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First name: Eastern Oregon

Last name: Rancher

Organization:

Title:

Comments: To Whom It May Concern,

This letter is being submitted regarding the United States Forest Service (USFS) Rangeland Management Directives Update and contains our comments and recommendations.

We hold a USFS Term Grazing Permit with On/Off Provisions for one allotment containing two pastures. The allotment contains approximately 86% private land and approximately 14% intermingled USFS administered land. The Intermingled USFS lands are inholdings and included within the allotment by using natural barriers as fences and allotment boundaries.

Under the current directives, Term Grazing Permits with On/Off Provision are issued when a minor portion, usually less than 1/3 of a logical grazing area is composed of National Forest Service (NFS) lands. The intent is to promote efficient use of intermingled ownership, while at the same time achieving desired conditions on NFS lands (FHS 2209.13, Chapter 10, 15.41). Private lands are not waived (FHS 2209.13, Chapter 10, 15.4 Exhibit 01).

The proposed change states that "[On Form 10e, the applicant must waive exclusive grazing management of the private lands involved to the United States for the term of the permit in order to determine livestock numbers and grazing season for the entire allotment (the permittee accepts the FS determination of capacity for the private lands), as well as for allowing access to the private lands necessary of allotment administration]" (FSH 2209.13, Chapter 10, 11.52 of amendment 2209.13-2020-1.)

The proposed changes explains that regardless of which type of permit is issued, the intermingled/adjacent/state other lands (owned or leased) inside the allotment are waived to the Forest Service for "[exclusive grazing use because the authorized officer assigns and controls the total number of animals and the total season of use on the allotment, regardless of the land ownerships involved (Grazing Management Directives Update, 2209.13-2010-1, 15.8)].

As permittees, we strongly oppose the proposed changes to the Rangeland Management Directives Update regarding Term Grazing Permits with On/Off Provisions for the following reasons, also known as comment points:

1. Waiving grazing management of the private land would not promote greater management flexibility on an allotment with on/off provisions and certainly would not promote greater management flexibility of the private lands (off-lands) within the allotments as the Rangeland Management Directives Updates flyer states. In fact, management flexibility within Term Grazing Permits with On/Off Provisions would be drastically decreased. This is because the USFS would be managing more acres under their policies and regulations, which are by far more stringent and less flexible than those lands managed privately. For our operation, it would significantly decrease management flexibility to have private lands waived to the USFS.
2. Permit dates and animal units (cattle numbers) would be set by the USFS for private lands, thus limiting the flexibility for the permittee to adjust stocking numbers and dates on private land according to on the ground conditions (phenological plant stages, utilization levels, water availability, precipitation, etc.) and their livestock operational needs rather than a calendar date. Limiting the ability for us to make livestock operational and management changes according to a dynamic environment would drastically affect our business.
3. Stragglers or animals that prove difficult to gather would/could technically be considered in trespass if they were outside the USFS permit dates and/or over the animal units even if they were located on private land within the allotment. This would cost the permittee time, money, and loss of available AUMs gathering to meet the

USFS dates. Specifically, on our allotment, the higher country is where the USFS inholding are located and the lower country is private. If we had to move off the entire allotment to meet dates set by the USFS we would not be able to utilize the lower part of our allotment, ultimately affecting our business economically.

4. In an ideal situation, if the proposed changes were implemented, we would be able to work with the USFS to set the AUMs and dates (on and off the allotment) based on current forage available and livestock operational needs, respectively. The reality of working with the USFS depends on the personalities at the local levels and the current administration. We currently have some great folks in place locally, but this has not and may not always been the case due to turnover (and administration changes).

5) Managing private lands in this manner would add additional administrative and monitoring demands to the already overwhelming USFS workload. USFS is currently understaffed to handle their current workload.

6) Managing the additional private lands would increase the cost of administration, monitoring, compliance, and conflict resolution for the USFS. From our perspective, even when funding is promised to aid in this respect, the majority of it is spend on agency overhead and rarely reaches the boots on the ground.

7) Private Land under same USFS management would be subjected to the same land management designations, such as Scenic Recreation Areas (SRA), Wilderness, Historic area/landmark, Threatened or Endangered (T&E) Species and/or their habitat, Biological Opinions, etc. In some cases, this could decrease or almost eliminate grazing on private lands as well as NFS administered land in these type allotments. These types of restrictions would greatly affect our livestock operation.

8) Management under the USFS would open the private lands within the allotment to be scrutinized from the environmental community right along with the public land.

9) It may be thought that an alternative to waiving private land is be fencing, which may have legitimacy in some circumstances. However, in most cases, fencing between USFS managed lands and private lands within Term Grazing Permits with On/Off Provisions would cost an extreme amount of money in materials and labor. Currently, some areas of our allotment rely on natural boundaries such as mountains, ridges, or steep terrain as a barrier for livestock. Fencing in these areas is not cost effective and is not needed. Some of the property boundaries zig and zag across the landscape in forested areas which would add to the cost. Fencing the property line would result in fencing extremely steep rugged country that will likely never see a cow. Fencing the USFS administered land from the private land within our allotment would cost an estimated \$150,000. Fence costs estimates were derived using \$10,000/mile for labor and material. It would take approximately 15 miles of fencing to put the fence on the property line in our allotment.

10) If an allotment is currently meeting NFS objectives, then there is no need to change management. If an allotment is not meeting NFS objectives, certainly adding more private land to the administration of the USFS will not solve management issue(s), it would add to them. Each allotment needs to be looked at on a case-by-case basis and managed accordingly. This is not done at the Rangeland Management Directives level.

11) In some cases, a livestock owner may lease the ability to graze the private lands within the allotment but may not have the authority to [ldquo]waive[rdquo] the private lands. If the landowners were unwilling to [ldquo]waive their private lands,[rdquo] that could prevent a livestock owner from qualifying for a permit. This scenario would have an extreme effect on a livestock owner[rsquo]s operation, and undoubtedly the landowner[rsquo]s operation or business.

12) Private landowners that have timber appreciate the fuels reduction benefit of livestock grazing. These private landowners enjoy the flexibility and benefits (under the current directives) of being able to control livestock grazing on their private land to meet their goals and objectives. This year grazing in areas near us proved to be beneficial when planning contingency lines for a wildfire that burned approximately 50,000 acres.

13) Any one of the issued described in the above comment points have the potential to decrease the number of livestock on both private and public lands within the allotment if the proposed changes are implemented. Along with economically affecting livestock operators with on/off provisions, the proposed changes would reduce the total income circulated through the local economy.

We appreciate the ability to comment and feel that each of our comments listed above are substantive issues with waiving private land for Term Grazing Permits with On/Off Provisions, not only for us but for all permittees with these types of permits. Realizing that the comments above are not an exhaustive list of reasons against the proposed changes, they are meant to shed light on the practicality of waiving private land within these types of allotments.

Our recommendations for the Term Grazing Permits with On/Off Provisions are to leave the directives as they are currently written and not to adopt the proposed changes for Term Grazing Permits with On/Off Provisions. We look forward to comment response, and to the on/off provision being left unchanged.

Respectfully submitted,

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