

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
1.	Generally Applicable to Zero Code	Modify and delete pages as discussed below. The previous versions of FSM 2200 Zero Code were less than 14 pages. The 2020 draft is more than 77 pages. The bloat can be traced to an ill-advised attempt to write a history of the Forest Service, a task outside the purpose of a policy manual, repetitive rebuttal of selected theories advanced by advocates, while ignoring theories advanced by other groups which promote the removal of livestock grazing entirely.
2.	2201.1-2201.5	Commenter urges Forest Service to return to the 2005 FSM 2200 list of authorities and regulations with updates. The additional explanation is both wordy and of limited value.
3.	Zero Code exceeds definition of manual and suffers from numerous errors.	
		As explained in the cover letter, the Forest Service uses the manual and handbook in lieu of issuing regulations pursuant to the Administrative Procedure Act (APA), 5 U.S.C. §§551, 553. The laws governing grazing on the National Forest System lands, including the National Grasslands, require the Forest Service to issue regulations. Bankhead-Jones Farm Tenant Act (BJFTA), 7 U.S.C. §1011, Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1752, 1740, National Forest Management Act, 16 U.S.C. § 1613. While regulations 36 C.F.R. Part 213 exist for the National Grasslands, the Forest Service never issued rules governing livestock grazing on the National Grasslands. Indeed, the Forest Service has not updated its grazing rules since 1977. 36 C.F.R. Part 222. Rather than correct this oversight, the FSM attempts to make policy in

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		the absence of a rule that the policy would explain.
		The Forest Service website states that the manual “contains legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff in more than one unit to plan and execute assigned programs and activities.” The federal courts distinguish policy from a regulation that must conform to the APA. A rule adopts binding standards governing third parties, particularly grazing permittees and associations, which have future effect. 5 U.S.C. § 553(a)(3)(A); <i>Gen. Motors Corp. v. Ruckelshaus</i> , 742 F.2d 1561, 1565 (D.C. Cir. 1984).
4.	2201 Authority	
	This authority requires allows for the issuance of necessary regulations.	FLPMA and NFMA require the agencies to issue rules to implement the laws. Prior to 1976, the Forest Service contended that the federal property exemption in the APA, 5 U.S.C. § 551, gave the agency the discretion not to issue rules. Previous laws from 1897 and 1950 authorized the Forest Service to issue rules to protect the forest resources. 16 U.S.C. §551. In 1976, Congress made implementation of grazing on national forests subject to mandatory rulemaking and judicial review. 43 U.S.C. § 1740.
5.	2201.5	This section should be deleted and Forest Service should return to the 2005 edition. An agency policy manual is not the place to list historical laws that have been repealed or have nothing to do with grazing on the National Forest System. The proposed FSM 2201.5 listing the applicable laws also includes explanations which are either incomplete or

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		<p>erroneous with a bias towards overstating the law. The laws which are still in force should be listed in chronological order.</p>
	2201.1 Laws	
	<p>1. The 1906 Forest Reserve Agriculture Entry Act plus the Homestead Act of 1862. If USDA certified the land was agricultural, the homesteader could make an entry for up to 160 acres within a forest reserve. Opens millions of acres of public land, mostly in the West, to any U.S. citizen willing to settle on and farm 160 acres for at least 5 years to receive title. The Homestead Act of 1891 and The Enlarged Homestead Act of 1909 doubles the allowed acreage for citizens from 160 to 320. The Stock-Raising Homestead Act of 1916 increases the allowed size to 640 acres for ranching purposes and likewise retains the citizenship requirement.</p>	<p>Delete entirely. The Homestead Act and the 1906 Forest Reserve Agriculture Entry Acts were repealed in 1976. 43 U.S.C. § 1701, n. 704(a) and did not relate to livestock grazing.</p>
	<p>2. Organic Administration Act of 1897 (16 U.S.C. §475 et seq.). Provided the main statutory basis for the management of forest reserves in the United States. and authorized the</p>	<p>The FSM inaccurately states the purposes of the Organic Act. The law limited the purposes of the National Forests to “improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United</p>

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
	<p>establishment of regulations governing the occupancy and use of forest reserves. In addition, the Act provides for the establishment of regulations to focus on conserving their timber and water resources for future generations.</p>	<p>States; but it is not the purpose or intent of these provisions, or of said section, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.” Section 1, <i>codified</i> at 16 U.S.C. §551, authorized rules to protect the purposes of the National Forests and imposed civil and criminal penalties.</p>
	<p>3. Transfer Act of 1905 (16 U.S.C. §§472,554 et seq.). Transfer Act of 1905 (16 U.S.C. §§472, 554 et seq.). Transfers the forest reserves of the United States from the Department of the Interior, General Land Office, to the Department of Agriculture, Bureau of Forestry. The Act establishes a "service" in the Bureau of Forestry to be designated and known as "The Forest Service." This act was significant because it caused the National Forest Reserves to shift roles from a recreational role to a more economic role using science-based management.</p>	<p>Delete as irrelevant to the management of National Forest System land for grazing. The explanation lacks authority. No credible history describes the forest reserves managed by DOI as for only recreation. Instead, other accounts, namely G. Pinchot, <i>The Use of the National Forests</i> (USDA 1907) and Gates, P. <i>The History of Public Lands</i>, at 579-582, describe the outcome of the transfer as increasing the US Treasury with fees from timber sales and livestock grazing.</p>
6.	25% Act, 16 U.S.C. § 500	There is no <i>et seq.</i> The law governing distribution of forest revenues to counties is limited to one section.
7.	The Weeks Act, 16 U.S.C. § 515.	Congress amended the law in NFMA, 1976, Pub. L. 94–588, §17(a)(3), Oct. 22, 1976, 90 Stat. 2961.
8.	Delete reference to Taylor Grazing Act, which applies	This is another example of the author’s overzealous listing of laws without thinking

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
	only to public domain lands.	whether the law applies.
9.	<p>8. Granger-Thye Act of 1950 (16 U.S.C. §§580g, 580h, 580k, 580l et seq.). Authorizes the formation of grazing advisory boards and issuance of Secretary to issue permits to graze for grazing on National Forest NFS lands for a period of time not to exceed 10 years provided that such permits do not limit or restrict any right, title, or interest of the United States in NFS lands or resources. Section 12 authorizes the Secretary to use a portion of grazing fees for range improvement projects for each national forest. on NFS lands.</p> <p>Section 11 of the act authorizes the use of funds for rangeland improvement projects on public and private lands intermingled with or adjacent to outside the national forests if deemed to be in the public interest. NFS under certain circumstances. (FSM 2204, ex. 01).</p>	<p>Many sections of the Granger Thye Act do not pertain to grazing. §580l actually states: “The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: Provided, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.”</p> <p>Section 12 is limited to national forests. FLPMA also amended the fee distribution. 43 U.S.C. § 1751(b).</p>
10.	9. Multiple Use-Sustained Yield Act (MUSYA) of 1960 (16 U.S.C. §§528- 531 et seq.). Authorizes the Secretary to, among other things: administer national	<p>MUSYA establishes supplemental management objectives, applies only to national forests and expressly states it does not change management of other lands.</p> <p style="padding-left: 40px;">The purposes of sections 528 to 531 of this title are declared to be supplemental to, but</p>

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
	<p>forests for the supplemental purposes of outdoor recreation, range, timber, watershed, and wildlife and fish purposes; to develop the surface renewable resources of the national forests for multiple use and sustained yield of several products and services to be obtained from these lands, without impairment of the productivity of the land; and to cooperate with interested state and local governmental agencies and others in the development and management of the national forests.</p>	<p>not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title. Nothing herein shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish on the national forests. Nothing herein shall be construed so as to affect the use or administration of the mineral resources of national forest lands or to affect the use or administration of Federal lands not within national forests.</p>
11.	Wilderness Act	<p>Congress mandates that livestock grazing shall continue. 16 U.S.C. § 1333(d)(4). The 1980 guidelines were necessary to curb zealous efforts by Forest Service to force livestock grazing out of designated wilderness. Unfortunately, a recent study in 2012 proves that the Forest Service ignored congressional direction. Ashcroft, <i>et al.</i>, <i>Wilderness Designation and Livestock Grazing: The Gila Example</i> (U. N. Mex. 2012) at 83.</p>
12.	NEPA	<p>NEPA imposes procedures not an outcome and does not require an agency to select the most environmentally beneficial alternative.</p>
13.	Wild and Free-Roaming Horses and Burros Act, 16 U.S.C. §§1331-1334.	<p>Wild and Free-Roaming Horses and Burros Act, 16 U.S.C. §§1331-1334, authorizes the protection of wild horse herds where they were determined to be found as of December 1971. In many if not most National Forest System</p>

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		units, wild horses or burros were never present.
14.	Delete reference to Federal Water Pollution Control Act because Forest Service has no authority to administer.	Most land use plans adopt best management practices established by each state.
15.	FLPMA	<p>Delete ¶¶a, b, c. The grazing fee formula was an experimental fee formula adopted in PRIA and expired in 1985. 43 U.S.C. § 1905. President Reagan signed an executive order making the experimental fee formula permanent on Feb. 14, 1986. PRIA also mandated minimum appropriations for range improvements, a minimum \$10 million, after 1999. 43 U.S.C. § 1904.</p> <p>¶d is limited to national forests and public domain</p> <p>¶e. the law uses the word renewal not issuance of a new permit.</p> <p>¶f All AMPs are to be prepared and revised “in careful and considered cooperation, consultation, and coordination with the permittees”, state, and private landowners. 43 U.S.C. § 1752(d).</p>
		Add reference to “public lands” for ¶g.
	Archeological Resource Protection Act	Law was repealed in part and recodified at 50 U.S.C. §30101 in 2014. Pub. L. 113–287, §7, Dec. 19, 2014, 128 Stat. 3272.
	Agriculture Credit Act	<p>Explanation is inaccurate. The law recognizes a right to mediation for any person if the state mediation program is accredited by the USDA and for listed issues including “Grazing on the National Forest System.” 7 U.S.C. § 5101(c)(1)(B)(v).</p> <p>The law does not link the right to mediation to</p>

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		an appeal and does not limit the right to mediation to cancellation or suspension of the grazing permit. The explanation relies on the regulation, 36 C.F.R. § 251.80, which unlawfully tries to limit the broad grant of mediation. An agency rule that limits rights granted by Congress will be set aside. [CASE].
16.	PILT payments are reduced by revenues received from other programs, including oil and gas leasing, coal leasing, and grazing.	But PILT funds have nothing to do with livestock grazing and reference to this law should be deleted from FSM 2201.
17.	Rescissions Act of 1995	This law was never codified, so reference to 7 U.S.C. § 5101 should be deleted. This citation is for Agriculture Credit Mediation Act, which was enacted in 1994. The Rescissions Act should also be deleted as the law has been superseded. Forest Service failed to meet the 1996 schedule on many occasions. <i>Central Sierra Env'tl. Resource Center v. Stanislous National Forest</i> , 304 F. Supp.3d 916 (E.D. 2018) (holding that while the Forest Service had not adhered to the 1996 renewal and NEPA schedule, the congressional measures authorizing renewal superseded the law). The 2014 Defense Appropriations Act made the 1995 Rescissions Act moot, because it amended FLPMA. 43 U.S.C. §§ 1752(c) and 1752(h).
18.	Secure Rural Schools and Community Self-Determination Act (SRSA), 16 U.S.C. § 7101-7153 . The PILT is SRSA's complement that provides payments to counties for national grassland acres.	Citation is inaccurate. SRSA is codified at 16 U.S.C. § 7101-7153. Funding would have expired Sept. 30, 2020, Pub. L. 116-94, §301(a). Bankhead-Jones Farm Tenant Act, 7 U.S.C. § 1012, provides for the counties to receive 25% of the revenues to be used for roads and schools. Revenues paid to the National

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		Grassland counties have nothing to do with PILT.
19.	Administrative Procedure Act, 5 U.S.C. §§ 551-559, 701-706	The law starts at 5 U.S.C. §§ 551, 553-559; 701-706.
20.	Independent Offices Appropriation Act	Delete this law as it has nothing to do with livestock grazing. Congress superseded it for rights-of-way, 43 U.S.C. § 1761-1763; grazing fees, Ex. Order 12548, 54 Fed. Reg. 5985 (Feb. 14, 1986);
21.	2201.2 Regulations	
	¶5 36 C.F.R. Part 222, Subpart A, citations for authority are wrong!	Forest Service rules on grazing cite the Organic Administration Act, 16 U.S.C. §§ 497, 551, Bankhead-Jones Farm Tenant Act, 7 U.S.C. §1011, Granger-Thye Act, 16 U.S.C. § 580I,
	¶6 36 C.F.R. Part 222, Subpart B, again the citations wrong!	Rules adopted in 2013 cite to 7 U.S.C. 5101-5106; 16 U.S.C. §§ 472, 551. 78 Fed. Reg. 33723, June 5, 2013. FLPMA, 43 U.S.C. § 1752, does not authorize mediation nor memoranda of understanding. Several western states exercised their authority to trigger the “careful and considered consultation, cooperation and coordination” by way of an MOU sponsoring mediation. The Forest Service entered into an MOU in Colorado that whereby the Forest Service and BLM agreed to participate in mediation of grazing decisions.
	¶7 Grazing fees	The study directed in FLPMA, 43 U.S.C. § 1751 was completed in 1977 and the FLPMA fee formula expired in 1978, 43 U.S.C. § 1901. PRIA adopted an experimental fee formula in 1978 which expired in 1985. The 1977 Federal Register cited 16 U.S.C. 551; 31 U.S.C. 9701; 43 U.S.C. 1751, 1752, 1901; E.O. 12548 (51 FR 5985) but the authorities should be updated to

<p align="center">WYOMING COALITION OF LOCAL GOVERNMENTS PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS</p>		
COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		delete those that have expired.
	2201.3 Department Regulation Direction	This section incorrectly assumes a department can adopt regulations other than pursuant to APA. This is inaccurate. The authorities cited are a mix of stale executive and secretarial orders that have been superseded by regulation, which has the force and effect of law, or by Congress. While historically interesting, ¶¶1-5 should be deleted as there is scant evidence that the management of the National Forest System includes this direction.
	¶6 USDA Secretary Purdue Memo June 12, 2020	Secretarial memo does not have independent legal authority. The incoming Secretary is unlikely to share the same views.
22.	2201.4 Executive Orders	
	¶1 omits the North Dakota Executive Orders 7673 and 7674, 2 Fed. Reg. 1512 (1937) signed a few days after the enactment of the BJFTA.	These orders applied to LA-ND-1 and LA-ND-2 and were not included in Ex. Order 10046 signed in 1949. The earlier orders implemented the withdrawal of public land adjacent to the acquired lands and established the objectives for the withdrawal.
23.	2201.5- 2201.55 Ownership of Federal Lands	Federal law clearly establishes ownership of federal lands. 16 U.S.C. § 580I; 43 U.S.C. § 315a. This entire discussion should be deleted. Little if any of the discussion pertains to the grazing program on the National Forest System and on that basis alone it should be deleted. The author fails to distinguish and perhaps did not understand the significant differences in the management of public lands versus management of National Forests or National Grasslands. Other sections consist of poorly stated legal argument. As one example, FSM 2201.55 misstates water rights case law relevant to

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
		<p>National Forest System in a clumsy effort to refute legal theories advanced in litigation. The citations for authority notably omit state constitutions and state law and well as a long line of U.S. Supreme Court cases holding that the western state water law governs water rights on federal land with the notable exception of a reserved water right. <i>Winters v. United States</i>, 207 U.S. 564, 577 (1908). The reserved water right is limited, moreover to the original purpose of the reservation. <i>United States v. New Mexico</i>, 438 U.S. 696 (1978) (rejected USDA claim for water rights to support multiple uses listed in MUSYA).</p>
	FSM 2202	
24.	FSM 2202.1 National Forest System	
	Range to rangeland	<p>The proposed 2202 would change all references to range to rangeland. Before PRIA, there was no statutory definition of range or rangeland. PRIA defines rangeland as “lands administered by the Secretary of the Interior through the Bureau of Land Management or the Secretary of Agriculture through the Forest Service in the sixteen contiguous Western States on which there is domestic livestock grazing or which the Secretary concerned determines may be suitable for domestic livestock grazing.” 43 U.S.C. §1902(a). The PRIA definition does not apply to the National Grasslands. 43 U.S.C. § 1908.</p>
	FSM 2202.2 National Grasslands	<p>The proposed manual would delete this section. There is no sound reason to do so because the National Grasslands are managed pursuant to distinct statutory authority that differs significantly from the National Forests.</p>

**WYOMING COALITION OF LOCAL GOVERNMENTS
PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS**

COMMENT	TEXT CITATION	RECOMMENDED CHANGE
	¶9	There is no legal basis for this direction. The Forest Service has no jurisdiction over state or private land. Current regulations only allow the exercise of management if the landowner consents. 36 C.F.R. § 222.2(a). This cannot be revised by manual or handbook.
	FSM 2203 ¶5	Capability is essential part of management for range.
	FSM 2203 ¶6	add grazing associations. The associations
25.	¶8	
26.	¶9	retain grazing associations
27.	¶10	Wild Horse Act uses the phrase “thriving natural ecological balance.” 16 U.S.C. § 1333(a).It is possible to artificially support wild horses but that would not meet the law. Moreover the Forest Service cannot declare a wild horse territory where none existed in 1971. 16 U.S.C. § 1331.
28.	¶12 deletes reference to noxious weeds	While it is true that invasive plant controls apply to all programs, there is no basis to delete all reference to noxious weed control in the grazing program. Rangeland management is the one program that inventories and monitors weed infestations and this connection should not be removed from policy. Ex. Order 13211 as amended by Ex. Order 13751 established national policy on invasive non-native species.
29.	¶14	Retain Forest Service should be relying on expertise from state agencies, organizations and ranchers. It is no secret that neither the Forest Service nor the BLM have sufficient number of employees trained in rangeland management. A recreation, wildlife biology, or botany degree is not the same.

WYOMING COALITION OF LOCAL GOVERNMENTS PROPOSED FOREST SERVICE MANUAL 2200 – CHAPTER ZERO CODE COMMENTS		
COMMENT	TEXT CITATION	RECOMMENDED CHANGE
30.	FSM 2203.2 National Grasslands	Do not delete.
31.	¶12	The obligation to consult, cooperate and coordinate is not dependent on intermingled lands. 36 C.F.R. § 222.3.
32.	FSM 2204 Delegation of Authority	Discussion does not conform to FSM 1231.03, since the delegations are not limited to positions which report directly to the Deputy Chief.
		FSM 2204 creates a number of new authorities and then provides for the delegation of same. In many cases they violate the law, e.g. canceling “non-standard grazing agreements.” It would be unlawful for the Forest Service to cancel a grazing agreement just because it is “non-standard” when there is no standard.

COMMENTS ON FSM 2205 DEFINITIONS BY NORTH DAKOTA GRAZING ASSOCIATIONS		
#	Text	Comment
	General Comments on 2205 Definitions	<p>Previous manuals did not have a definitions section. The proposed manual 2205 adopts definitions that can only be adopted through rulemaking. This manual revision more than any other illustrates how the proposed manual is attempting to avoid compliance with rulemaking procedures.</p> <p>If definitions are adopted to enforce the law, then Forest Service must follow rulemaking as prescribed by the APA.</p> <p>The definitions can be grouped into those that copy BLM definitions that were adopted with rulemaking, definitions like allotment</p>

**COMMENTS ON FSM 2205 DEFINITIONS BY
NORTH DAKOTA GRAZING ASSOCIATIONS**

#	Text	Comment
		<p>that differ from 36 C.F.R. § 222.1(b)(1), and other definitions that make up new terms. In all respects this manual adds nothing and creates confusion and ultimately litigation.</p> <p>Other terms are useless, such as “age of majority.” Others are wrong like “apparent trend.” By definition, trend decisions cannot be made at one point in time and “apparent” is not a scientific term.</p> <p>Many definitions differ from the law or regulation, while others introduce new terms e.g. “Administered to Standard” which adopt any entirely new criteria to measure compliance with a grazing permit. In several cases the definitions attempt to copy the definitions BLM adopted through rulemaking more than 25 years ago. 43 C.F.R. Part 4300 (Feb. 1995). The Forest Service chose to abandon its own rulemaking effort, thus the manual definitions cannot be described as explaining a rule since there is no rule to explain.</p> <p>Other terms like “age of majority” are irrelevant to the grazing program and should be deleted.</p>
	Allotment	This should conform to rule 36 C.F.R. § 222.1(b)(1) “An allotment is a designated area of land available for livestock grazing.”
	Strike Animal unit	<p>This section attempts to adopt the Forest Service fat cow theory posited for the Dakota Prairie Grasslands and entirely discredited. The plan concluded that larger cows ate more so the grazing needed to be cut by 40% to account for the “fat cows.”</p> <p>The Forest Service agreed that the theory</p>

**COMMENTS ON FSM 2205 DEFINITIONS BY
NORTH DAKOTA GRAZING ASSOCIATIONS**

#	Text	Comment
		<p>was scientifically controversial and agreed to Demonstration Project procedures by which the Forest Service and the grazing associations along with the State of North Dakota would work through the capability, trend, and resources issues together. This process was recently renewed for another 10 years. This process has shown there was never any basis to reduce numbers for larger size cows.</p>
	AOIs	<p>Delete “other applicable documents.” A grazing permit and respective AMP are the only relevant terms.</p> <p>AOIs are another instance where Forest Service needs to work with the permittee “consult, cooperate and coordinate.” While AOIs are not an AMP, they modify the AMP based on current resource conditions, i.e. rainfall or snow pack. The “three Cs” should be an integral part of any interaction with the permittee or grazing association.</p>
	Apparent trend	<p>This term should be deleted. It invites poor decisions by condoning a one-time windshield view of the allotment and calling it “apparent trend.” Trend is the change in resource conditions in response to management as measured over time. There is nothing apparent about trend.</p> <p>The definition uses a lot of the terms BLM adopted in its rangeland health work, which the Forest Service abandoned in 1994. Without the public participation aspects of local rangeland health standards or the accumulated monitoring data used to document the changes, use of these terms will lack the essential context.</p>
	Assessment	This term is defined at 36 C.F.R. §219.6.

**COMMENTS ON FSM 2205 DEFINITIONS BY
NORTH DAKOTA GRAZING ASSOCIATIONS**

#	Text	Comment
		Repetition especially without reference to the 2012 rule is misleading. It is also a term that does not belong in day-to-day management, it is a planning term.
	Authorized use	BLM term not Forest Service term
	Base property	Delete second sentence. This merely repeats rule with unnecessary "At a minimum.. . § 222.1(b)(3). There is no minimum and if Forest Service wants to impose a new minimum it must amend the rule.
	Benchmark	If Forest Service is adopting range management terms, these need to be in regulation not randomly selected from reference materials.
	BMPs for water quality	Forest Service lacks authority to enforce or adopt water quality. Law delegates jurisdiction to EPA, which in turn delegated it to states. As of 2012, all western states adopted BMPs. To the extent manual incorporates Part 219 rules then the definition is also unnecessary.
	Cancellation	Rules already define cancel. Delete