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Comments: FSH 2209.13 Grazing Permit Administration Handbook

Chapter 10

Section 11.52 and 15.6-15.63

Comment regarding changes made for term on-and-off permits: (also applies to Private land permits)

\*There is no explanation regarding the definition of "waiver" of private land.

\*There is no reasoning to require this condition (waiver of private lands) for on-off permits without justification of need (site specific). Permittees are co-operators and have not denied access to FS personnel in the management of these allotments. There is an inherent loss of respect for private property rights imposed in this addition of a waiver requirement for on-off permits. Seems to be a taking of private property rights and may be unconstitutional.

\*Description of the disassociation of the "on" from the "off" is confusing. Section 15.61 is confusing and may lead to misinterpretation and abuse. Section 15.62 states "The permittee must either own the off-portion land or demonstrate control through contract or lease" which negates the need for the "off" lands to be a part of a FS permit if there is no public land involved in that portion.

\*There is a question of the workload involved with this requirement, especially on allotments without environmental analysis (NEPA), an AMP or an LMP. It would be unwise for a landowner to waive his grazing on his private lands without foreknowledge on the outcome of these analyses, especially the need to complete them in a timely manner.

Discussion:

In the Grazing Permit Administration Handbook - Major Changes Summary table, it states that in section 14.2 is the definition of "Waived" private lands but that is not found anywhere in that section. I also looked for a definition in FSM 2200 - RANGELAND MANAGEMENT CHAPTER - ZERO CODE Section 2205 - DEFINITIONS:

\*Waiver of Term Grazing Permit. This is obviously not the waiver referenced in the on-off permits.

I found in this section another definition that questions the need for "waivers of Private lands" but still no waiver definition:

\*Other Lands under Forest Service Control. Private, state, or other agency lands over which the Forest Service has been given control through lease, agreement, waiver, or otherwise.

Remedy to allotment management of interspersed private lands:

Make it easier to square up ownership within USFS:

\*Presently, it takes an act of Congress to change ownership on USFS lands that would require a change of the boundary of USFS yet it makes no sense to exchange interspersed private lands within USFS boundaries.

\*Valuation becomes an issue unless exchanges can be made on an acre-by-acre basis. Cleanup of dead, dying, overstocked USFS that are in jeopardy of wildfires costs money and private lands have already had investments into forest management that are not reflected in timber cruises and will not be rewarded for their previous forest management investments.

FSH 2209.16 Allotment Management Handbook

Section 12.23

Comment regarding 1st sentence in 6th paragraph:

"Permittees are responsible for meeting the terms and conditions of the grazing permit, including short-term vegetation monitoring (as required) and managing livestock in compliance with LMP and AMP direction."

\*It is unclear if this means they will do all the short-term monitoring or means that they are responsible for complying with the results? If it means they will be required to do short-term monitoring on all their pastures to show they are meeting the terms and conditions of the grazing permit, this imposes a workload on the permittees that they may not be able to satisfy as they have responsibilities in their ranching operations that would interfere

with their ability to monitor (such as haying, etc.)