

# SUMMARY ANALYSIS: A ROADMAP FOR TRIBES

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**Topic:** Rangeland Management Directives  
Forest Service Manual 2200, Forest Service Handbook 2209.13 and 2209.16

**Staff area:** Rangeland Management

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## Issue Summary:

The Forest Service proposes to update the agency’s rangeland management directives (Forest Service Manual 2200, Forest Service Handbook 2209.13 and 2209.16), in order to provide greater clarity, opportunities, flexibility and a consistent policy for grazing permit and allotment administration. The proposed directives are the primary basis for the internal management and control for the Forest Service rangeland management program. They are the primary source of administrative direction to Forest Service employees relative to the rangeland management program and have been in place for approximately 30 years.

The updates to the rangeland management directives are responsive to recent legislation, as well as the recommendations provided in the Government Accountability Office’s 2016 report “Unauthorized Grazing: Actions Needed to Improve Tracking and Deterrence Efforts”.

## What proposed language in these directives/policies will be of interest to tribes and why?

### Q: Do these directives apply to National Forests in Alaska?

**A:** There currently are not any Forest Service grazing permits in Alaska that are administered in accordance with the rangeland management directives (Forest Service Manual 2200, Forest Service Handbook 2209.13, Forest Service Handbook 2209.16), therefore these proposed directives do not pertain to National Forests in Alaska.

### Q: What part of these directives pertain exclusively to Tribes?

**A:** See Forest Service Handbook 2209.13, Chapter 50, Tribal Treaty Grazing Rights and Special Use Permits.

Chapter 50 Tribal Treaty Grazing Rights and Special Use Permits		
Chapter & Section	Proposed Change	Why Are the Changes Being Proposed? / What’s the Benefit to Adding the Change?
Secs. 50.2 – 50.6	Inserts historical context and several sections on various tribal rights.	Includes several new sections to better describe the various aspects of Native American treaties and the related rights or privileges resulting from those treaties.
Sec. 51	Expands the discussion on Tribal Treaty Grazing Rights and how those reserved or granted rights are authorized and administered.	This is a new Section, and explains the history and background of relationships between sovereign nations.

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Secs. 52.1 – 52.5	Inserts several sections on various aspects of Tribal Ownership.	Includes several new sections to better clarify the types of Tribal Ownerships and how to administratively approach those types of ownerships related to livestock grazing and the requirements necessary to exercise treaty rights and privileges on NFS lands.
Sec. 54	Expands the discussion on how Special Use Permits for Incidental Grazing Uses are issued and administered.	Explains the few situations that require issuance of an exclusive-use Special Use Permit instead of a grazing permit.
	Special Use Permittees such as Outfitter-Guides and Recreation Resorts that offer horseback riding need to be administered to the same forage utilization requirements on NFS lands as are required of Term Grazing Permittees.	Applies similar requirements for both types of permittees in regard to proper use and management of rangeland vegetation.
Sec. 55	Inserts a new section titled “Coordination of Recreation Special Event Permits”.	Provides guidance on how to minimize potential conflicts between authorized livestock management activities permitted recreation events or activities.
Sec. 56	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.	Explains how cow camp maintenance requirements may or may not have to change after they reach 50 years of age.

### Q: What other sections of the directives might be of interest to Tribes?

**A:** Forest Service Handbook 2209.13, Chapter 10, Term Grazing Permits, may be of particular interest to Tribal members who hold individual Term Grazing Permits on National Forest System lands. Several sections of this chapter have been modernized, as well as discussion and policies expanded for topics such as:

- Grandchildren as well as children can run up to 50% of the older generation’s term permitted numbers. After the permit is waived to children or grandchildren, the other generation can continue to run up to 50% of that generation’s numbers as they phase out of the family operation. This is intended to help in succession planning and transitions in family operations.
- Expanded discussion on entities eligible to hold permits with such examples as Limited Liability Companies (LLCs), Limited Liability Partnerships (LLPs), etc. aimed enhancing available options for estate planning.
- Continues ability of applicants to buy base property over time (7-10 years) on National Grasslands and uses the term “successional” base property.

Tribes may also be interested in the new proposed Forest Service Handbook 2209.16. This might be of interest because it is a new Handbook in which all policies and direction for Allotments and management of Allotments have been consolidated into one location.

Also of interest to Tribes would be Forest Service Manual 2240, Rangeland Improvements. This chapter adds new, and clarifies existing, policies relative to rangeland improvements.

- It explains the differing situations with land ownership patterns on the National Grasslands and how that sometimes affects construction and maintenance responsibility of boundary and division fences.
- It inserts the reference to the 1980 Congressional Grazing Guidelines also found in Forest Service Manual chapter 2320 (Wilderness Management). Explains the congressional mandates

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for continuing grazing in wilderness areas if it occurred prior to proclamation (and it nearly always did), and the ability to reconstruct and maintain rangeland improvements in wilderness allotments.

- Clarifies the policy on how annual grazing fees are collected and deposited, then returned the following year to NF units for cooperative rangeland improvement projects. Explains where and how funds can be expended (no more than a 6% “overhead” is allowed), the cost-share policy on most improvements, and what RBF funds can and cannot be used for (never for maintenance).

### **Where can Tribes find the current directives/policies?**

<https://ecfr.federalregister.gov/current/title-36/chapter-II/part-222>

Informational webinars on this proposed rule were recorded on November 4th. These recordings and additional supporting information about the policy can be found at

<https://fs.fed.us/spf/tribalrelations/nationalconsultation.shtml>

### **Where can Tribes provide comments on the proposed directive(s)/policies?**

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