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Comments: On behalf of the Central Sierra Environmental Resource Center (CSERC), we submit these comments based on the proposed rangeland management directives updates by the US Forest Service for Regions 1-6.

## CHAPTER 10

SECTION 12 Section 12 identifies the types of entities that are eligible to hold term permits. On page 37 the directives state that [ldquo]to qualify, NGOs and NPOs must hold title to both permitted livestock and base property.[rdquo] The current text and policy approach restricts NGOs and NPOs from holding term permits unless they own base property and permitted livestock.

There are strong management and resource reasons to alter the policy and change this section of chapter 10. The purpose of mandating grazing is allegedly to provide economic benefits to the community and to provide a grazing opportunity in a local National Forest to ranchers. There may be reasons for allowing a NGO or NPO to purchase or hold a term permit and to have an allotment in a vacant condition if by doing so the NGO and NPO can provide a better economic benefit to the community. Our Center asserts that if keeping an allotment in a vacant condition would be positive economically for areas that have higher environmental benefits, it would benefit the region and community to have degraded resources for recreation recover from extensive grazing.

If NGOs and NPOS can purchase and pay the amount that grazing usually takes, then restoration can occur for a series of years until the allotment and environment have recovered. As an example of why this makes sense, the FS doesn[rsquo]t force the timber industry to go out and cut trees in a timber sale if the logging company has reasons not to do so, and the Forest Service doesn[rsquo]t force commercial recreation to take place, just because a recreational company has a permit for the recreation. Therefore the FS should not force livestock permittees to graze just because they have a permit to do so.

SECTION 13.7 Our Center asserts that it is inappropriate for the FS to take a position that they will not honor a contract agreement between a permittee and anyone else (conservation groups included) to have an allotment pause in terms of grazing (to have the allotment vacant or closed). We agree that a decision to have an allotment retired is a decision for the rangeland/grassland supervisor to make.

SECTION 15.5 There is no logical reason for the FS to mandate a permit that allows a certain amount of livestock when public resources belonging to taxpayers can be negatively affected by livestock. We oppose the wording that requires a turn-out of at least 90% of the permitted livestock the first year after the permit is issued. Instead, use of the allotment by livestock without a specific percentage should be sufficient to validate an allotment.

SECTION 16.4 As defined, an example of excess use includes [ldquo]not removing all permitted livestock from the allotment by the permitted/authorized off-date.[rdquo] Routinely in National Forests of the Sierra Nevada region, no action is taken for any non-compliance letter filed when permittees don't remove all livestock by the off date. Instead, there is repeated acceptance that the permittees will continue gathering days or sometimes a week or longer after the off date and will eventually gather all the livestock until they are finally off the allotment.

We suggest that there should be clear wording that when all permitted livestock is not removed by the authorized off date that at MINIMUM there will be a letter put in the file of the permittee that will identify the violation and that there shall be communication to the permittee on how to resolve issues to prevent future potential violations.

## CHAPTER 80

SECTION 81.7 Changing the excess use fee to the average of the private land lease rates is not an incentive for the permittee to avoid excess use. Applying the proposed excess use fee is not a significant economic leverage to pressure permittees to prevent unauthorized and excess use. We urge that this be significantly increased in order to have it result in a meaningful incentive.

### FSH 2209.16 [ndash] ALLOTMENT MANAGEMENT HANDBOOK SECTION

10.51 We support and agree with the wording for 10.51 that [ldquo]changing an active allotment to a forage reserve or to a vacant allotment can be a site-specific environmental analysis or an administrative decision.[rdquo]

We suggest region-specific wording when describing the policies around changing an allotment from active to closed. We believe there is no rationale to require a site-specific environmental analysis for removing livestock (a non-native species that is often an environmental degradation factor in natural forest areas). That removal should be allowed through an administrative decision (CE).

SECTION 10.53 We are supportive of wording of 10.53. [ndash] After our review, out of the sections we have seen, we are especially supportive of the wording in this section. It seems to be prudent and appropriate for all the points.

SECTION 10.54 Agency policy states that an active allotment, forage reserve, or vacant allotment can ONLY be closed through an LMP or a project-level environmental analysis and decision. Closing an allotment should be allowed through an administrative decision (CE).

### FSM 2200 [ndash] RANGELAND MANAGEMENT MANUAL

SECTION 2240.6 Our center strongly disagrees with the legal position put forward in this section. In states where exclusion fencing is not required by the state, such as California, it is the responsibility of the FS as to whether or not the livestock permittee has appropriately managed their livestock to prevent trespass. It is the FS that has permitted livestock to be brought onto national forest land in locations where the livestock can then drift onto private lands. Therefore, the FS holds part of the responsibility for the outcome.

We believe there should be rewording such that the Manual explains that for states where there are no [ldquo]fence out[rdquo] policies, the FS shall share responsibility with the permittee for the effects in private lands if private landowners bring complaints and evidence to the FS about trespass by livestock associated with the permit.

Please reach out to us if we can provide additional information or answer any specific questions.

Caitlyn Rich, Biologist

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