

FSH 2209.13 - GRAZING PERMIT ADMINISTRATION HANDBOOK
WO AMENDMENT 2209.13-92-1
EFFECTIVE 8/3/92

CHAPTER 10 - PERMITS WITH TERM STATUS

11 - GRAZING PERMITS WITH TERM STATUS (EXCEPT GRAZING AGREEMENTS). Grazing permits with term status are limited to authorizing use and management of the grazing resource for livestock production purposes. Objectives and policy for issuing grazing permits with term status are in FSM 2231.02 and 2231.03.

11.1 - Kinds of Grazing Permits With Term Status. There are four kinds of permits (sec. 11.11 - 11.14) which provide term status. Term status is also provided through Grazing Agreements which are covered in chapter 20.

11.11 - Term Grazing Permit. The permit is normally written for 10 years and provides priority for renewal to the holder (sec. 15.1). See FSM 2231.11.

11.12 - Term Grazing Association Permit. Term grazing association permits are issued to grazing associations to promote cooperative efforts in management of the allotment or allotments involved (sec. 15.13b and 15.2). See FSM 2231.12.

11.13 - Term Private Land Grazing Permit. Term private land grazing permits are issued to give owners or lessees who desire to waive to the United States the administration of the grazing use of lands they control (sec. 15.3). See FSM 2231.13.

11.14 - Term Grazing Permit With On-and-Off Provisions. Permits with On-and-off provisions are issued when a portion of a logical grazing area contains both NFS and other lands and it is not practical or possible to issue a private land permit. The intent is to promote efficient use of intermingled ownership (sec. 15.4). See FSM 2231.14.

12 - ELIGIBILITY AND QUALIFICATION REQUIREMENTS FOR PERMITS WITH TERM STATUS.

12.1 - Eligibility Requirements. General eligibility requirements are found in FSM 2231.21. Specific requirements follow.

12.11 - Married Persons. Consider husband and wife as an entity for permit purposes. When ownership of base property and livestock is divided, issue permits with term status to all parties who own both the property and the permitted livestock. Comply with State law concerning community property.

12.12 - Minor Who is Head of Family. A minor who is the head of a family and provides its principal support has the same status as an applicant of legal age and is eligible to hold a term grazing permit.

12.13 - Minor Who Has Acquired Base Property or Permitted Livestock. A minor who is dependent upon parents or a guardian and who acquires base property or permitted livestock from any source may be issued a grazing permit with term status. Require cosignature of the permit by a parent, guardian, or trustee who assumes responsibility for compliance with terms and conditions of the permit (sec. 12.3).

12.14 - Forest Officers. No employee of the Forest Service may hold a grazing permit except as provided for in FSM 6173.51c.

12.15 - Trusts. The regulations and qualification requirements that apply to individuals also apply to trusts. The trustee must hold legal title to permitted livestock and base property (sec. 12.3).

Trusts are created in various ways and their purposes, management, and methods of termination vary. Consequently, secure assistance of the field attorney of the Office of the General Counsel to resolve questions regarding legality of a particular trust and its eligibility for holding a permit.

12.16 - Estates. The regulations and qualification requirements that apply to individuals and to trusts also apply to estates. To be eligible to hold a grazing permit with term status for the estate, the executor or administrator must hold a legal title to permitted livestock and base property.

The field attorney of the Office of the General Counsel can be of assistance in resolving questions regarding legality of a particular decedent's estate and its eligibility for a permit.

In those States where ownership of base property and livestock automatically pass to the surviving spouse under State law, the surviving spouse may continue to enjoy the privileges of a grazing permit, including execution of waivers.

12.17 - Corporations and Partnerships. Regulations and qualification requirements applying to individuals also apply to corporations and partnerships.

To qualify, corporations and partnerships must hold title to both permitted livestock and base property. Normally, one corporation owns both the base property and the permitted livestock. However, in cases involving estate planning, the ranching operation might be organized into two corporations and/or partnerships.

Before issuing a permit with term status in such cases, require the corporation or partnership to have the same persons make up each legal entity. Each such person would have to own sufficient interest in the property corporation to meet base

property requirements for the number of livestock that interest in the livestock corporation would entitle that person to graze.

Although legally separate ownership of base property and livestock is allowed in cases of specially created legal entities, the standard to be applied in issuing permits with term status to corporations and/or partnerships is that of maintaining common integrated ownership by merging the interests of the persons (stockholders) involved.

Resolve questions regarding the legality of a particular corporation or partnership's eligibility to hold a permit by consulting with the field attorney of the Office of the General Counsel.

12.2 - Qualification Requirements. To qualify for a grazing permit with term status, an applicant must own base property and livestock to be permitted (with exceptions noted in subsequent sections).

12.21 - Base Property. Base property is land owned and used by the permittee for a farm or ranch operation. Such property shall include the basic facilities necessary to conduct a ranching operation and the capability to produce a part of the annual forage crop needed to support the permitted livestock over a yearlong period as determined by the Regional Forester.

Forest Supervisors shall, within limits established by the Regional Forester, establish minimum base property requirements for National Forests. In developing or revising base property requirements, the Forest Supervisor shall:

- a. Consult with livestock operators concerning common or locally accepted practices.
- b. Consider the dependency of local livestock operations on National Forest System lands.
- c. Consider how the base property blends into the livestock operation.
- d. Consider the needs of permittees.
- e. Where leasing of ranch lands is a common local practice, give careful consideration to how large the ownership requirement is in relation to the total forage needed.

Permittees who are below minimum requirements and who subsequently acquire sufficient property to meet the requirements will not be allowed to drop below the requirements thereafter without partial cancellation of the grazing permit (sec. 18.14).

The Forest Supervisor shall approve proposed changes in base property by the permittee when it is determined that the new base property is equal to or more acceptable than the existing base.

Where two or more permits have been issued to individual owners of livestock who hold undivided ownership interests in the same base property, each individual's share of property must meet base property requirements. New applications for permits based on undivided ownership should not be accepted. Each permit should stand on its own and be subject to waiver and reissuance without complication of some other ownership.

12.21a - Term Grazing Permits. Base property requirements are in 12.21.

12.21b - Term Grazing Association Permits. Base property requirements for individual members of the association are the same as for Term Grazing Permit holders.

12.21c - Term Private Land Grazing Permits. Holders of term private land grazing permits are not required to own base property or permitted livestock, nor are they required to own the land waived. The holder must have the right to use the waived land for grazing and private land must be waived for the full calendar year or term period a permit is desired. The land cannot be used for grazing outside the permitted season of use (sec. 15.3).

12.21d - Term Grazing Permits With On-and-Off Provisions. The permittee must meet base property requirements for the "on" numbers the same as for regular term grazing permits. Ownership of base property or permitted livestock is not required for the off numbers (sec. 15.4).

12.22 - Livestock Requirements. The permit holder must own livestock grazed on the National Forest System under grazing permits with term status (with exceptions noted subsequently). In a very few cases, it may be desirable to modify livestock ownership requirements to encourage interest and continuity in range livestock operations and to provide grazing opportunity for sons or daughters of individuals grazing livestock on the National Forest System.

Permit holders may allow up to 50 percent of the livestock permitted to be owned by their children if they are establishing a livestock herd of their own with the intent of acquiring the ranch operation or are involved in a Farm Youth Program such as FFA or 4-H. The permit holder must advise the District Ranger annually of livestock to be grazed under this provision. This does not qualify family members to hold a term grazing permit. Such livestock do not qualify for waiver based on sale of permitted livestock under section 18.11.

The requirements of ownership are not intended to interfere with routine marketing of livestock. Annual sale and purchase of a portion of the base herd or of yearlings, when these are accepted practice in the local area and are approved on a case-by-case basis by the Forest Supervisor, are acceptable so long as there is a bona fide transaction as evidenced by actual transfer of funds between parties for the full value of the animals. The Forest Service does not consider a resale agreement or issuance of notes or checks and subsequent return of the note or check upon return of the livestock to be a bona fide transaction.

12.22a - Term Grazing Permits. Livestock requirements are in section 12.22.

12.22b - Term Grazing Association Permits. Livestock requirements are the same as for term grazing permits.

12.22c - Term Private Land Grazing Permits. Ownership of livestock is not required.

12.22d - Term Grazing Permits With On-and-Off Provisions. Ownership of livestock is required only for the "on" numbers.

12.23 - Permit Holders Having Agent or Manager Relationships. The permittee may make legal arrangements with a second party to operate the ranch and manage the permitted livestock under an agent or manager relationship. The permit holder shall not lease base ranch property or livestock and allow the lessee to use and manage the grazing permit. Under such arrangement, the permit holder retains full responsibility for compliance with the provisions and requirements specified in the grazing permit, the regulations of the Secretary of Agriculture on which the permit is based, and the instructions of Forest Officers issued thereunder.

Under an agent or manager relationship the following specific requirements must be complied with:

1. The permit holder must retain ownership of both base property and livestock.
2. All livestock under permit and their offspring must be branded or marked with the brand of the permit holder.
3. Ownership of base property and permitted livestock must be supported by deeds or contracts to purchase, assessment records, and tax payments on both real property and livestock.
4. The Forest Supervisor must approve in advance an agreement made between a permittee and manager or agent involving a Forest Service grazing permit. Copies of the agreement must be filed with the Forest Supervisor and District Ranger. The agreement must state the scope of authority conferred on the manager or agent, and must state the method of payment for management services.
5. The agent or manager can graze on National Forest System lands only those livestock owned by the permittee under the permit issued to the employer.
6. The extent to which the agent or manager can sign or act for the permit holder in matters pertaining to the grazing permit depends on the scope of the authority delegated upon him by the permittee as shown in the agreement.

12.24 - Dependency. Dependency should be considered in establishing priorities for issuing grazing permits for available forage. Ranch property is recognized as dependent when it must be complemented by National Forest System land to round out a properly balanced range-livestock operation.

12.3 - Limitations on Livestock Numbers. Upper limits and special limits govern the size of term permit that may be held by an individual, partnership, or corporation. Consider the operating customs of each locality, as well as recommendations of individual grazing permittees and other interest groups and individuals in establishing and revising upper limits and setting special limits (FSM 2231.23).

12.31 - Upper Limits. Upper limits establish maximum numbers of livestock that an individual, partnership, or corporation may hold under a permit with term status and be allowed to graze upon National Forest System lands at any given time, other than those permitted under term private land grazing permit.

There is no fixed formula for determining upper limits. The Regional Forester establishes upper limits by Forest in cooperation with local permittees and other interested individuals and/or groups. Upper limits on adjacent forests or regions shall be similar if conditions are comparable.

When disagreements arise regarding proposed upper limits, use the criteria discussed in section 12.31a to resolve issues. Upper limits are established on the basis of total numbers of mature livestock currently permitted by grazing permits with term status except that numbers permitted under term private land grazing permits are not included. Conversion factors can be developed to allow for different classes of livestock.

The Forest Supervisor shall review upper limits periodically to ensure that they are still applicable. All proposals for changes in limits will be discussed with permittees and other interested groups. Changes in upper limits must be approved by the Regional Forester.

12.31a - Establishing Upper Limits. Factors and criteria to be used in establishing or revising upper limits include:

1. Total amount of grazing use currently available on National Forest System lands in the area.
2. Present distribution of term permits other than private land term grazing permits by ranch size.
3. Numbers and size of farms and ranches both with and without Forest Service grazing permits with term status in local areas.
4. Trends in number and size of farms and ranches.
5. Local demand for grazing use on National Forest System lands.

6. Dependency of present grazing users on National Forest System lands.

7. Potential effects of modifications of upper limits on the distribution of term grazing permits.

12.31b - Application of Upper Limits. Apply upper limits as follows:

1. Two Kinds of Livestock. Where two kinds of livestock are under term permit to one permittee, the total number of animals permitted shall determine the relationship to the upper limit. Convert each kind of livestock to a percentage of the upper limit for that kind. The percentage for each kind added together must not exceed 100 percent of the upper limit.

For example, if the established upper limit for a National Forest is 200 cattle or 2000 sheep, a permittee grazing 100 cattle (50 percent of the upper limit) and 500 sheep (25 percent of the upper limit) could not increase the permit there or elsewhere by more than 25 percent of the upper limit for cattle, or 25 percent of the upper limit for sheep.

2. Inter-Forest and Inter-Regional Permits. On each National Forest or National Grassland, whether or not it is located in the same Region, express the relationship of the permit to the locally established upper limit on a percentage basis. For example, if a permittee has 60 percent of the upper limit on one Forest or Grassland the same permittee could obtain a permit for only 40 percent of the upper limit on another Forest or Grassland.

Where inter-Forest or inter-Regional permits are involved, Forest Supervisors administering both permits will keep each other informed of any pending changes. Clear any transaction involving issuance of an inter-Forest or inter-Regional permit through each Forest Supervisor. The status of inter-Forest and inter-Regional permits must be kept up to date on Form 2200-8 or 2200-9, Paid Permit Card Record - Cattle and Horses or Sheep and Goats, or similar electronic file.

3. Corporations. Upper limits apply to corporations and their individual shareholders in the same way they apply to individual permittees. When a corporation holds or acquires capital stock in another corporation, charge that corporation with the percentage of the upper limit represented by its own permit plus the percentage of the upper limit represented by its interest in the permit of the second corporation. Added together, the total must not exceed 100 percent. For example, if a permittee corporation has a permit for 80 percent of the upper limit on one NFS range, it could hold or acquire capital stock in another permittee corporation equivalent to 20 percent of the upper limit on NFS range used by the second corporation.

If a shareholder in a corporation is also an individual permittee, charge the individual the percentage of the upper limit represented by the individual's interest in the corporation permit plus the percentage of upper limit under the individual's permit.

4. Partnerships. The upper limit restriction applies to partnerships as an entity. Charge each individual member of the partnership a proportionate share of interest in the partnership.

5. Immediate Families. Except in irrevocable trusts, upper limit restrictions apply to husband, wife, and minor dependent children as an entity, regardless of the legal interest of each in livestock or base property and regardless of whether the permit is separate or joint.

6. Minors. When a permit is issued to a dependent minor, it is charged against the upper limit of the parent, guardian, or trustee, except where such permit is acquired through inheritance. A permit acquired by a minor through inheritance will be charged against the upper limit of the minor and not against the upper limit of the parents, guardian, or trustee.

7. Trusts. Upper limit restrictions apply to a trust as an entity. Charge individual beneficiaries of the trust with their proportionate share of the upper limit. Do not charge trustees, other than those with simple retainer responsibilities, unless the trust specifies that the trustee actually is the beneficiary of trust proceeds. Do not charge settlers of a trust with upper limit restrictions unless the trust establishes them as a recipient of proceeds from the trust.

Trusts established for minor children will reflect against the upper limit provision of the parent or guardian unless the trust is irrevocable. Continue to honor as approved any previously approved trust arrangements that are contrary to the above instructions.

8. Members of Grazing Associations. Upper limit restrictions do not apply to grazing associations. Each association will establish upper limits for members within the association. The number of livestock permitted by an association to a member applies toward the upper limit of any other NFS unit where an individual permittee may obtain a permit except when the association permits also authorize use on private land.

When a grazing association controls private land used in conjunction with NFS lands, the number charged to an individual member of the association will be in the same proportion as permitted numbers on National Forest System lands bears to numbers grazed on all lands controlled by the association in conjunction with that individual's permit. For example: An individual is permitted 200 head of cattle by an association. One-half of the grazing capacity is on lands other than National Forest System lands. Although the individual is already at the upper limit allowed by the association (200 head), charge only 100 head against the individual's upper limit. If the upper limit on another National Forest System unit is 600 head, the individual may hold or acquire a term permit for as many as 300 additional head.

9. Intensive Management Systems. A livestock operation may be following an approved system of management whereby Forest Service lands combine with

private lands or other Government lands in one grazing allotment. The plan may call for variable periods of use and numbers of livestock.

In this situation, charge the permittee with the average percent of the upper limit that would be under permit if there were no intensive system of grazing calling for variable numbers.

10. Permits for Younger Age Class of Livestock. Establish and maintain upper limits on the basis of mature animals even though increased numbers of younger animals are authorized under term permit. The same principle should be applied in recording percentage of upper limits on Paid Permit Card Records 2200-8 and 2200-9, for cattle and horses or sheep and goats.

12.32 - Special Limits. Regional Foresters may approve special limits if there is a recognized need to increase a permittee's permitted numbers above established upper limits.

The Regional Forester may establish special limits in the following situations:

1. To permit use of increased grazing capacity resulting from permittee participation in a range improvement and development program (sec. 16.12).
2. Because of inheritance of base property (inheritance of livestock only does not justify establishing a special limit).
3. To allow use of suitable range when there are no other applicants.
4. To provide for consolidation of two or more individual base ranches belonging to members of family groups into a single ranching operation for greater efficiency and economy.
5. To allow private lending institutions to operate base properties that they repossess, or that were forfeited, on an interim basis. The special limit shall be issued for a specified period based on anticipated local market conditions. If real estate market conditions warrant, the period for the special limit may be extended.

12.32a - Carry-over of Special Limits. The Regional Forester may carry over a special limit to a new permittee who receives a permit because of purchase of the base property of a former permittee.

12.32b - Termination of Special Limits. When changes result in the break up of the base property of an operation with an established special limit, terminate the special limit or reduce it to a level commensurate with distribution of the remaining base property.

When it becomes necessary to terminate or reduce a special limit because of a change of ownership of base property, the holder of the permit shall adjust the operation within a 3-year period to the reduced permitted use.

13 - ACQUIRING GRAZING PERMITS WITH TERM STATUS. Grazing permits with term status may be acquired in several ways.

13.1 - Prior Use.

13.11 - On Added Lands. When the National Forest System acquires lands through purchase, donation, or exchange, term grazing permits may be issued for the grazing capacity of the added lands in accordance with the acquisition document. Afford priority for permit issuance to persons who were using the lands immediately before the acquisition. In the absence of such stipulation, the grazing capacity shall be available to grant (sec. 13.2).

On lands added through other action -- proclamation, legislation, administrative order, transfer, interchange, and so forth -- term grazing permits may be issued to those individuals who submit proof of having used the added lands during at least the two consecutive years immediately preceding the year in which the addition is effective, or to individuals who are otherwise provided for in the land transfer or interchange agreement, or in accordance with section 13.2.

13.12 - On Lands in the Eastern and Southern Regions of the Forest Service. Term grazing permits with terms of up to 10 years may be issued to those individuals who are currently grazing livestock on such lands or to new applicants. Term grazing permits for terms of one or more grazing seasons may be issued until the establishment of grazing capacities under sustained use and until the permittees become fully qualified and are following an approved allotment management plan. In these cases, permits of less than 10-year terms are acceptable on a continuing basis if the user so requests.

13.13 - Conversion of Kind or Class of Livestock. Term grazing permits may be changed and reissued for a different kind or class of livestock at the Forest Supervisor's discretion. When the permittee applies for such a change, the permittee must be fully qualified (base property and livestock ownership) for the modified permit (sec. 16.1). Allotment management plans should be updated to reflect the change in livestock, necessary management system adjustments, and needed range improvements. Regional Foresters and Forest Supervisors may develop local conversion factors to express differences in class of livestock and their forage consumption. Conversion factors which are locally derived should reflect information developed by historic data or specific livestock breed information that has developed forage consumption intake rates.

Where community allotments are involved, consult with other permittees before approving conversion.

13.2 - Grant. The Forest Supervisor may issue grazing permits with term status by grant or increase existing term grazing permits to entities recognized as the logical applicants for new range, transitory range, or additional range, provided that the applicants meet requirements, and are otherwise qualified, and provided the range resource can support increased use.

Ordinarily, responsibility for productive management of allotments presents a strong incentive to existing permittees to achieve optimum management of allotments. For this reason, give first consideration for the allocation of additional available range to them.

13.21 - Qualifications.

1. Grazing capacity is not available to grant until the following obligations have been met:

- a. Permittees have been granted their proportionate share of any increase in grazing capacity resulting from development programs to which they have contributed (sec. 16.12).
- b. All resource improvement reductions made during the preceding 10 years have been restored to permits involved (sec. 16.12).
- c. Overstocking by permitted livestock on other allotments on the specific National Forest has been resolved.
- d. The proportionate needs of other resources and values have been met in accordance with land management planning direction.

2. Issue term grazing permits using the following order of priority as a guideline when grazing capacity is available:

- a. To present permittees on the allotment within upper limit restrictions and base property requirements.
- b. To permittees on other allotments up to the upper limit and to the extent they meet base property requirements.
- c. To owners of livestock now on ranges administered by the Bureau of Land Management (BLM) to the extent that the BLM ranges need adjustments provided for in the memorandum of understanding dated November 5, 1966, within upper limit restrictions and base property requirements.
- d. To new applicants who are eligible and qualified.
- e. To applicants who do not possess any of the above qualifications, provided that term grazing permits issued would contain the condition that the new permittee meet base property and livestock ownership requirements within a one year period.

Justify and document any decision to use a different priority in the term permit folder and cross reference in the allotment folder (sec. 13.23).

13.22 - Related Considerations. In addition, the following related considerations should be used:

1. Eligible applicants owning and operating a ranch as the sole source of their livelihood shall have preference over applicants engaged in some other business and operating the ranch as a sideline.
2. The eligible owner of a ranch which, with addition of National Forest System lands, would become a well balanced operation shall have preference over the owner who could at best achieve only an unbalanced operation.

13.23 - History of Grant Permits. The Forest Supervisor shall file a brief statement with the new grazing permit with term status giving its history and justification.

13.3 - Changes in Ownership. See section 18 for requirements and procedures for issuing permits because of changes in ownership. A term grazing permit may be issued to an applicant under the following circumstances:

1. The applicant has either purchased livestock that are currently grazing under a term grazing permit or base property to qualify for a grazing permit with term status and the seller has executed a waiver to the United States in favor of the applicant.
2. The applicant holds a foreclosed mortgage and the Forest Supervisor has confirmed an escrow waiver.
3. The applicant has inherited permitted livestock or base property.
4. A term grazing permit holder wishes to change the livestock operation from individual ownership to a partnership or a corporation.
5. The individual applicant was a member of a now dissolved partnership or a corporation which held a grazing permit with term status.
6. Ownership of a corporation or company has changed.

13.4 - Exchange of Permits With Other Agencies. Grazing privileges may be exchanged between the Forest Service and Federal or State agencies. Such exchanges must be of mutual advantage to the United States and the permittees. Document the exchange by written memorandum of understanding including each party involved.

An exchange may be desirable when two or more permittees graze livestock under term grazing permit or license on lands administered by the Forest Service, as well as lands administered by another public land managing agency. The exchange should result in improved management and administration of the resource.

Exchange of grazing privileges may sometimes be complex, involving several permittees and changes in kinds of livestock. In every exchange, be sure to maintain the balance between obligations and grazing capacities. Consider necessary adjustments, develop an understanding between the agencies and make them part of the memorandum of understanding.

14 - APPLICATION FOR GRAZING PERMITS WITH TERM STATUS. The Forest Supervisor shall require written application for issuance of grazing permits with term status. The Supervisor shall require such documentation as deemed necessary to assure qualification of the applicant.

The need for written application for permit renewal may be at the discretion of the Forest Supervisor. Forest Supervisors may require an interim application at any time. One such time would be when there is reason to question a permit holder's qualification.

Permittees' successors must file an application and be qualified applicants in order to receive a grazing permit.

14.1 - Notice to Applicants. The Forest Supervisor or District Ranger shall notify all holders of term grazing permits of the time and place to file applications for renewal at the end of the term period. When disapproving an application for a grazing permit with term status, notify the applicant in writing.

14.2 - Applications for Grazing Permits. Application for grazing permits shall be on the form specified as below:

1. Term Grazing Permit - Form FS-2200-16, Application for Term Grazing Permit.
2. Term Grazing Association Permit - Form FS-2200-16, Application for Term Grazing Permit.
3. Term Private Land Grazing Permit - Form FS-2200-17, Application for Term Private Land Grazing Permit.
4. Term Grazing Permit with On-and-Off Provisions - Form FS-2200-16, Application for Term Grazing Permit.

If an applicant uses range on more than one administrative unit, only one application is necessary.

14.21 - Number, Kind, and Class of Livestock and Period of Use. Applications for a grazing permit with term status, either at the beginning of a term period or because of any change, will show number, kind, and class of livestock and period of use desired. Show the major composition of the herd on the grazing applications as cattle-cow and calf, cattle-yearling, sheep-dry ewes, and so forth.

14.22 - Two or More Kinds of Livestock. When an applicant desires to graze two or more kinds of livestock, one application showing all kinds applied for should be submitted. Make cross references on the card or electronic files of the Forest Supervisor.

14.23 - Marks and Brands. If the mark or brand shown on the application is not recorded by the State Brands Department in the applicant's name or is not known to be the applicant's property, applicant must show proof of ownership of livestock before the application can be approved (FSM 2231.22).

If livestock placed on Forest Service administered lands does not bear marks or brands shown on the application, the permittee should be required to submit acceptable proof of ownership immediately or be instructed to remove the animals from Forest Service administered lands.

14.24 - Livestock to be Purchased. An application for permit issuance in connection with a waiver may be accepted even though the applicant does not yet own the livestock. However, require satisfactory evidence of ownership of the purchased livestock before issuing a grazing permit. Notify the applicant that the permit will not be issued until proof of ownership of livestock is supplied.

14.25 - On-and-Off Provision. In applying for term grazing permits with on-and-off provision, only the "on" number should be shown on Part 1 of the application. The total number of animals the applicant desires to graze under this provision is shown in Part 3 of the application.

14.3 - Supporting Documents. The Forest Supervisor may require an applicant to furnish whatever supplementary information is necessary to determine whether that applicant meets qualification requirements.

14.31 - List of Stockholders. Unless waived with justification, require a certified list of stockholders and a list of officers and/or directors in a corporation at the time the application is made. The list must give names and amount or percent of stock held by each.

Members in a partnership must furnish names and the share of the partnership held by each and whether the partnership is formal or informal.

14.32 - Trusts and Estates. A trust or an estate filing an application must submit a certified copy of the will, deed, court order, or other appropriate instrument establishing the trust or estate as a legal entity.

14.33 - Certificates of Brand. Require that an applicant submit a copy of the certificate of brand for the record.

14.34 - Records. An applicant may be required to submit for inspection all books, papers, and records pertaining to purchase, sale, or ownership of any livestock for which an application is filed. Such information shall generally be considered confidential unless the interests of the United States require its use in court or

appeal proceedings. Requests for this information should be considered under the Freedom of Information and Privacy Act (FSH 6209.13).

14.35 - Certified or Sworn Statements. The Forest Supervisor may require the applicant to submit a sworn statement with the application, setting forth all material facts. Deeds, leases, and other such documents submitted should be carefully examined to determine their authenticity and whether they accurately describe the lands included in the application.

14.36 - Performance Bonds. Performance bonds are normally not necessary for grazing permits with term status. Terms and conditions of the permit must be enforced. If necessary, take action against the permit. If a performance bond is needed, see section 33.

14.4 - Action on Applications.

14.41 - Approval. Form 6500-89, Bill for Collection, is sufficient notification of annual authorization for grazing permits with term status.

The bill will show number, kind and class of animals which are approved, period of use, animal months, rate per animal month, allotment, and total fees.

14.42 - Disapproval. In cases of disapproval of an application, the Forest Supervisor shall provide written notice stating the reason for disapproval.

15 - ISSUANCE OF GRAZING PERMITS WITH TERM STATUS. General guidelines for issuing grazing permits with term status are in FSM 2231.5. All permits with term status generally have the same terms and conditions. Specific provisions for distinct types of term grazing permits are discussed in sections 15.2 through 15.4.

Issue grazing permits with term status in triplicate on the applicable form. If the livestock are to graze on more than one Ranger District or National Forest, additional copies are necessary for each other District or Forest. All permits have an identification number, which the issuing office enters on Part I and on each additional permit page.

The permit is not valid until signed by both the permittee and the Forest Supervisor. Do not issue the permit if the permittee deletes, alters, or otherwise indicates in writing that any term or condition is unacceptable.

After both the permittee and the Forest Supervisor sign all copies of the permit, send the original to the permittee, one copy to the District Ranger, and retain one in the Supervisor's office files.

When the range to be used by an applicant is located on adjoining National Forests or Grasslands, either Forest Supervisor, with consent of the other, may issue the permit.

15.1 - Issuance of Term Grazing Permits.

15.11 - Range Allotment Description. Clearly describe the grazing allotment either by a full written description, and/or by a map accompanying and made a part of the permit. Closed areas and unwaived private lands within the allotment should be described in written descriptions or shown on the map. Any map which is part of a grazing permit should have a statement thereon to the effect that:

This map shows the area designated on the grazing permit

Number _____, issued to _____
Name of Permittee

by _____
on

Name

_____.
date

15.12 - Number, Kind, and Class of Livestock and Period of Use. The number, kind, class of livestock, and period of use shown on grazing permit with term status are those permitted for the entire term.

<u>No. of Livestock</u>	<u>Kind of Livestock</u>	<u>Class of Livestock</u>	<u>Period of Use</u>		<u>Grazing Allotment</u>
			<u>From</u>	<u>To</u>	
60	Cattle	Cow-calf	6/1	9/30	Elm Spring
20	Cattle	Yearlings	6/1	9/30	Elm Spring

Grazing permits with term status and temporary grazing permits shall not be covered on the same form.

Nonuse is not appropriate during the first year of a new permit since the permit has not been validated and the privilege of nonuse connected with a permit with term status is not available. For permits being reissued to the same party, when nonuse is applied for during the first year, write the permit for the full number of animals and period of use. For partial nonuse, include on the Bill for Collection only those applied for. For full nonuse, send a letter of approval to the permittee.

15.12a - Changes in Number Because of Age Class. Use a bill for collection to identify temporary or annual adjustments in the term permit, such as age, class, and kind of livestock, and any changes for use of increased forage production. Make permanent changes by modifying the term permit.

15.12b - Variable Numbers and Seasons. A livestock operation may be following an approved plan of management which calls for alternating use between other land and Forest Service administered range. In some cases livestock must be kept entirely off Forest Service administered range in some years but may be grazed

with more livestock than permitted under the term grazing permit during other years. Also, the number grazed and season of use may vary, depending on the complexity of the plan.

In such varying operations, the following statement shall be written in part 1, block 2 of term grazing permit in lieu of actual numbers of livestock and periods of use:

Variable numbers and periods of use are specified in the management plan which is part of this permit. The average use under this permit is equivalent to _____ head for _____ period of use.

In situations described in this section, year long rest periods shall not be considered nonuse (FSM 2231.7).

Annual billing shall be for the authorized use each year.

15.13 - Grazing Permit Terms and Conditions.

15.13a - General Terms and Conditions. Terms and conditions in Part 2 of the grazing permit are to be used Service-wide.

Form FS-2200-10, Term Grazing Permit, Part 2, Item 4, covers the effective period of the permit. A date following the close of the last grazing season for the term for which the permit is issued should be typed on all copies of the form. For term grazing permits this will be ten full grazing seasons from the date of issuance.

15.13b - Special Terms and Conditions. Use Part 3 of the permit for those special terms and conditions not generally applicable to all permits. Also in part three, make reference to the Allotment Management Plan, which becomes a part of the grazing permit, or specify appropriate management requirements.

The following clause may be used:

The Allotment Management Plan for the _____ Allotment, signed by the Permittee(s) on _____, 19____, and approved by Forest Supervisor on _____, 19____, is hereby made a part of this permit.

Provide a copy of an approved Allotment Management Plan to each permittee and keep a reference copy in the 2210 file.

The Regional Forester may prescribe special terms and conditions for Region-wide use. Forest Supervisors are authorized to include any terms and conditions necessary to obtain compliance with grazing regulations and to secure proper management of livestock and resources.

Type special terms and conditions on plain sheets. Designate each sheet containing special terms and conditions "Term Grazing Permit, Part 3" and identify it by permit number and a page number. Use form 2200-10e for on-and-off permits.

Include in Part 3 any special range management rules adopted by local livestock associations and approved by the Forest Supervisor. On allotments with both direct term grazing permits and Association permits, include any special rules in both types of permits.

These special rules should:

1. Specify individual qualifications regarding ownership of base property, ownership of livestock, and nonuse privileges of members. These qualifications must conform in principle and intent to those required of and granted to individual holders of term permits.

2. Specify the association's responsibility to collect grazing fees and other assessments from its members.

3. Set forth how Forest Officers are to aid in grazing fee collections if asked to do so.

15.2 - Issuance of Term Grazing Association Permits.

15.21 - General Guidelines. Term grazing association permits are issued to associations to obtain more personal involvement of the association and its members in administering and managing the range resource and in achieving a common understanding of sound conservation and range resource management practices.

Term grazing association permits may be issued to local associations formulated under 36 CFR 222.7 for the numbers of livestock and period of use mutually agreed upon between the Forest Supervisor and the association. Permitted use may consist of that use presently under term grazing permit to individual association members, or use permitted in connection with base properties or livestock purchased by the association from established term permit holders, or a combination of both uses.

The association and Forest Supervisor together shall formulate rules that specify separate responsibilities of the association and the Forest Service. These rules shall become part of permits issued to the association and the permits the Association issues its individual members.

15.22 - Qualification Requirements. Refer to section 12.2 for qualification requirements.

15.23 - Retention of Individual Privileges. The association shall maintain a record of each member's individual permitted use in the association. The status of these individual privileges shall change only by actions of the association. If the association receives additional permitted use after purchase of lease property or livestock from a holder of a grazing permit with term status, the association shall modify each member's permit to reflect this additional permitted use.

Upon dissolution of an association, or at the option of either the Forest Supervisor or the association, the association permit may be canceled and individual term grazing permits issued to the members.

15.24 - Collection of Fees and Assessments. The association will furnish the Forest Supervisor with a list of permittees and their permitted numbers prior to the grazing season each year and will be responsible for payment of grazing fees. Upon receipt of a bill for collection, the association will forward the total amount due to the designated collection officer. If members are delinquent in paying grazing fees or other association assessments for livestock management or development or maintenance of range improvements, the association will take action as provided under their articles of incorporation, bylaws, and rules of management.

15.25 - Association Bull Permits. Issue grazing permits with term status to associations for bulls owned by either the association or by the individual member. Bulls owned by members may be permitted under the association permit. Associations are not required to own base property to hold a term grazing permit for bulls. Bulls can also be authorized under livestock use permit provisions (FSM 2234.17). If members are delinquent in paying association assessments, upon notification, the Forest Supervisor will take action agreed upon in the special clauses of the association bull permit.

15.3 - Issuance of Term Private Land Grazing Permits.

15.31 - General Guidelines. Issue these permits on Form FS-2200-11, Term Private Land Grazing Permit. On National Forests in the 16 contiguous Western States, issue private land permits on a term basis and renew them on expiration, provided that the permittee has complied with terms and conditions and the owner or lessee continues to waive use of the land to the United States. The term of the permit shall be 10 years or as excepted in FSM 2231.03, provided that the owner or lessee waives the lands for the entire term or for the term of the lease or waiver.

If there are subsequent waivers for additional terms, the original permit may be modified to extend the term to cover the new waiver period.

The Forest Service has no obligation to issue private land permits solely for the convenience of the applicant. Issuance is justified only on the basis of advantage to the United States. Optimum management of the forage resource is the primary consideration. Deny applicants if:

1. Offered land is not suited to the kind of livestock currently grazing on the allotment where the land offered is located.
2. Resultant grazing would reduce the value of some other National Forest System resource.
3. The applicant has demonstrated unwillingness or inability to observe Forest Service grazing requirements.

Permit issuance will be based on and not exceed the estimated grazing capacity of the offered lands.

Term private land grazing permits issued on community or association allotments must comply with association special rules, previously approved by the Forest Supervisor, pertaining to management of the allotment. The permittee must pay assessments approved by associations for management of permitted livestock and for maintenance of structural improvements.

The requirements for handling livestock are the same for holders of term private land grazing permits as for holders of term grazing permits.

15.32 - Qualification Requirements. Qualification requirements are in section 12.21c.

15.33 - Grazing Capacity of Private Lands. Estimate the grazing capacity of lands offered as a basis for issuing a private land permit. The estimated grazing capacity as well as advantages or disadvantages of issuing the permit must be determined by field examination.

15.4 - Issuance of Term Grazing Permits With On-and-Off Provisions.

15.41 - General Guidelines. On-and-off permits are intended for use where only a part of a natural range unit is administered by the Forest Service and it is not practical or possible to issue private land permits. Such permits are issued to promote efficient use of intermingled ownership.

A request for on-and-off provision must be reviewed carefully to determine if the land offered can and should be managed with the Forest Service administered land as a natural unit. The total number of livestock approved must not exceed what the natural unit can support. Deny applicants if:

1. The private land is only a small portion of the natural range unit.
2. Livestock use would be concentrated on the National Forest System lands.
3. Resultant grazing would reduce the value of some other National Forest System resource.
4. The applicant has demonstrated unwillingness or inability to observe Forest Service grazing requirements.

Permits with on-and-off provisions are the same as any other grazing permit with term status with respect to "on" numbers shown. Issue the permit on Form 2200-10, Term Grazing Permit. Show only the "on" number in Part 1 of the permit.

For example, in a permit where 100 head of livestock are allowed to graze on a natural unit which is 40 percent Forest Service-administered land and 60 percent

lands controlled by the permittee, if grazing capacities are equal, only 40 head will be shown in Part 1 of the permit. Show the total number of 100 head as a special provision on form 2200-10e, Grazing Permit, Part 3.

15.42 - Qualification Requirements. Section 12.21d.

15.43 - Only Natural Units Included. Use the on-and-off provision only if livestock move between Forest Service administered range and adjoining or intermingled land of other ownerships (except BLM) and where lands under both ownerships form a natural grazing unit best managed as a single unit. Issue a private land permit rather than an on and off permit where it is practical and possible.

If the natural unit includes BLM administered lands, follow the provisions of the interagency agreement.