

Data Submitted (UTC 11): 3/20/2021 11:00:00 AM  
First name: Jim  
Last name: Magagna  
Organization: Wyoming Stock Growers Association  
Title: Executive Vice President  
Comments: See attachment.

The Wyoming Stock Growers Association (WSGA) represents the Wyoming ranching industry, including many grazing permittees on National Forests and National Grasslands in and adjacent to Wyoming. We maintain strong working relationship with Regions 2 and 4 as well as individual Wyoming forests. WSGA appreciates this opportunity to provide comments on the draft directives.

We commend the Forest Service for preparing these long-needed revisions to the Manual and Handbooks to reflect changes in grazing management and permitting that have evolved over the past 30 years. In general, these changes reflect more collaborative approach to range management. Numerous clarifications will assist FS personnel in understanding issues regarding permit administration and assuring compliance with complex procedural requirements.

#### RANGELAND MANAGEMENT MANUAL

WSGA's primary broad concern with the proposed directives relate to the attempt to integrate processes related to permit administration on the National Grasslands with administration on National Forests. While we recognize that the national Grasslands are largely administered by the same offices and personnel as national forests, many of the proposed changes fail to recognize the very distinct history of the Grasslands and the unique interrelationship of the grasslands with intermingled private lands. We foresee that these changes will significantly burden grassland managers and livestock operators while contributing little to protection and enhancement of the resource. WSGA urges reconsideration of this consolidation of directives.

WSGA's additional concerns or recommendations follow, identified by the appropriate Handbook Section.

#### GRAZING PERMIT ADMINISTRATION HANDBOOK

##### 13.22 Grant Priority

WSGA is dedicated to providing the opportunity to bring the next generation of ranchers into our industry. This occurs both through family succession and creating opportunities for new younger entrants. Given today's often high private land values, the ability to combine the purchase of livestock and some base property with

acquisition of federal permits can be critical in being able to establish a new viable ranching operation. WSGA would urge some recognition of this opportunity in Grant Priority in lieu of the implication in the current language that a grant to a new permittee would rarely be done and that existing permittees would have priority in all cases.

### 13.6 Forage Reserve Allotments

Forage Reserve allotments are often established with a relatively confining set of criteria for their use, e.g., on-off dates, species of livestock. The value in having these reserves is highly diminished when a need for forage by an existing permittee arise due to fore or other occurrences but is precluded by the terms under which the reserve was created. Language should be inserted encouraging that reserves be established to provide maximum flexibility consistent with the available forage resources. WSGA further requests that a process be established for releasing allotments in a forage reserve to vacant status to make them eligible for issuance of a term permit.

### 13.7 Official Agency Policy on Third Party Arrangements or Permit Buyouts by External Groups

WSGA commends the FS for providing this needed direction regarding agency involvement in buyouts that result in vacant or closed allotments. We have seen far too many instances where the agency ha become involved in agreeing to or upholding the terms of a privately negotiated buyout by an external group.

### 16.2 Suspension or Cancellation of Grazing Permits Due to Non-Compliance with Permit Terms and Conditions

There are clearly conditions, as identified in this section, under which a full or partial cancellation of a permit is justified and necessary. However, it is important to recognize that permittee actions or inactions that result in suspensions or cancellations and the severity of the action taken by the responsible official may, in some instances be the result of a very untenable working relationship that develops between a permittee and a local FS officer for which either or both may share responsibility.

In particular in cases involving a partial cancellation, changes in personnel, ranch succession to the next generation and the passage of time can create conditions under which it is clearly appropriate to consider restoration of the cancelled portion of a permit when consistent with resource conditions. In seeking to address such scenarios, we have been advised by FS officials that the practice is that, once a permit is partially cancelled, it cannot be restored to the same permittee even where there has been a change in the party primarily responsible for management of the livestock. No specific authority in regulation or directives has been cited for this policy. WSGA strongly urges that you add appropriate language to this or subsequent section of the Handbook to provide a process for the authorized officer to consider restoration of a partially cancelled permits when changing circumstances would reasonably support such restoration.

### 81.7 Excess Livestock use

WSGA finds the use of a 17 State PGLLR to establish the excess use fee across Regions 1-6 to be veery inequitable. Private land lease rates vary dramatically across these 17 states. Application of a state rate should

not be unduly complicated with a simple computer program. Recognizing the complexities that you have identified with forests, perhaps even allotments, that cross state lines, WSGA would offer a recommendation that the Directives provide that the applicable rate on a Forest would be the rate for the state where the Forest headquarters office is located.

WSGA is disturbed by the statement in this section that, [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] Groups of sheep do 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.

#### 94.31 Participation and Attendance in Annual Meetings by Outside Parties

WSGA appreciates the clarification of the purpose of AOI and similar permittee meetings and the emphasis that they are not open to the public. This will serve to assure that there is full and honest discussion of all factors that will affect the grazing plan for the upcoming season.

## ALLOTMENT MANAGEMENT HANDBOOK

#### 10.14 Vacant Allotments

Language in this section implies that completing environmental analysis and decisions on active allotments is necessarily a higher priority than completing analysis on vacant allotments. Due to resource constraints , completion of environmental analysis on active allotments is often delayed by many years. This hierarchy means that, effectively, it is nearly impossible to complete analysis n vacant allotments, thereby making them available to qualified applicants.

WSGA urges the insertion of language that would make environmental analysis on vacant allotment for which there is demonstrated interest in a term permit a higher priority than analysis on active permits that do not have a demonstrated resource need for timely analysis.

#### 10.15 Closed Allotments

#### 10.2 Creating, Modifying, or Closing Allotments

WSGA strongly supports the emphasis on the closing of allotments as being a practice that that should not be employed except in the most unusual of situations and that it should not be an administrative decision. It has been our experience that allotment closures effectively become permanent.

#### 10.6 Official Agency Policy on Third Party Permit Buyouts and Allotment Closures

WSGA commends the Chief[rsquo]s policy of April 3, 2014. This policy needs to be further emphasized to line officers throughout the agency. Its incorporation into the Directives it critical to having it well understood by all parties.

WSGA looks forward to your careful consideration of our comments. Please feel free to reach out to us should you wish to further discuss any of these recommendations.

The Wyoming Stock Growers Association (WSGA) represents the Wyoming ranching industry, including many grazing permittees on National Forests and National Grasslands in and adjacent to Wyoming. We maintain strong working relationship with Regions 2 and 4 as well as individual Wyoming forests. WSGA appreciates this opportunity to provide comments on the draft directives.

We commend the Forest Service for preparing these long-needed revisions to the Manual and Handbooks to reflect changes in grazing management and permitting that have evolved over the past 30 years. In general, these changes reflect more collaborative approach to range management. Numerous clarifications will assist FS personnel in understanding issues regarding permit administration and assuring compliance with complex procedural requirements.

## RANGELAND MANAGEMENT MANUAL

WSGA's primary broad concern with the proposed directives relate to the attempt to integrate processes related to permit administration on the National Grasslands with administration on National Forests. While we recognize that the national Grasslands are largely administered by the same offices and personnel as national forests, many of the proposed changes fail to recognize the very distinct history of the Grasslands and the unique interrelationship of the grasslands with intermingled private lands. We foresee that these changes will significantly burden grassland managers and livestock operators while contributing little to protection and enhancement of the resource. WSGA urges reconsideration of this consolidation of directives.

WSGA's additional concerns or recommendations follow, identified by the appropriate Handbook Section.

## GRAZING PERMIT ADMINISTRATION HANDBOOK

### 13.22 Grant Priority

WSGA is dedicated to providing the opportunity to bring the next generation of ranchers into our industry. This occurs both through family succession and creating opportunities for new younger entrants. Given today's often high private land values, the ability to combine the purchase of livestock and some base property with acquisition of federal permits can be critical in being able to establish a new viable ranching operation. WSGA would urge some recognition of this opportunity in Grant Priority in lieu of the implication in the current language that a grant to a new permittee would rarely be done and that existing permittees would have priority in all cases.

### 13.6 Forage Reserve Allotments

Forage Reserve allotments are often established with a relatively confining set of criteria for their use, e.g., on-off dates, species of livestock. The value in having these reserves is highly diminished when a need for forage by an existing permittee arise due to fore or other occurrences but is precluded by the terms under which the reserve was created. Language should be inserted encouraging that reserves be established to provide maximum flexibility consistent with the available forage resources. WSGA further requests that a process be established for releasing allotments in a forage reserve to vacant status to make them eligible for issuance of a term permit.

### 13.7 Official Agency Policy on Third Party Arrangements or Permit Buyouts by External Groups

WSGA commends the FS for providing this needed direction regarding agency involvement in buyouts that result in vacant or closed allotments. We have seen far too many instances where the agency ha become involved in agreeing to or upholding the terms of a privately negotiated buyout by an external group.

### 16.2 Suspension or Cancellation of Grazing Permits Due to Non-Compliance with Permit Terms and Conditions

There are clearly conditions, as identified in this section, under which a full or partial cancellation of a permit is justified and necessary. However, it is important to recognize that permittee actions or inactions that result in suspensions or cancellations and the severity of the action taken by the responsible official may, in some instances be the result of a very untenable working relationship that develops between a permittee and a local FS officer for which either or both may share responsibility.

In particular in cases involving a partial cancellation, changes in personnel, ranch succession to the next generation and the passage of time can create conditions under which it is clearly appropriate to consider restoration of the cancelled portion of a permit when consistent with resource conditions. In seeking to address such scenarios, we have been advised by FS officials that the practice is that, once a permit is partially cancelled, it cannot be restored to the same permittee even where there has been a change in the party primarily responsible for management of the livestock. No specific authority in regulation or directives has been cited for this policy. WSGA strongly urges that you add appropriate language to this or subsequent section of the Handbook to provide a process for the authorized officer to consider restoration of a partially cancelled permits when changing circumstances would reasonably support such restoration.

### 81.7 Excess Livestock use

WSGA finds the use of a 17 State PGLLR to establish the excess use fee across Regions 1-6 to be veery inequitable. Private land lease rates vary dramatically across these 17 states. Application of a state rate should not be unduly complicated with a simple computer program. Recognizing the complexities that you have identified with forests, perhaps even allotments, that cross state lines, WSGA would offer a recommendation that the Directives provide that the applicable rate on a Forest would be the rate for the state where the Forest headquarters office is located.

WSGA is disturbed by the statement in this section that, [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] Groups of sheep do 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.

#### 94.31 Participation and Attendance in Annual Meetings by Outside Parties

WSGA appreciates the clarification of the purpose of AOI and similar permittee meetings and the emphasis that they are not open to the public. This will serve to assure that there is full and honest discussion of all factors that will affect the grazing plan for the upcoming season.

### ALLOTMENT MANAGEMENT HANDBOOK

#### 10.14 Vacant Allotments

Language in this section implies that completing environmental analysis and decisions on active allotments is necessarily a higher priority than completing analysis on vacant allotments. Due to resource constraints , completion of environmental analysis on active allotments is often delayed by many years. This hierarchy means that, effectively, it is nearly impossible to complete analysis n vacant allotments, thereby making them available to qualified applicants.

WSGA urges the insertion of language that would make environmental analysis on vacant allotment for which there is demonstrated interest in a term permit a higher priority than analysis on active permits that do not have a demonstrated resource need for timely analysis.

#### 10.15 Closed Allotments

#### 10.2 Creating, Modifying, or Closing Allotments

WSGA strongly supports the emphasis on the closing of allotments as being a practice that that should not be employed except in the most unusual of situations and that it should not be an administrative decision. It has been our experience that allotment closures effectively become permanent.

#### 10.6 Official Agency Policy on Third Party Permit Buyouts and Allotment Closures

WSGA commends the Chief[rsquo]s policy of April 3, 2014. This policy needs to be further emphasized to line officers throughout the agency. Its incorporation into the Directives it critical to having it well understood by all parties.

WSGA looks forward to your careful consideration of our comments. Please feel free to reach out to us should you wish to further discuss any of these recommendations.