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Organization: SER Conservation District

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Comments: Please see the letter for complete comments.

The Saratoga-Encampment-Rawlins Conservation District (SER CD) submits the following comments regarding the U.S. Department of Agriculture, Forest Service (USFS) issuance of proposed directives; notice of availability for public comment. We appreciate the USFS's efforts to propose these revisions to directives governing rangeland management, grazing permit administration, and grazing allotment administration (Proposed Revisions) to foster consistent administration of laws, rules, and regulations governing the rangeland resource across Forest Service Regions.

Our comments are specific to our mission as a local government entity within the project area: "develop and direct programs to promote long-term conservation and enhancement of our natural resources while contributing to the economic stability of the district and its residents." One of SER CD's traditional historical land uses is livestock grazing which contributes to the economic viability of the area and is crucial to sustaining the SER CD's communities. We believe it is important you continue to inform us of proposed actions and decisions on directives governing rangeland management, grazing permit administration and grazing allotment administration. We serve as a cooperating agency and partner with the USFS on projects that impact our district — namely on the Medicine Bow-Routt National Forest. We actively engage with livestock grazing permittees and assist with rangeland projects/improvements.

SER CD's comments are based upon the Long Range Land Use and Natural Resource Management Plan for SER CD 2017-2021 (SER CD Long Range Plan) that includes policy statements developed, open for public comment, adopted by the SER CD Board of Supervisors, and filed with the Carbon County Clerk. SER CD Long Range Plan policy statements related to the Proposed Revisions include the following list of policies:

Policy Agriculture #2: The District strives to maintain and enhance agriculture in the area, especially those working landscapes and hydrologic resources that provide economic, environmental, social, aesthetic, and wildlife values.

Policy Range #3: The District supports rangeland monitoring and data collection in managing rangeland conditions based upon a cooperatively developed monitoring plan that clearly identifies rangeland goals and goal-appropriate monitoring methods.

Policy Vegetation - General #3: The District supports continued use of livestock grazing wilderness and wilderness study areas.

Policy Vegetation - General #4: The District urges all federal land management agencies to apply wilderness area management techniques only to those lands officially designated as wilderness areas.

Policy Vegetation [ndash] General #6: The District supports the historic access routes into special land use designated areas for consumptive uses such as hunting, grazing, and logging and for the maintenance of water developments, fences, or other infrastructure located within designated wilderness, wilderness study areas, areas of environmental concern and other special status areas.

Policy Vegetation [ndash] General #7: The District supports the continuation or reinstatement of prior existing lease rights in Wilderness Areas and Wilderness Study Areas as required by Federal Land Policy Management Act (FLPMA).

Policy Vegetation [ndash] General #8: The District supports and encourages historical uses on lands already designated as wilderness, wilderness study areas, areas of environmental concern, other special status areas, or areas inventoried as lands with wilderness characteristics.

Policy Vegetation [ndash] General #9: The District opposes any attempt to curtail the installment of necessary rangeland improvements in Wilderness or Wilderness Study Areas (i.e., fences and water developments) to maintain and encourage use of the prior existing rights in the area.

General Comments

1. SER CD appreciates the USFS's effort to make the directives current, consistent, and easier to use through clarification and minimizing inconsistencies in the nearly 30-year-old version of the Forest Service rangeland management directives. We understand the rangeland management directives, Forest Service Manual (FSM) 2200, Forest Service Handbook (FSH) 2209.13, and FSH 2209.16, serve as the primary basis for the internal management and control of the rangeland management program and the Proposed Directives.
2. As the primary source of administrative direction to Forest Service employees relative to the rangeland management program, SER CD believes the directives require updating to make them more usable, modern, and conform to recent legislation and case law.
3. SER CD believes it is imperative the final directive updates are completed as they are long overdue. Addressing the changes in technology, generational transfer of ranches/grazing permits, and leased sire common practice are vital to ranch and economic sustainability within our district.
4. SER CD generally supports all updates to the Proposed Revisions stating it will [ldquo]clarify[rldquo] or provide [ldquo]clarification[rldquo] as presented in the Rangeland Management Directives Proposed Updates Summary document (e.g., FSH 2209.13 Chptr 10 Sec 14.2 and Sec 16.5, FSH 2209.13 Chptr 90 Sec 95.3).
5. SER CD supports grazing permit administration that allows for a more flexible livestock operation in responding to environmental and economic conditions while maintaining proper use and management of rangeland vegetation (e.g., FSH 2209.13 Chptr 10 Sec 13.7 and Sec 17.2, FSH 2209.16 Secs. 10.5-10.54, Sec 16 and Secs. 17-17.15).
6. SER CD supports the changes for updating sections to acknowledge [ldquo]electronic records[rldquo] and the difference between hard-copy paper records and electronic records. (e.g., FSH 2209.13 Chptr 50 Sec 61.1 and Sec 61.2).

Specific Comments

1. SER CD believes it is crucial to update the various directives to acknowledge the types of entities eligible to hold term permits for economic stability of our district, county, state, and nation as included in the Proposed Revisions, FSH 2209.13 Chptr 10 Sec 12 and Sec 12.21.
2. SER CD agrees with the provision addition in FSH 2209.13 Chptr 10 Sec 12.3 to allow the use of holding brands in states where this is a common practice.
3. SER CD supports the establishment of Forage Reserves as an official type of grazing allotment making allotments available for occasional use and preventing the allotment being vacated or closed. FSH 2209.13 Chptr 10 Sec 13.6. The value in having Forage Reserve allotments is the ability to utilize this forage in unforeseen circumstances. Therefore, when the reserve is created, language should be inserted providing maximum flexibility consistent with the available forage resources. When the reserve is created, it should not have a confining set of criteria for its use, e.g., on-off dates, species of livestock.
4. SER CD commends the Forest Service on including the official Agency policy on Third-Party Buyouts by external groups and the policy against closing grazing allotments in the Proposed Directives. FSH 2209.13 Chptr 10 Sec 13.7 and FSM 220 Zero Code Sec 2201.1. It is appropriate to provide firm direction to line officers giving direction regarding the process that must be followed when closing an allotment.
5. SER CD agrees that is appropriate to provide a better description of what is required to validate a term grazing permit. We stress the importance of including that validation must occur before the permittee has the ability to request non-use or to waive the permit to another entity. This part is extremely important and directly related to grazing allotment/local ranch sustainability. FSH 2209.13 Chptr 10 Sec 15.5.
6. SER CD has concerns regarding the addition of the new Section on the administration of [ldquo]Cow Camps[rdquo], FSH 2209.13 Chptr 50 Sec 56. Cow camps and the associated structures can be crucial for the permittees in their ability to manager their permitted livestock on an allotment(s). We request this section include directives covering the following concerns. A) Since the grazing permittee is required to maintain all the assigned improvements associated with the cow camp, we believe permittees should be informed well in advance of when a National Register of Historic Places evaluation may occur. B) Permittees should always be involved in all aspects of the evaluation and any discussions that might change per a nomination to the National Register.
7. FSH 2209.13 Chptr 80 Sec 81.7: While SER CD commends the Forest Service for updating the directives to provide consistent administration across regions and similar to the Bureau of Land Management[rsquo]s policy, we have concerns on the process for calculating the excess and unauthorized grazing fees. Private land lease rates vary dramatically across the 17 states so is very inequitable. SER CD supports the calculation and application of a state rate, recognizing the complexities identified with forests, perhaps even allotments, that cross state lines. The rate applied would be the rate for the state where the Forest Supervisor[rsquo]s office is located that has management authority for the given allotment.
8. SER CD has serious concerns with the statement in this section, FSH 2209.13 Chptr 80 Sec 81.7, [ldquo]For sheep allotments, there is virtually no excuse for the band, or any livestock, to remain on the allotment past the permitted off-date.[rdquo] Sheep wander away from the main band and can be difficult to locate. In addition, weather conditions and delay of trucks scheduled to remove bands of sheep are also factors to be considered. Sheep on grazing allotments may not have full-time herders so should not be singled out and directives should be consistently applied to all [ldquo]livestock[rdquo] equally.

9. SER CD strongly supports the Proposed Directive FSH 2209.13 Chptr 90 Sec 94.3 explaining that the spring permittee meeting is not open to the public. This meeting is a business meeting for applications and Annual Operating Instructions between the Forest Service and the permittee that may include privileged or financial information.

10. SER CD supports the addition of the new Allotment Management Handbook (FSH 22.09.16) which contains all information regarding allotment administration, inspections, monitoring, documentation, and compliance. This should provide more consistency in administering these parts of the rangeland program by serving as a policy and procedure companion to the existing direction on how to administer Forest Service grazing permits.

11. SER CD supports the changes to FSM 2240 Sec 2244 [ndash] Rangeland Improvements Within Wilderness Areas. The reference to the 1980 Congressional Grazing Guidelines legally allowing construction, reconstruction, and maintenance of improvements within wilderness areas is appreciated and is crucial to maintaining ecological and economic stability in our district.

Conclusion

We appreciate the opportunity to comment and weigh in on these proposed revisions to directives governing rangeland management, grazing permit administration, and grazing allotment administration. We look forward to our continued participation as a local government entity and cooperating agency.

If we can be of further assistance, please feel free to contact us at (307) 326-8156.

Sincerely,

Arla Strasser

Board Chair

AS/lc

Cc: Governor Gordon's Policy Office

Carbon County Commissioners

Wyoming Association of Conservation Districts

Wyoming County Commissioners Association

Wyoming Department of Agriculture

Wyoming Farm Bureau Federation

Wyoming Stock Growers Association

Wyoming Wool Growers Association

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