



April 16, 2021

Submitted via online portal

U.S. Forest Service
Director, Forest Management, Range Management and Vegetation Ecology
201 14th Street SW, Suite 3SE
Washington, DC 20250-1124

RE: Proposed Rangeland Management Directives Updates

To Whom It May Concern:

The J R Simplot Company, JRS Properties III LLLP, Simplot Livestock Company, Raft River Cattle Company, JR Simplot Company DBA Clipper Cattle, Buck Creek Ranch Inc., and Three Creek Ranch Co., hereinafter "Simplot," submit the following comments regarding the U.S. Forest Service's Proposed Rangeland Management Directives Updates. Simplot owns permits to graze livestock within the national forest systems in Idaho, Nevada and Oregon. Our business, as well as our employees' livelihoods are dependent upon the ability to continue grazing on public lands. Beyond our dependency on use of the public lands to sustain our business and livestock operations, we rely upon the public lands within the U.S. Forest Service System to maintain the custom and culture of public land livestock grazing, to recreate, and to otherwise enjoy the open space and quality of life that the public lands and associated private and state lands provide us.

General Comments

In general, continued grazing use of public lands is critical to the continued functioning of the livestock industry across the west. Concurrently, livestock grazing can provide great service to the ecosystem and to the surrounding communities. The Forest Service is mandated through the Federal Land Policy and Management Act (FLPMA) to manage the land for multiple use and sustained yield, protect valid existing rights, and consider the needs of the adjacent communities. Livestock grazing is a vital component of both multiple use and sound land management and provides many benefits.

Permittees are the stewards of the ecosystem on both the private and public land we utilize. We provide an effective line of defense against fire and noxious weeds, manage forage for optimum production, and are the primary protectors of open space in the private lands of the west. Without the presence and management of livestock grazing within the ecosystem, large areas of wildlife habitat would be in jeopardy. The benefits provided by ranching correspond directly to several of the current environmental concerns including wildfire, invasive plants, and urbanization and development.

Particularly in regard to fire, it is worth reemphasizing here that livestock grazing can be an effective tool in managing the threat of catastrophic wildfires. It is documented that any reduction in grazing intensity, such as a reduction in the utilization level or total HMs to be utilized in an area, will cause a relative increase in the fine fuel load. This increases the likelihood that a fire will burn with greater intensity, cause more damage, and



encompass larger areas. Any effort by the Forest Service related to grazing should acknowledge the benefit of continued livestock grazing to fuels reduction and work toward more effective use of this tool.

For the above reasons, the Forest Service should actively be considering ways in which it may more efficiently manage grazing in cooperation with the permittees to maximize available HMs, which can be done effectively in harmony with other landscape values and can particularly provide fuels reduction benefits—which are so necessary across this landscape.

I appreciate the Forest Service's efforts to provide greater clarity and flexibility to grazing management through the proposed updates to the Rangeland Management Directives. I believe that, in many ways, the proposal does achieve this and takes some important steps toward more efficient and effective grazing management. I do see some room for improvement and clarification to the language that has been proposed. Those issues are identified below:

2203 - POLICY

"13. Encourage user groups to assist in administering rangeland resources on NFS lands, where such groups clearly demonstrate the experience and ability to participate in resource management in the public interest."

This should be removed. USFS should consider information provided to the agency that is collected utilizing established protocol when making resource decisions. That data, as provided elsewhere in this document, may be collected by a variety of individuals or user groups, however management and administration of rangeland resources should remain the obligation of the federal agency.

**2210.2 - Objectives In addition to the objectives set forth at FSM 2202, rangeland management planning should be carried out to further the following objectives:
2. Provide for enhanced protection of rangeland ecosystems and restoration of rangeland ecosystems that are not meeting or moving toward desired conditions.**

This should be removed: What does the term "enhanced protection" imply here? Grazing permits already have sufficient sideboards through standards and guidelines and other defined management objectives to protect rangeland ecosystems. This undefined term could create loopholes for litigation against grazing or unnecessary grazing restrictions.

2238 - GRAZING FEES

Except in a very few limited situations where there is no charge for grazing (FSH 2209.13, ch. 10 and 30), a fee must be charged for grazing livestock on NFS lands and other lands under Forest Service control that is equitable both to the United States and to the holders of grazing permits.

The monetary value behind the term "equitable" could vary widely depending on the perspective of the reader. This paragraph should be edited to include, "as established under the Public Rangelands Improvement Act of 1978".

2240.3 - Policy



14. Require grazing permittees to maintain all assigned range improvements even during periods of nonuse and suspension. Maintenance responsibility can be assigned to temporary permit holders, filling in behind nonuse, suspensions, and grazing on vacant allotments.

Permittees should not be required to maintain all assigned range improvements during nonuse and suspension. Maintenance is time consuming and can be expensive. If the permittee has been displaced for reasons like fire, or issues outside of their control, they are already taking on the increased burden of alternative forage. There should be an exemption for times such as this.

In addition, the guidance fails to address maintenance of improvements in the absence of an authorized permittee. Too often when an allotment becomes vacant or is otherwise unutilized by the agency or a permittee, range improvements are degraded. Over time, degraded improvements render an allotment difficult or impossible to use, as a permittee would enter the allotment at a deficit with range improvements to fix, rather than simply maintain. It has been the policy of the USFS to treat range improvements, de facto, as a USFS asset as the handbook directs USFS personnel to “not convey exclusive rights to use a rangeland improvement or the land on which the improvement is located”. As such, the agency should provide for management of permanent range improvements in the absence of a permittee.

2242.1 - Vegetation Management

Use cultural, manual, mechanical, biological (including, but not limited to, animals such as sheep or goats), chemical, or prescribed fire treatments to eliminate, reduce, perpetuate, or otherwise alter vegetation composition and density. Where appropriate, use a combination of methods to most effectively achieve established resource management objectives. A Temporary Grazing or Livestock Use Permit (FS-2200-05) can be used to authorize livestock grazing for altering vegetation composition and density or to assist in achieving desired vegetative conditions.

I want to emphasize the importance of this section in acknowledging and allowing for the use of grazing as a tool in fuel load management. As the agency allows itself to become more nimble, and less restrictive on grazing, in managing fuel loads grazing can be a efficient tool available to reduce catastrophic fire risk.

2242.2 - A Temporary Grazing or Livestock Use Permit (FS-2200-05) can also be used to authorize livestock grazing to reduce or control invasive plants and noxious weeds.

Just as with the comments above, I see great value in enabling more responsive management in the control of noxious weeds like cheatgrass, which has become so prevalent in the West in the face of wildfire and only exacerbates that problem.

In reference to both sections, temporary grazing or livestock use permits should first be offered to the existing or adjacent livestock grazing permittees.



12 - Eligibility and Qualification Requirements for Term Grazing Permits & 12.22 - Livestock Ownership Requirements

Generally speaking, I appreciate the efforts of the Forest Service to amend their rules to enable better access to and use of livestock grazing permits by family members. I support and appreciate the clarification to better allow use of a permit by families across generations which will allow for better estate planning.

However, I believe that the language could be left a little more broad, less specific, and less restrictive in order to allow for various succession circumstances and for future changes to state laws and/or other estate planning-related opportunities that may be available in the future.

12.22-1 - 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.

This is exactly the type of scenario referred to above when asking for less restrictive language to allow for estate planning. I understand the challenges with the legal technicalities here but sometimes ranchers form corporations for estate planning purposes. This should not disqualify that permittee from allowing children/grandchildren to run on permit.

13.21 - Requirements for Using Grant Authority in Grazing Capacity Determinations

Restoring grazing to vacant allotments and restocking them must be a priority for the Forest Service.

13.7 - Official Agency Policy on Third Party Arrangements or Permit Buyouts by External Groups - Buyouts that include permanent allotment retirement will not be recognized or accepted by the Forest Service because such agreements would impose restrictions on the Forest Service's management prerogatives. It would cause the Forest Service to relinquish future management options without knowing beforehand what the long term affects would be on the resources.

I strongly support this language opposing grazing permit buyouts and permanent grazing retirement. I encourage the Forest Service to more strongly advocate for this position amongst all local and regional staff. As recently as 2020, there was a grazing permit buyout in Idaho in which 88,000 acres of Forest Service land was retired from grazing. This seemingly was all too eagerly facilitated by the Forest Service. With the establishment anti-grazing funds specifically dedicated to the purpose of buying out and retiring grazing permits, it is more important than ever that the Forest Service asserts this policy and promotes the continuance of grazing on its lands.

I also voice our concern that when permits are retired and livestock grazing removed from the land, there is no monitoring completed to determine the effects of the non-use. It is





important that the Forest Service monitors for the impacts of all its decisions—including those which remove livestock grazing from the landscape.

16.11 - Modification Procedure

The authorized officer should not wait for NEPA analysis to modify a permit when sufficient monitoring and rationale documentation indicates a need for modification.

This type of action is invariably used to reduce grazing numbers within a permit. The same should also apply to the ability to increase grazing within a permit to achieve desired resource conditions, including reduced fuel loads or weed management.

16.4 - Uniform Suspension and Cancellation Guidelines

In the event a grazing permit is cancelled, it is important that the permit is made available to another permittee so that it does not become a vacant allotment.

Conclusion

Thank you for providing the opportunity to comment on the Proposed Rangeland Management Directives Updates. In addition to these comments, I have reviewed and participated in the development of industry-wide comments submitted by the Idaho Cattle Association, the Public Lands Council, National Cattlemen's Beef Association, American Sheep Industry Association, and the Association of National Grasslands and I encourage your careful consideration and inclusion of those comments. I hope that you will be able to incorporate and address our concerns prior to the document being final. Due to the voluminous nature of this proposal, I acknowledge that there may be other items of interest of concern that I did not address in these comments and reserve the right to provide further input on them in the future.

Please do not hesitate to contact me at the number above if you need further information or have questions about these issues.

Sincerely,

A handwritten signature in blue ink that reads "Darcy Helmick".

Darcy Helmick
Land Manager
Simplot Land & Livestock Division

