agricultural Land Trust to guarantee the lands remain in agricultural production for future generations.

12.22 - Explains that the only legal exception to ownership of permitted livestock to hold a Term Grazing Permit exists for grazing association members on the Dakota Prairie Grasslands in R-1, and cites the Consolidated Appropriations Act of 2008 as the legislative authority for this single exception to Forest Service regulations and policy.

12.22-1 - Inserts the provision that grandchildren as well as children can run up to 50% of the permit holder’s permitted animals.

12.22-1 - Clarifies that children (and grandchildren) can run up to 50% of the parents’ permitted numbers to allow the next generation to become the permit holder. Inserts the new provision that parents (and grandparents) can run up to 50% of the new generation’s permitted livestock as they transition out of the family operation.

12.22-1 - Explains the U.S. Supreme Court’s rulings that corporations (and other entities) may be accorded certain rights, but they are not “people” and thus cannot have children. Therefore, these entities cannot have children that can run up to 50% of the entity’s permitted numbers.

12.22-2 - Changes the term “share livestock” to “successional livestock” where such arrangements are allowed on national grasslands. Reiterates the specific time requirements for the successional livestock to become owned livestock (five years). Provides for a grace period by which all new successional livestock agreements will be written to conform to existing time requirements for ownership.

12.3 - Clarifies that brand registrations from other states may be recognized but they must conform to the brand and inspection requirements of both states.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

12.3 - Adds the provision to allow the use of holding brands in states where this is a common practice. Also explains that care must be taken in these circumstances to assure that the permittee is not running unowned livestock.

12.3 - Adds clarifying language regarding sheep and goat marking in compliance with state statutes.

12.3 - Clarifies that state statutes are the preferred requirement for the marking or branding of bison in that state.

12.3 - Explains that while some states allow the leasing of brands, the Forest Service does not allow leasing of brands because conclusive proof of ownership of the livestock placed on the allotment may be difficult or impossible.

12.3 - Explains the rare occasion when the individuals shown on the brand registration are separated by the word “or” while the same individuals owning the base property are listed on legal documents and at the county courthouse as separated by the word “and” and when this difference can be allowed for permit holders.

12.3 - Provides additional explanations and recommendations on branding of offspring.

12.4 - Exhibit 01 - Provides a sample managerial agreement.

12.5 - Inserts language stating that upper, special, and lower limits are not established nationally but may be established at the regional forester or forest/grassland supervisor level.

12.51 - Explains the general purpose for establishing upper limits, and reiterates the factors and criteria used in establishing or changing upper limits.

12.51a - Changes the title to “Calculating and Applying Upper Limits” and reiterates how upper limits are applied to the various entities eligible and qualified to hold term grazing permits.

12.52 - Retains the section on Special Limits and further describes the process to approve upper limits.

12.53 - Establishes a new section titled “Lower Limits” and explains how they are to be applied and administered if lower limits are established.

13.21 - Adds explanation of priority and ability for restocking vacant allotments.

13.22 - Adds language to further explain the various priority steps of the grant process. Explains that grant priority is most often decided with existing district permittees and issuance of a public prospectus is seldom used.

13.3 - Inserts a section called Changes in Ownership for the Eastern and Southern Regions previously added through R8 and R9 supplements.

13.5 - Adds language concerning exchanges of grazing permit issuance and administration with other agencies.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

13.61 - Adds language discouraging use of third-party MOUs for range improvement maintenance on forage reserve allotments.

13.7 - Inserts a new section – Official Agency Policy on Third Party Arrangements or Permit Buyouts by External Groups.

14 - Includes additional explanation for when an application is received but the prospective permittee does not yet fully qualify for the permit and is instead placed in preferred applicant status (which is discussed in detail in section 15.1).

14.24 - Inserts a new section regarding applications for term private land grazing permits.

14.31 - Expands the discussion on corporations and partnerships to include other entities that may apply for term permits, documents that may be required for submission, and the terms used for individuals that may make up the different entities.

14.4 - Explains that when an application is received from an individual or entity not currently holding a term permit, and it is rejected, the applicant will be informed of the reason(s) for disapproval. In addition, states that the applicant has no right of appeal of the authorized officer's decision to deny the application.

14.4 - Adds clarification on when an existing permittee may have the right of appeal using the Administrative Procedures Act (APA) for disapproval of the application.

14.5 - Adds language and clarifies procedures for applications for annual authorizations for grazing.

14.6 - Adds explanation on receiving and processing applications for crossing permits. Includes a discussion on approving applications for use of established stock driveways.

15.1 - Adds clarification for Permit Applicant and Preferred Applicant Status.

15.2 - Adds the requirement to list designated base property in Part 3 of each Term Grazing Permit.

15.2 - Exhibit 01 - Provides an example of how to list base property in Part 3 of the permit.

15.2 - Exhibit 02 - Provides an example of how to label the allotment map.

15.2 - Clarifies language on how to attach the AMP(s) to the permit.

15.2 - Deletes Issuance of Term Grazing Association Permits.

15.3 - Moves Issuance of Grazing Agreements to Chapter 20.

15.3 - Exhibit 01 - Shows how Part 1 of the term grazing permit should be completed.

15.3 - Exhibit 02 - Shows how Part 1 of the term grazing permit should be completed when AUMs are permitted instead of number of animals.

15.32 - Adds clarifications and restrictions on how to properly permit variable numbers and variable seasons.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

15.32 - Exhibit 01 - Displays how to properly issue variable numbers and variable seasons in Part 1 of the permit.

15.34 - Provides explanation on how to properly permit working pack and saddle stock in Part 1 of the permit.

15.42 - Provides direction to be consistent with the grazing fee year (FSH 2209.13 Chapter 80), where February 28 becomes the expiration date for all new term grazing permits. New tenure would be March 1 through February 28.

15.43 - Provides explanation to revise the Term Grazing Permit (FS-2200-10) to insert the archeological discovery clause in Part 2 of the Term Grazing Permit as Part (b) under Section 10. Protection. The Clause should also be added to the Rules of Management for every grazing agreement as they are modified or reissued.

15.5 - Explains in the Validation section that term grazing permit validation requires placing 90% of the permitted number of livestock on the allotment for at least at majority of the full grazing season for the first grazing season following permit issuance.

15.51 - Provides clarification for validation and how to postpone under special circumstances such as extended drought.

15.8 - Inserts an updated and simplified Table for comparison of term permits with on-and-off provisions and term private land permits and when to issue each type.

15.8 - Explains that regardless of which type of permit is issued, the intermingled/adjacent private/state/other lands (owned or leased) inside the allotment are waived to the Forest Service for “exclusive grazing use” (36 CFR 222.1) because the authorized officer assigns and controls the total numbers of animals and the total season of use on the allotment, regardless of the land ownerships involved.

15.8 - It also explains the “exclusive grazing use” does not apply to any other right or type of use that may take place on those same private/state/other lands.

16 - Clarifies Sections 16.11 and 16.12 regarding circumstances when the term permit may be modified by letter and when the permit may be modified by new permit issuance.

16 - Moves the provision authorizing cancellation of grazing agreements for violation of Title VI of the Civil Rights Act to chapter 20.

16 - Expands the list of how changes in term grazing permit terms and conditions may be made by modification, suspension, or cancellation.

16 - States that modifications to term grazing permits may be subject to appeal under 36 CFR part 214.

16 - States if the proposed changes are within the scope and range of effects considered in a current analysis, a new analysis is not required. If the proposed modification is outside these parameters, a new analysis may be required.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

16 - Issuance of annual operating instructions (or similar document) does not constitute a permit modification and is not listed as such under 36 CFR 222.4 part A. Issuance of annual operating instructions is not an appealable decision (as stated in 36 CFR 214.4(a)(1)).

16 - Includes language and references for both appeal and objection regulations.

16.1 - Clarifies section 16.1 regarding authority to modify a permit under 36 CFR 222.4(a)(7) and (a)(8).

16.1 - Grazing permits may be modified to provide for cooperative range development programs. Describe the development work, specifications, permittee and Forest Service responsibility as provided in Regional permit modification forms or the optional Grazing Permit Modification for Cooperative Range Improvement form shown in Exhibit 01.

16.11 - A permit may be modified at any time by the authorized officer, based on monitoring information and a documented rationale.

16.11 - Annual adjustments within the scope of existing permit terms and conditions may be made through issuance of the AOI (or similar document) and the bill for collection rather than a permit modification.

16.11 - Reaffirms that issuance of annual operating instructions (or similar document) does not constitute a permit modification and is not an appealable decision, 36 CFR part 214.4(a)(1).

16.13 - Specifies that authorized officers may modify a term grazing permit by reducing the permitted numbers, seasons of use, or allotments to be grazed as necessary to protect, restore, or improve rangeland resource conditions, and will be provided to the permittee in writing.

16.13 - Provides a sample permit modification form that can be used to document a modification that results in reduced numbers or season of use.

16.14 - Moves the former section 13.13 provision regarding modifications to convert kind or class of livestock due to permittee request to this section.

16.15 - Inserts a new section titled “Permittee Requests to Change or Modify Base Property”.

16.16 – The information previously provided in section 16.16 has been moved to section 16.7 and 16.16 has been removed. The information now available in section 16.7 clarifies a term grazing permit may be cancelled when the *no grazing* alternative in an environmental assessment or environmental impact statement is selected to address rangeland resource conditions.

16.3 - Inserts required language concerning the use of Notice of Non-Compliance (NONC) letters, responding to the 2001 *Anschustegui* court decision on the Boise NF and the resultant 2001 policy letter from the Chief. The NONC replaces the use of the term “show cause.”

16.31 - Inserts language that if a permittee refuses to accept a Certified Letter then the ranger district staff needs to take steps to deliver the letter in person.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

16.4 - Inserts language to explain that the intent of the Uniform Suspension and Cancellation Guidelines is to assure that the same permit infraction by any grazing permittee results in the same penalty, regardless of where in the National Forest System that infraction occurs, and under whose authority and jurisdiction it took place.

16.4 - Changes the order of the types of permit violations that can occur and expands the discussion of each, giving examples of types of infractions where applicable.

16.4 - Provides consistent terminology as to the types of offenses and the resultant actions by the authorized officer.

16.4 - Provides consistent penalties for the various types of infractions when that is possible.

16.4 - Clarifies that the authorized officer must discern if permit actions should be taken against only one allotment on a permit or on the entire permit.

16.41 - Inserts a new section “Serious Offenses that Warrant Immediate Permit Cancellation” and adds the four permit violations that nearly always result in cancellation of the permit in full.

16.41 - Infraction #1. Reinstates an earlier policy that validation of a term grazing permit, which normally occurs only in the first year after the initial term permit is issued, requires that at least 90% of the permitted livestock must be placed on the allotment, and they must run on the allotment for at least a majority of the permitted use season, before the permit is validated in full.

16.41 - Infraction #4. Adds language to explain that a permittee can lease out the base property (or even the entire ranch), but retains language that during such instances the permittee must take non-use for personal convenience and the lessee is not allowed to place his/her livestock on the allotment.

16.42 - Inserts a new section “Offenses that Provide the Opportunity to Remedy and Comply” and places the remaining nine infractions in this section.

16.42 - Infractions #5 and #6. Divides the offense of “Failure to Pay the Grazing Fee” into two separate infractions, depending upon whether the permittee’s livestock have been allowed or placed on the allotment or not, because the penalties for the two infractions are very different.

16.42 - Infraction #8. Changes the rate charged for excess use on all NFS lands in the 16 Western States as well as on the national grasslands in Texas to be the average of the private land lease rates in those 17 States as calculated each year and used in computation of the annual grazing fee.

16.42 - Infraction #8. Inserts the excess use rates and policy in place for bid allotments in Regions 8 and 9.

16.42 - Infraction #13. Adds clarifying language as to examples of Federal and State law violations that might occur and explains the differences in penalties that may result for conviction for violation of those laws.

16.43 - Inserts language to reinforce that permittees must continue to annually maintain all improvements assigned to them even when 100% of their term permit is in suspension.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

16.5 - Changes all references concerning mediation from 36 CFR 251 to 36 CFR 214, and updates all policy and procedures that resulted from the new regulations.

16.51 - Inserts a new section called “Expectations of Mediation.”

16.52 - Inserts a new section called “Mediation Process” and explains in detail the requirements and procedures of the mediation session(s).

16.53 - Inserts a new section called “Informal Dispute Resolution” and explains in detail the process created in Section 8 of PRIA to informally resolve allotment management concerns and disputes.

16.6 - Provides additional examples of how lands may be devoted to another purpose that precludes grazing.

16.7 - Inserts the section on permit cancellation due to resource conditions formerly listed under section 16.16.

17.1 - Clarifies non-use for personal convenience must be requested 40-60 days in advance of the allotment on date. Regions that have year-round permits have established procedures to determine how and when non-use should be applied for.

17.1 - Explains when non-use requests are received and approved for allotments containing intermingled land ownerships, the non-use will be applied on a proportional basis to the capacities of NFS lands and the intermingled lands.

17.1 - Expands the section on specifying personal convenience non-use may be approved for no more than 3 consecutive years, and no more than four years in any rolling 10-year period. Clarifies that the 10-year rolling period transcends term permit renewals and does not start over with the issuance of a new 10-year permit.

17.1 - Clarifies when an allotment has been in approved non-use for three consecutive years, the allotment must be stocked with at least 90 percent of the permitted numbers in the fourth year or the permit will be permanently reduced to the numbers that are or were actually stocked.

17.1 - Provides additional explanation that the requests for personal convenience non-use apply to the permittee and total permitted numbers regardless of how many allotments the permittee is authorized to graze.

17.1 - Requires that the annual approval letter for personal convenience non-use should include a reminder of the personal convenience non-use restrictions regarding three consecutive years and shall advise the permittee that at least 90 percent of the permitted livestock numbers must be grazed during the next season (fourth year) to avoid permit reduction or cancellation.

17.1 - Clarifies if the permittee is unable or unwilling to execute a waiver based upon sale of base property, and wants to waive only upon sale of permitted livestock, the permittee must have or acquire replacement livestock, owned and legally branded, and must place those livestock on the allotment during the permitted use season in order for them to be permitted livestock.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

17.1 - Clearly states personal convenience non-use would require restocking of at least 90 percent of the permitted numbers in order for a waiver to be confirmed for 100 percent of permitted numbers.

17.1 - Strengthens the requirement that livestock and/or base property purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period before, during, or after the waiver is received will not be considered a bona fide transaction or valid ownership of the livestock or base property.

17.11 - Gives direction for consideration in making decisions to fill in behind personal convenience non-use.

17.2 - Removes “Or Development” from the “Non-use for Resource Protection or Development” section and discusses resource development in a new Section 17.22 below.

17.2 - Recommends the use of Form FS-2200-26 and phases out the use of a Memorandum of Understanding for resource protection non-use.

17.21 - Adds a section concerning the approval of resource protection non-use during periods of severe or prolonged drought, or other climatic conditions.

17.21 - Explains that most non-use to respond to extended periods of drought or other climatic conditions is approved on the annual application and the bill for collection.

17.21 - Expands discussion on the use of a Non-Use Agreement for Resource Protection (Form FS-2200-26) only when the periods of prolonged drought are longer than two to three years.

17.21 - Clarifies that if a waiver based on the sale of base property is received during the period of resource protection non-use, validation can be staged in, with the approval of the authorized officer, when stocking in full immediately would be detrimental to the resource.

17.21 - Further describes how a waiver based on sale of livestock during non-use for resource protection must be handled. Advance approval of the authorized officer is required prior to restocking of 100 percent of permitted numbers, in order to confirm a waiver for full numbers.

17.21 - States that the same 24-month ownership requirement for a bona fide transaction for waivers based on livestock purchased during periods of personal convenience non-use also applies to waivers based on livestock purchases during periods of resource protection non-use.

17.22 - Inserts a new section titled “Non-use for Resource Protection during Landscape-Scale Vegetative Treatments and Rangeland Developments to Increase Grazing Capacity.”

17.22 - Discusses the need to increase livestock grazing levels in many areas to achieve desired vegetative condition and manage for many resource needs and uses. Provides for non-use for resource protection while vegetative treatments and rangeland developments are carried out.

17.22 - Explains that this type of non-use for resource protection is detailed and approved on Form FS-2200-26.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

17.23 - Inserts a section concerning the approval of resource protection non-use designed to achieve a changed resource condition.

17.23 - Explains that this type of non-use for resource protection is detailed and approved on Form FS-2200-26.

17.23 - Explains that a trial period to change livestock numbers and/or seasons is agreed upon in an attempt to achieve the desired resource conditions. States that during this trial period the existing term grazing permit is not modified.

17.23 - Discusses that if desired resource conditions are not achieved during the trial period, the permit is then modified and the permittee given the right of appeal in response to the changes.

17.23 - Clarifies how term permits can be waived during or following non-use for resource protection in an effort to achieve changed resource conditions.

17.3 - Clarifies how term permits can be waived during or following non-use for research purposes.

17.4 - Removes section 17.4 regarding trial conversions in kind or class of livestock grazed and places it in section 16.14.

18.1 - Clarifies disclosures that should be made by the Forest Service when a permittee gives notification of a possible waiver of term grazing permit.

18.2 - Moves the section titled “Transactions without Permit Waiver” to this location from 18.8. All subsequent sections are re-numbered.

18.3 - Reinforces that any time the name of the entity holding the term grazing permit changes, a waiver of term grazing permit (FS-2200-12) must be completed.

18.33 - Adds grandchildren to transactions and transfers within families. Clarifies that children/grandchildren may be adults or minors.

18.33 - Provides direction to verify legality of quit claim documents as proof of ownership.

18.34 - Provides additional direction in the event base property and permitted livestock are inherited by two different individuals or entities.

18.35 - Adds direction on waiver and issuance following a divorce.

18.36 - Inserts direction, and cross-references, when the base property and the permitted livestock are owned by two separate entities, each comprised of exactly the same individuals. Lists other handbook sections to refer to on how to properly issue the term permit when this one exception to single ownership of both land and livestock can be allowed.

18.36 - Explains the rare occasion when the individuals shown on the brand registration are separated by the word “or” while the same individuals owning the base property are listed on legal documents and at the county courthouse as separated by the word “and” and when this difference can be allowed for permit holders. References this detailed discussion in sec. 12.3.

## CHAPTER 10 – TERM GRAZING PERMITS CONTINUED

18.37 - Specifies that any dissolution of a corporation, partnership or other legal entity and subsequent permit issuances must comply with any lower limits established by a Regional Forester or Forest/Grassland Supervisor.

18.4 - Clarifies prohibitions against pending or completed sales or direct transfers of grazing permits and specifies steps to be taken when such documents are discovered or received.

18.5 - Inserts additional information concerning documents required as proof of a legal transaction.

18.6 - Clarifies provision regarding waiver of permits in non-use for personal convenience.

18.7 - Clarifies that a permittee may act as the lender and as such is treated like any lending institution through the use of an escrow waiver.

18.82 - Changes references to Farm Credit Banks (FCB) to Farm Service Agency (FSA).

18.9 - Clarifies direction regarding administration of grazing permits during bankruptcy proceedings.

## CHAPTER 20 – GRAZING AGREEMENTS

Extensively revises and updates Forest Service policy regarding administration of grazing agreements. Numerous substantive and organizational changes are made, including the use of five Standard Grazing Agreements on National Forest System lands. Major changes are as follows:

20 - Cooperation - Adds language clarifying the transition from private lands ownership under the Homestead Act, to the Resettlement Administration, to the Soil Conservation Service, and to the United States Forest Service and the relationship between the Forest Service and grazing associations which is formalized by grazing agreements.

22.11 - Provides direction on how new grazing associations may be formed.

22.12 - Provides direction on how direct permittees can waive their term grazing permits and join an established grazing association.

22.2 - Explains the limited circumstances under which individual association members may cancel their association membership and request issuance of a Forest Service Term Grazing Permit.

23 - Adds language to explain the differences in issuances of grazing agreements on National Grasslands, on National Forests in the Western Regions, on National Forests in the Eastern and Southern Regions, and on National Forest System lands with Indian tribes exercising treaty grazing rights.

23 - Exhibit 01- Creates a standard grazing agreement (FS-2200-135) to be issued to grazing associations and grazing districts operating on all National Grasslands (Regions 2 – 8), with the exception of those National Grasslands administered by the Dakota Prairie Grasslands in R-1.

## CHAPTER 20 – GRAZING AGREEMENTS CONTINUED

23 - Exhibit 02 - Creates a standard grazing agreement (FS-2200-136) to be issued *only* to those grazing associations operating on the National Grasslands administered by the Dakota Prairie Grasslands unit in North and South Dakota in R-1.

This Exhibit is very similar throughout to the standard grazing agreement in use on all other Grassland units.

However, a 2000 Consent Decree brought about by a McKenzie County Grazing Association lawsuit, and a 2008 Fiscal Year Appropriation Rider, currently allow different leasing provisions and Privacy Act exemptions on these Grassland units. These exceptions are not allowed anywhere else on National Forest System lands.

23 - Exhibit 03 - Creates a standard grazing agreement (FS-2200-137) for grazing associations operating on National Forests in the Western Regions (Regions 1 – 6).

23 - Exhibit 04 - Creates a standard grazing agreement (FS-2200-138) for grazing associations operating on National Forests in the Eastern and Southern Regions (Regions 8 & 9).

23 - Exhibit 05 - Creates a standard grazing agreement (FS-2200-139) for Indian tribes exercising treaty rights for grazing livestock on National Forest System lands.

23.2 - Re-establishes a requirement that the Forest Service annually notifies the association of any changes in lands or improvements that occurred in the previous year.

24 - Inserts an additional explanation as to the purpose of the Rules of Management and how they are developed. Gives examples of how the association may be more restrictive than agency policy, but cannot be less restrictive.

24 - Exhibit 01 - Inserts an example of a Table of Contents displaying items to be included in the Rules of Management, including the required addition of or reference to the uniform suspension and cancellation guidelines detailed in chapter 10, secs. 16.3 and 16.4.

24 - Adds language as to the roles of the Forest Service and the Grazing Association in the administration of the Grazing Agreement and Rules of Management.

24.1, Item 4 - Adds language to recommend that the entire sec. 16.4 on Uniform Suspension and Cancellation Guidelines be included in the Rules of Management, but allows for a summary explanation to be included as long as all parties agree that the Guidelines are referenced and then followed when member infractions occur.

24.31, Item 3 - Inserts qualification provisions whereby associations and the authorized officer can allow all of the declared owned base property to be leased as Successional Base Property arrangements.

Provides that such agreements are not to exceed 10 years in length for completion, and that the end of the term shall result in filing of a contract for deed or warranty deed on the qualifying base property. “Successional Base Property” replaces the term “leased base property” in regard to such agreements entered into and approved by the four parties involved.

24.31, Item 4 - Provides clarification whereby some associations do allow for a portion of the required base property to be leased in addition to the required portion that must be owned.

## CHAPTER 20 – GRAZING AGREEMENTS CONTINUED

24.32 - Inserts qualification provisions whereby grazing associations and the authorized officer can allow for Successional Livestock arrangements whereby a new member acquires full ownership of the livestock herd over time. Not to be confused with the frequent industry practice of leased livestock (and replacing any use of that term), “Successional Livestock” agreements must be completed in 5 years or less.

25.2 - Adds language regarding compliance with Allotment Management Plans (AMPs) and Annual Operating Instructions (AOIs).

25.2 - Proposes that when issuing installment billings to Grazing Associations, both the first bill and the second bill should be issued for 40% of the authorized use. A final bill will then be issued at the end of the grazing fee year for the remainder due, thereby eliminating any requests for refunds and reducing the need for credits in the subsequent fee year.

25.4 - Provides clarifying direction on conservation practices and administrative costs in determining the annual grazing fee.

25.41 - Reiterates that grazing associations, through their benefitting members, contribute their required cost-share of the total expenses of approved rangeland improvements, just as do Forest Service direct permittees on National Forest and National Grassland units.

25.42 - Reaffirms that grazing fee reduction criteria for conservation practices apply only to Grazing Agreements issued on National Grasslands and not to those issued on National Forests.

25.43 - Inserts a Fee Credit Criteria section and explains while these situations most often exist on the national forests in the eastern and southern regions, credits may also apply in limited situations on national grasslands with direct permittees as well as with grazing associations.

25.44 - Inserts a completely new section, based on language contained in the 2017 Consolidated Appropriations Act, to carry grassland fee credits forward under specific circumstances to complete large and expensive approved conservation practices in future years.

25.6 - Updates language concerning required compliance with Title VI of the Civil Rights Act, as amended numerous times since 1964.

25.7 - Adds clarifying language regarding association member non-use.

25.71 - Clarifies language regarding association member non-use for personal convenience.

25.72 - Provides additional direction on association member non-use for resource protection.

27 - Clarifies language regarding situations whereby a grazing agreement may be suspended or cancelled.

## CHAPTER 30 - TEMPORARY GRAZING AND LIVESTOCK USE PERMITS

This amendment revises requirements and procedures to issue and administer temporary grazing permits and livestock use permits. In addition, the two types of permits were formerly addressed in separate chapters, but are now consolidated under this chapter. Major revisions include:

## CHAPTER 30 – TEMPORARY GRAZING AND LIVESTOCK USE PERMITS CONTINUED

30 - Changes the title of this chapter to "Temporary Grazing and Livestock Use Permits" (formerly, "Temporary Grazing Permits"). Consolidates previous direction in chapter 40 regarding Livestock Use Permits into this chapter to reflect that temporary grazing and livestock use permits now use the same form.

31 - Clarifies and adds criteria under which temporary grazing and livestock use permits may be authorized. Temporary grazing permits and livestock use permits are issued in limited, well-defined circumstances when grazing under a term grazing permit has temporarily ceased or when the issuance of a term grazing permit is not appropriate.

32.1 - Clarifies that eligibility requirements are the same for temporary permits and livestock use permits as they are for term grazing permits.

32.2 - Affirms that qualification requirements are different than for term grazing permits.

33 - Inserts further clarification on when a temporary permit would not be issued in addition to a term permit.

33.1 - 33.6 - Inserts subsections to further explain the most common situations when the authorized officer would consider issuing a temporary grazing permit.

33.6 - Changes Farm Credit Banks to Farm Service Agency.

35 - Explains that it is seldom proper to continue to issue temporary grazing permits for the same activity year after year.

36 - Removes the section discussing determining forage capacity for allocation and replaces it with livestock use permit guidance.

36.1 - 36.5 - Inserts subsections to further explain the most common situations when the authorized officer would consider issuing a livestock use permit.

36.2 - Updates language to show that use of leased sires is now a common industry practice. However, since the leased sires are not owned by the term permittee, they must be authorized by the issuance of a separate livestock use permit to be in compliance with agency regulations that require all livestock authorized on a term grazing permit have to be owned (36 CFR 222.3).

38 - Explains that livestock use permits are often issued for the same activity year after year.

39 - Expands discussion on the limited cases when temporary grazing and livestock use permits might be modified.

## CHAPTER 40 – LIVESTOCK USE PERMITS (RESERVED)

This Chapter was combined with Chapter 30 Temporary Grazing Permits in 2005. Chapter 40 is now reserved for future use.

## CHAPTER 50 - TRIBAL TREATY AUTHORIZATIONS AND SPECIAL USE PERMITS

Changes the previous names of this chapter from "Other Permits" (8/3/1992) and "Grazing with Tribal Treaty Rights" (7/19/2005) to "Tribal Treaty Authorizations and Special Use Permits" since this chapter

covers not only permits and authorizations with Indian tribes but special use permits as well. Major revisions include:

50 - Creates a brief section on tribal rights and sovereignty. This includes subsections to include pertinent information found in FSM 1563 – Tribal Relations.

50.1 - Inserts a section titled “The Rights of American Indians and Alaska Natives.”

50.2 - Inserts a section titled “Tribal Sovereignty.”

50.3 - Inserts a section titled “Treaty Rights.”

50.4 - Inserts a section titled “Reserved Rights Doctrine.”

50.5 - Inserts a section titled “Federal Power over Native American Rights.”

50.6 - Inserts a section titled “Hunting and Fishing Rights.”

51 - Changes the caption of this section from “Grazing under Tribal Treaty Rights” to “Grazing under Tribal Treaty Authorizations.”

51.1 - Changes the caption from “Grazing Permits Issued to Indian Tribes in Recognition of Treaty Rights” and issues the new caption of “Authority.”

51.1 - Expands and clarifies direction regarding grazing of livestock under treaties on National Forest System (NFS) lands based on treaty rights reserved to Indian tribes. Explains this government-to-government relationship is unique, and distinct from other interests and constituencies served by the agency.

51.2 - Inserts a new section titled “Definitions.”

51.21 - Inserts a new section titled “Rights and Privileges.” The section explains the differences between “Rights” and “Privileges” and between “Reserved” and “Granted.”

51.22 - Inserts a new section titled “Lands” and explains the differences between traditional use lands, ceded lands, and trust lands.

51.23 - Inserts a new section titled “Allotted Lands.” The section explains the differences between on-reservation and off-reservation allotted lands as well as non-trust allotments. It also explains that these terms are not to be confused with established Forest Service “grazing allotments.”

51.3 - 51.31 - Deletes these two codes from the August 3, 1992 issuance and their obsolete direction regarding issuance of term grazing permits covering use on developing ranges in the eastern forests.

51.3 - Creates a new code 51.3. Moves the content here from code 51.1 in the 2005 issuance but retains the same caption of “Grazing Permits Issued to Indian Tribes in Recognition of Treaty Rights.”

51.31 - Changes this code from 51.11 in the 2005 issuance but retains the caption and content of “Nature of Treaty Rights and Privileges.” Additional content is added to this section.

## CHAPTER 50 – TRIBAL TREATY AUTHORIZATIONS AND SPECIAL USE PERMITS CONTINUED

51.32 - Changes this code from 51.12 in the 2005 issuance but retains the same caption and content of “Scope of Treaty Rights.” The section clarifies the scope of rights that may be reserved by Tribes who have treaties with the United States.

51.33 - Changes this code from 51.13 in the 2005 issuance but retains the same caption and content of “Treaty Right Beneficiaries.” Clarifies that only the tribe with whom the United States entered a treaty may claim rights under that treaty and that, where such rights exist, it is the tribe’s responsibility to allocate the grazing among its enrolled members.

51.33 - Inserts a clarification that the tribe may not allocate reserved or granted grazing treaty rights to non-tribal members.

51.34 - Changes this code from 51.14 in the 2005 issuance but retains the same content. The section is now titled “Extent of Treaty or Other Reserved Rights on National Forest System lands.” Clarifies that while a Tribe may possess treaty or other reserved on National Forest System lands, it is the responsibility of the authorized officer to determine whether and how those rights may be exercised.

51.35 - Changes this code from 51.15 in the 2005 issuance but retains the same caption and content of “Grazing Reductions on National Forest System lands.” Clarifies direction on how reductions in grazing should be made where treaty or other reserved rights are involved.

51.36 - Changes this code from 51.16 in the 2005 issuance but retains the same caption and content of “Fees Charged for Tribal Exercise of Treaty or Other Reserved Rights.”

51.37 - Changes this code from 51.17 in the 2005 issuance but retains the same caption and content of “Internal Review and Coordination.” The section provides direction on review and coordination with regional managers and Office of General Counsel specialists when treaty or other reserved rights are involved.

52 - Establishes a new code for “Methods of Permit Issuance to Execute Treaty or Other Reserved Rights” and describes a process and documentation to meet responsibility to manage all grazing activities on National Forest System lands.

52 - Discusses types of documents that can, and cannot, be used to execute tribal treaty or other reserved rights.

52.1 - Adds a new section titled, “Tribal Ownership of Both Land and Livestock” and explains how to execute tribal treaty or reserved rights where this situation exists.

52.2 - Adds a new section titled, “Tribal Ownership of Lands but not Livestock” and explains how to execute tribal treaty or reserved rights where this situation exists.

52.3 - Adds a new section titled, “Tribal Ownership of Livestock but not Lands” and explains how to execute tribal treaty or reserved rights where this situation exists.

52.4 - Adds a new section titled, “The Tribe Owns Neither Land nor Livestock” and explains how to execute tribal treaty or reserved rights where this situation exists.

## CHAPTER 50 – TRIBAL TREATY AUTHORIZATIONS AND SPECIAL USE PERMITS CONTINUED

52.5 - Adds a new section titled, “The Tribe and the Members Both Hold Title to the Land” and explains how to permit tribal treaty rights and privileges where this situation exists.

53 - Establishes a new code, “Grazing by Tribes and Tribal Members on National Forest System Lands Not Subject to Treaty or Reserved Rights.” The section explains that if no treaty rights exist for grazing or pasturing stock, that permits issued to Indians are in accordance with the same policies and procedures as apply to permits issued to non-Indians.

54 - Establishes a new code, “Special Use Permits that Authorize Grazing Use.” The section provides information and examples for when grazing use should properly be authorized by issuance of a special use permit.

54.1 - Inserts a new section titled, “Grazing Authorized by Special Use Permit” and explains situations whereby special use permits should be issued and the fees charged for the authorized use.

54.1 - Provides information regarding coordination and administration of outfitter and guide operations when forage utilization guidelines apply to such operations.

54.2 - Inserts a new section titled “Types of Special Use Permits for Incidental Grazing” and discusses the two types of special uses that are most often permitted for these incidental uses.

54.2 - Provides information regarding coordination and administration of Livestock Area and Convenience Enclosure special use permits, especially when a grazing permit and special use permit are held by the entity and/or in the same vicinity.

54.3 - Inserts a new section titled “Expiration and Issuance of Special Use Permits for Incidental Grazing.” Provides a detailed explanation of when grazing permits and special use permits expire. It also discusses historical and proper reasons for not converting the two permit types.

55 - Inserts a new section titled “Coordination of Recreation Special Event Permits.”

56 - Inserts a new section titled “Administration of Cow Camps.” Explains that the type of permit issued to occupy and use the “cow camp” is dependent upon the ownership of the facility.

56.1 - Inserts a new section titled “Government Ownership, Administration through Term Grazing Permit.” Discusses permit issuance and requirements when the cow camp is authorized as a range improvement on the term grazing permit.

56.2 - Inserts a new section titled “Private Ownership, Administration through Special Use Permit.” Discusses permit issuance and requirements when the cow camp is authorized as a special use permit for a Range Facility for allotment management only.

56.3 - Inserts a new section titled “Private Ownership, Use is for more than Allotment Management.” Discusses permit issuance and requirements when the primary purpose and use of the cow camp is not for management of the allotment. In such cases, use and maintenance are subject to Occupation Safety and Health Administration standards for public health and safety.

## CHAPTER 50 – TRIBAL TREATY AUTHORIZATIONS AND SPECIAL USE PERMITS CONTINUED

56.4 - Inserts a new section titled “Administration Coordination with Heritage Resources.” Discusses what may be required—and may not be required—to maintain the context and the integrity of the cow camp once it has been in existence for more than 50 years and has been evaluated for eligibility for nomination to the National Register of Historic Places.

## CHAPTER 60 – RECORDS

This amendment revises requirements and procedures to maintain paper copy grazing permit administration records and adds new requirements and procedures necessary for establishing and maintaining electronic grazing permit records and reporting.

61 - Establishes this code to provide responsibilities for establishing and maintaining grazing permit records.

61.1 - Changes the caption from “Case File” to “Electronic Records” and revises the direction to be specific to electronic records.

61.2 - Changes the caption from “Permanent Summary Record” to “Hard Copy Records” and removes references to obsolete forms, FS-2200-3, FS-2200-8, and FS-2200-9 (card records). Also removes reference to contract numbers when referring to a grazing permit.

62 - Establishes this code to add new direction concerning maintenance of official grazing permit case files (2230) and permanent summary records and identifies the specific documents to be included in an official grazing permit case file.

62 - Exhibit 01 - Adds Exhibit 01 to display the grazing permit file contents and recommended file organization for Regions 1-6.

62 - Exhibit 02 - Adds Exhibit 02 to display the grazing permit file contents and recommended file organization for Regions 8 and 9.

63 - This section, previously reserved, adds direction for establishing and maintaining official grazing allotment (2210) folders.

63 - Exhibit 01 - Adds Exhibit 01 to display the allotment file contents and recommended file organization for Regions 1-8.

63 - Exhibit 02 - Adds Exhibit 02 to display the allotment file contents and recommended file organization for Region 9.

64 - Establishes this code to add new direction for creating and maintaining grazing allotment improvement (2240) folders as accompanying and supplementing folders to the individual grazing allotment (2210) folders.

64 - Exhibit 01 - Adds Exhibit 01 to display the allotment improvement file contents and recommended file organization for all Regions, when separate Improvement folders (2240) are created for removing extensive improvement records from the individual 2210 Allotment folder.

## CHAPTER 60 – RECORDS CONTINUED

65 - Changes this code to combine direction concerning maintenance, retention, and disposal of official grazing case files and permanent summary records into one section.

66 - Inserts a new Section called “Requests for Records under the Freedom of Information Act,” to describe the Freedom of Information Act and serve as an easily-accessible source for rangeland management professionals to respond to requests for grazing records under the Freedom of Information Act.

## CHAPTER 70 - COMPENSATION FOR PERMITTEE INTEREST IN RANGE IMPROVEMENTS

This amendment clarifies who may qualify for compensation and under what circumstances compensation payments may be paid. Major revisions include:

71.1 - Adds the National grasslands in Texas to the list of National Forest System lands upon which rangeland improvement compensation provisions may be applied to be consistent with administration of all other National grasslands under Federal Land Policy and Management Act authority.

71.1 - Clarifies that only the current term permittee would be eligible for compensation; previous term permittees are not eligible.

71.2 - Explains compensation procedures if the improvements have been constructed by a grazing association or grazing district.

72 - Explains that the benefitting use, resource, or receiving agency shall bear the cost of range improvement compensation.

72 - Reiterates that range betterment funds or conservation practice monies cannot be used to pay for range improvement compensation.

73 - Explains that once a permittee signs and executes a waiver of term grazing permit, that permittee shall cease to be eligible for compensation of any rangeland improvements completed by him or her. The only exception is if the current permittee reorganizes into a new entity for family estate planning purposes and he or she continues as a member of the new entity.

## CHAPTER 80 - GRAZING FEES

81.1 - Defines “other lands under Forest Service control” and gives examples of where this situation might result in assessing a grazing fee for use on those lands.

81.2 - Clarifies when offspring reach the age of maturity and must be charged the grazing fee for occupancy.

81.2 - Exhibit 01 - Eliminates Exhibit 02 showing calculations for grazing seasons less than one month in length; the computation example used was incorrect. One example fits all seasons.

81.3 - With the existing all-electronic billing system, removes the old requirement to issue grazing bills 30-35 days in advance of the allotment on-date and changes it to require that all bills are issued no less than 40 days, and no more than 60 days, prior to the allotment on-date.

81.3 - Updates the methods of payment currently allowed and available to permittees.

## CHAPTER 80 – GRAZING FEES CONTINUED

81.3 - Eliminates installment billings (split bills) for all permits except for Grazing Associations on national grasslands and for national forests with year-round permits. Even in these situations, if the total grazing fee is less than \$1,000 for the year, only one bill will be issued.

81.3 - Proposes that when issuing installment billings to Grazing Associations, both the first bill and the second bill should be issued for 40% of the authorized use. A final bill will then be issued at the end of the grazing fee year for the remainder due, thereby reducing or eliminating any requests for refunds or the need for credits in the subsequent fee year.

81.5 - Adds clarifying direction on the limited use of refunds and credits.

81.51 - Inserts a new section clarifying that waivers based on sale of permitted livestock during the grazing season do not provide for a refund to the permittee if a new permit is issued to the purchaser for the remainder of the season.

81.7 - Proposes that the fee charged each year for excess and unauthorized use on all National Forests and National Grasslands in the 16 Western states, as well as on the National Grasslands in Texas, will be the average of the private land lease rates for those 17 states (as computed annually by the National Agricultural Statistics Service for the Forage Value Index [FVI] component of the grazing fee formula determination).

81.7 - 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.

83.2 - Provides an expanded discussion of how grazing fee receipts are collected, deposited, and managed in the U.S. Treasury account, and returned as Range Betterment Funds (RBF) to carry out range improvement work on National Forests in the western regions.

84.3 - Inserts a new section to explain the limited situations in which grazing fee credits can be used on National Grasslands with both grazing agreements and direct permits.

84.4 - Inserts a completely new section, based on language contained in the 2017 Consolidated Appropriations Act, to carry grassland fee credits forward to complete large or expensive approved conservation practices in future years.

85 - Incorporates additional language from Region 8 and Region 9 supplements regarding noncompetitive fair market bid procedures and competitive bid procedures.

86 - Gives examples of limited situations where grazing permits may be issued free of charge.

## CHAPTER 90 - RANGELAND MANAGEMENT DECISIONMAKING

This chapter retains the incorporated and revised direction on range management planning previously located in FSM 2210, 2211, 2212, 2213, 2214, and 2215.

The chapter continues to be renamed Rangeland Management Decision Making to clarify that it includes direction on planning and analysis, decision implementation, monitoring, and modifications in the use or activity based on monitoring results.

## CHAPTER 90 – RANGELAND MANAGEMENT DECISIONMAKING CONTINUED

90 - Clarifies the decisions related to rangelands made in Land Management Plans (programmatic planning level) and how Land Management Plans relate to grazing authorizations.

91 - Clarifies the role of the “plan-to-project” NFMA analysis process in rangeland management decision making and the use of adaptive management in decision planning and implementation.

91.3b - Exhibit 01 - Inserts an example of a Plan-to-Project matrix to compare existing condition to desired condition.

91.3g - Provides a concise definition and discussion of Purpose and Need.

91.3h - Adds a new discussion concerning the components of a complete proposed action statement and how it relates to the development or revision of an Allotment Management Plan.

91.3i - Provides expanded discussion and additional examples of adaptive management options and flexibility.

92 - Expands the discussion of site-specific planning or project level decision process for rangeland management.

93 - Retains the method by which requirements of other Federal laws like the Rescissions Act (Section 504), the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act can be satisfied through site-specific analysis conducted pursuant to the National Environmental Policy Act.

94 - Clarifies the relationship between the project level National Environmental Policy Act decision to authorize grazing and the Allotment Management Plan, the annual operating instructions, and the grazing permit. Continues the requirement that the Allotment Management Plan is attached to and made a part of the term grazing permit.

94.3 - Explains the proper use of Annual Operating Instructions and lists the limited information they should contain in order to avoid further court rulings that they are being used as “final agency action” documents.

94.3 - Further states that Annual Operating Instructions are not required by regulation, are only long-time agency policy and procedure, and serve to document the annual business matters between the grazing permittee and agency personnel for the coming grazing season.

94.31 - Inserts a new section to address attendance in annual meetings by outside parties.

95 - Expands the discussion and direction on monitoring.

95.3 - Expands the discussion on cooperative permittee monitoring.

96 - Provides direction regarding when existing environmental analysis are sufficient and completion of a new analysis for an allotment(s) is not required. Also explains when monitoring results require adaptive management implementation, and whether further site-specific analysis is required before needed or proposed grazing adjustments can be implemented.

## CHAPTER 90 – RANGELAND MANAGEMENT DECISIONMAKING CONTINUED

97 - Moves all information regarding allotment administration, inspections, documentation, and compliance to FSH 2209.16, Allotment Management Handbook.

### FSH 2209.16 - ALLOTMENT MANAGEMENT HANDBOOK

The purpose of the Allotment Management Handbook is to provide assistance to forest officers in the management of rangelands, associated livestock grazing allotments, and other uses of rangelands.

It 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 (provided in the Grazing Permit Administration Handbook FSH 2209.13).

10 - 10.17 - Describes the status of grazing allotments, and the different types (categories) of grazing allotments, as well as other rangelands not included in grazing allotments.

10.2 - 10.3 - Briefly discusses how allotments can be created, modified, vacated, or closed.

10.4 - Discusses how allotment boundaries can be modified.

10.5 - 10.54 - Discusses the proper procedures for changing the status of allotments from one type to another. Describes certain allotment-related actions and procedures that can be problematic and should be avoided.

10.6 - Inserts the official Agency policy on third party permit buyouts and allotment closures. The policy details direction to authorized officers regarding the process that must be followed when closing an allotment. The direction clarifies that such status should rarely be assigned to an allotment and must NOT be assigned to only satisfy the request of an external third party or entity.

10.7 - Briefly explains the original livestock designations for grazing allotments.

11 - Explains in detail the proper timing, methods, and procedures for making rangeland capability and suitability determinations.

12.1 - 12.2 - Discusses how to determine priorities for allotment management, what is required to administer allotments to standard, and documenting the results of allotment administration.

12.3 - Explains allotment inspections for a) permit and permittee compliance, b) vegetation monitoring, and c) compliance with Land Management Plan (LMP) standards and guidelines.

12.4 - Discusses permittee communications.

13 - Details the relationship between management of permitted livestock use, excess livestock use, and unauthorized livestock use. Discusses cooperation with law enforcement personnel in identifying, managing, impounding, and disposing of unauthorized livestock.

14 - Discusses cooperation with other users and uses of rangelands, including outfitters and guides, other types of special use permits, and recreation special events.

## FSH 2209.16 – ALLOTMENT MANAGEMENT HANDBOOK CONTINUED

15 - Adds a general discussion on managing allotment and rangeland improvements. Includes a section on the administration of “cow camps.”

15.2 – Inserts information on where to find direction on water permits and water rights for surface water use.

15.3 - Inserts information on where to find direction on water permits and water rights for groundwater use.

15.4 - 15.44 - Discusses permit modifications for rangeland improvements, standards and specifications, cooperation and cost-share with permit holders, and required maintenance of rangeland improvements.

15.45 - Discusses cooperation with other agencies in the construction, reconstruction, and maintenance of rangeland improvements.

15.46 - Discusses cooperation with adjacent private landowners in the construction, reconstruction, and maintenance of fences. Explains the situations and complex management of “fence-out” States and the requirements placed on adjacent landowners by State statutes.

15.46 - Lists and explains case law pertinent to Forest Service boundary fence policy. Includes a discussion on the timing of the court cases relative to when the National Grasslands came into existence and administration of those lands was transferred to the Forest Service. Describes that National Grasslands are complex due to intermingled land ownership and the need to cooperate with private landowners in the construction and maintenance of “boundary” fences.

15.5 - 15.6 - Discusses protection of improvements affected by other permits and contracts and emphasizes communication and cooperation with other employees before and during timber sale activities as well as road construction and road maintenance operations.

15.7 - Discusses water systems serving multiple users and multiple land ownerships.

15.9 - Section reserved for guidance on how to hold pre-planning discussions to develop contingency plans with permittees that could be implemented should their allotment(s) be impacted by wildfire.

16 - Discusses situations involving conversions of kind, class, and weight of livestock. Inserts the Animal Use Conversion Table frequently found in regional range analysis handbooks.

17 - 17.15 - Includes a detailed discussion of forage reserves and forage reserve allotments.

17.2 - Addresses management of currently available forage resources, including general circumstances regarding non-use for resource protection or permittee convenience, and situations regarding temporary use of vacant allotments.

18 - 18.3 - Inserts a detailed discussion on the authority and responsibility for maintaining official 2210 allotment files and folders.

18.4 - Discusses allotment electronic records and data systems.

18.5 - Discusses geographic information systems (GIS) requirements and management.