

April 12, 2021

Myra Black
Program Manager, Forest Management, Range Management and Vegetation Ecology
U.S. Forest Service
201 14th Street S.W.
Washington, DC 20250

Dear Ms. Black,

The Colorado Department of Agriculture (CDA) submits the following comments regarding the United States Forest Service (USFS) proposed revisions to directives governing rangeland management, grazing permit administration, and grazing allotment administration.

CDA's mission is to strengthen and advance Colorado agriculture; promote a safe, high quality, and sustainable food supply; protect consumers; and foster responsible stewardship of the environment and natural resources. It is with this mission in mind that CDA supports sustainably managed livestock grazing as a congressionally mandated use of federal lands. Use of these lands is vital to Colorado's ranching industry as 36% of the State is managed by federal land management agencies.

The dominant themes in the proposed revisions to the directives should be beneficial and recognize that advancements in science and ranching practices have outpaced the existing manuals and handbooks that have been in place for 30 years. CDA has a Strategic Priority (Colorado Department of Agriculture FY 2020-2021 Performance Plan) of supporting the next generation of farmers and ranchers. Proposed revisions that help make generational transfer of grazing permits easier and more flexible align well with this priority.

2020 has had a state wide impact due to a historic drought and fire season, not only impacting agriculture producers, but all of rural Colorado. The conservation oriented flexibilities regarding easements and reduced use levels for resource protection should help farmers and ranchers continue to provide stewardship to the land and resources. Limiting fragmentation and ensuring landscape connectivity for wildlife are important, and modernization of the USFS policy should allow for ranching heritage and livestock production to continue while enhancing protection of the resource.

Overall, CDA supports the recommended changes and updates and encourages the USFS to continue to engage with CDA in future national and local planning efforts through cooperating agency agreements and public comment opportunities. CDA offers the following recommendations specific to the indicated sections of the proposed revisions.

FSM 2200 Rangeland Management

2203 - Policy

15. CDA suggests adding language to clarify the expertise needed to implement the Rangeland Program. CDA discourages the use of generalized Natural Resource Specialists to oversee district rangeland programs. CDA encourages the USFS to ensure permittees are able to work with a qualified Rangeland Management Specialist at the district level, to ensure proper communication and understanding when it comes to livestock operations.

2205 - Definitions

Compliance Inspections. The definition uses the term "assigned improvements" in the context of permittee responsibilities. CDA suggest reviewing all manual and handbook sections to ensure consistency in the use of "assigned improvements" instead of "all improvements" as it relates to permittee maintenance responsibilities.

2240.3 - Policy

Regarding maintenance of rangeland improvements, CDA suggests this section establish a requirement that the Forest Service maintain range improvements on allotments that do not have permittees assigned to do the work, such as forage reserve allotments.

2240.6 - Livestock Intrusion

The fourth paragraph regarding boundary fence policy appears to be the expression of an opinion on boundary fence disputes. CDA suggests removing this paragraph.

2243 - Maintenance of Improvements

CDA recommends more direction on the difference between maintaining structural versus non-structural range improvements. Additionally, the last paragraph in this section includes that permittees are required to maintain "all improvements" versus "assigned improvements" as it should read.

2247.11 - Range Betterment Fund (RBF)

This section states that RBF can be used for rehabilitation, improvement, or replacement of range improvements but not for maintaining structural improvements. CDA requests clarification be provided of the difference between these terms. For example, if a permittee repairs a damages section of fence, is that maintenance or rehabilitation?

FSH 2209.13 - Grazing Permit Administration Handbook
Chapter 10 - Term Grazing Permits

12.51 Upper Limits

Regarding the establishment of upper limits, this section states that conversion factors can be developed to allow for different classes of livestock. A more comprehensive description in the use of conversion factors is needed. CDA suggests applying the Society for Range Management's currently accepted definition of an animal unit and animal unit equivalent to inform this section.

13.61 - Designation of a Forage Reserve Allotment

When designating an allotment as a forage reserve, the USFS should evaluate the budget and maintenance needs to ensure that forage reserve allotments do not become "de-facto closed" due to lack of maintenance. Ranger districts should implement a collaborative process with appropriate state agencies and livestock associations to ensure local livestock operators are aware of the change and availability of forage reserve or vacant allotments. This should take place before the planning process and before designating allotments as a forage reserve.

15.42 - Tenure

CDA support issuing ten year permits when a permittee changes the permit entity on an allotment. This helps retain working knowledge of allotments and should ease transition to future generations of farmers and ranchers.

16.11 - Modification Procedure

This section states that permits may be modified at any time by the authorized officer based on monitoring information and a documented rationale. CDA requests that this section specify that the rationale for modification must document that livestock grazing is a causal factor in the need for modification. CDA also recommends context describing communication with impacted or neighboring permittees when attempting to modify a permit.

16.51 - Expectations of Mediation

This section needs to be completely reworded as it sets the expectation for any mediation that it will fail.

16.53 - Informal Dispute Resolution

CDA commits continue to work with the USFS Region 2 in meeting the term of our dispute resolution agreement and commends the USFS for including this important process in agency-wide directives.

16.6 - Permit Cancellation to Devote the Lands to Another Public Purpose

This section uses documented contacts with bighorn sheep as an example of when an allotment would be vacated. Domestic-bighorn sheep interactions is an evolving issue, and this example could be perceived



as a policy statement that in all instances where contact is documented, domestic sheep grazing is to be vacated. CDA requests that this be removed.

17.21 - Non-use for Resource Protection Primarily Due to Drought or Other Climatic Conditions

This includes the statement, "In extreme circumstances, the authorized officer may need to require resource protection non-use associated with these events without permittee agreement." CDA requests that this be expanded to stress that this should occur as only a last resort and the every effort must be made to consult, cooperate, and coordinate with permittees before this type of decision is made.

17.22 - Non-use for Resource Protection During Landscape-Scale Vegetative Treatments and Rangeland Development to Increase Grazing Capacity

CDA requests inclusion of this statement:

Permittees will be consulted in the early planning stages of all vegetative or forest treatments within or near an active allotment.

17.23 - Non-use for Resource Protection Designed to Achieve a Changed Resource Condition through Trial Reductions of Forage Use

CDA requests the monitoring and documentation requirements of this section be expanded to require an analysis showing that livestock grazing is a causal factor in not meeting desired conditions before non-use is implemented or extended.

18 - Waiver and Issuance of Term Grazing Permits Because of Change in Ownership

Considering the complexities associated with the sale of permitted livestock, base property, or both, CDA suggests the FS design a flow chart for ease of understanding the process. Ease of understanding the process and ensuring the proper actions are taken will help streamline USFS staff time and ensure proper administration of the allotments.

18.39 - Permit Waiver with No Preferred Applicant

The third paragraph discusses the grant process for permits that are waived without preference and includes that if not allocated to a qualified permittee, allotments could be maintained as a forage reserve. CDA requests this section specify that such waived permits should be allocated to qualified permittees and only considered for forage reserve status in the absence of qualified applicants.

Chapter 30 - Temporary Grazing and Livestock Use Permits

Emergency issuance of temporary permits or annual grazing authorizations following wildfire or other catastrophic events plays a crucial role in recovery from these events. CDA commends the USFS for including this and stresses the importance that these decisions be implemented in a timely manner.

Chapter 80 - Grazing Fees

81.7 - Excess Livestock Use

CDA requests the last sentence of the sixth paragraph discussing sheep be removed. It is unrealistic to expect that every sheep, in all situations will be with the band and removed at the same time. Strays are part of managing sheep bands. Permittees should be expected to promptly remove strays when they are located, but the unrealistic expectation that strays won't happen should be removed.

Chapter 90 - Rangeland Management Decision Making

91.33 - Identification of Resource Management Needs

Identification of resource management needs and how current management is moving resources toward desired conditions must be informed by a causal effects analysis. CDA requests addition of this concept to this section.

94.31 - Participation and Attendance in Annual Meetings by Outside Parties

CDA supports the direction that state/county agency employees or elected officials may assist in annual meetings when requested by permittees. CDA suggest including this direction in section 94.1 - Allotment Management Plans and 95 - Monitoring.

Chapter 10 - Allotment Management and Administration

10.15 - Closed Allotments

This section should explicitly state that allotments can only be closed through Land Management Plan level decisions. Land use allocation decisions should not be made at the administrative or project level. This direction should be clear across all sections that pertain to allotment closures.



10.51 - Changing Active Allotments to Forage Reserve or Vacant Allotments

CDA requests that this section include clarification that designation as a forage reserve or vacant allotment should only be considered if no qualified applicants are identified through the grant process. Additionally, consideration should be given to USFS staff and funding availability to maintain improvements before a decision is made to change an allotment from active to forage reserve or vacant status.

10.53 - Vacating All or Portions of an Allotment

This section uses favoring bighorn sheep habitat over domestic sheep use as an example of when an allotment would be vacated. Domestic-bighorn sheep interactions is an evolving issue, and this example could be perceived as a policy statement that in all instances where overlap occurs, domestic sheep grazing is to be vacated. CDA requests that this example be removed.

15.44 - Maintenance of Rangeland Improvements

This section should set more of an expectation that the USFS is responsible for maintaining improvements on forage reserve and vacant allotments. CDA understands that funding is not always available for this purpose, but stating this as the expectation would stress the importance of finding qualified permittees for the allotments.

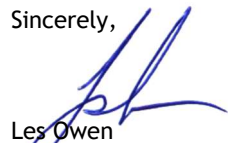
15.45 - Cooperation with other Agencies

CDA encourages cooperation with NRCS to fund improvements on grazing allotments and suggests that a formal process be developed at the national level within USDA to ensure consistency between NRCS and USFS on implementing this program.

Thank you for the opportunity to comment on the USFS Proposed Rangeland Management Directives Revision. Properly managed livestock grazing is a valuable resource management tool that can improve wildlife habitat, biodiversity, and overall ecological conditions while providing cultural and economic benefits to communities of Colorado.

Please contact Mr. Adam Ortega at 303-869-9049 or Adam.Ortega@state.co.us for questions about these comments.

Sincerely,



Les Owen
Conservation Services Division Director

