Data Submitted (UTC 11): 4/15/2021 11:00:00 AM
First name: Ken
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Organization: Wyoming Farm Bureau Federation
Title:
Comments: The Wyoming Farm Bureau Federation is a general agricultural organization which represents more than 2,500 agricultural producers throughout the state of Wyoming. Many of our members rely on Forest Service (F.S.) grazing in their ranching operations and rely on that forage to make their operations economically viable. Having practical and economical requirements from the Agency to manage grazing on their lands protects the economic viability of these operations.

This also helps protect the resources on both private and F.S. lands.

We support the F.S. effort to update their manual and handbook on grazing and appreciate the opportunity to review the documents. We provide these comments to the Agency to hopefully offer improvements to the documents.

Wyoming Farm Bureau Federation Comments on Forest Service Manual 2200

2201.1 Laws

The 2200-ZeroCode-Proposed-508 has a comprehensive listing of the federal laws which govern the management of lands by the F.S. This information is valuable to all parties involved with the administration of grazing by the F.S. It provides a good background to explain many of the factors driving how the F.S. is required by Congress to manage lands.

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Number 1. This section outlines some of the fundamental aspects of F.S. regulations which are important to reiterate. The Secretary's Order of February 1, 1905, focuses Agency efforts on maintaining the

"...permanence of the resources of the reserves was indispensable to continued prosperity, largely of the agricultural, lumbering, mining, and livestock interest;"

This acknowledgment has been overlooked in some recent decisions of the F.S., and reiterating this aspect is important.

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However, under item Number 1, the document brings in the concept of "providing for ecological diversity." The concept of ecological diversity was not discussed under any of the items under 2201.2. The regulations discussed contain a number of items which have consistent te1ms, but the concept of ecological diversity has not been elucidated in the manual.

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One thing which appears to be absent in the Objectives section is the emphasis on items outlined under the Secretary[rsquo]s Order of February 1, 1905, which focuses on the management for wood, water, and forage as well as continued prosperity largely of the agricultural, lumbering, mining, and livestock interests. In the FSM on grazing, the objectives outlined by that Secretarial Order should be repeated.[DB 1]

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Number 13 of those policies advises the Agency to "Encourage user groups to assist in administering rangeland resources on NFS lands, where such groups clearly demonstrate the experience and ability to participate in resource management in the public interest."

The concept of having user groups assist in the administration of resources based on their experience and ability can be interpreted in many ways. We feel that utilizing permittee's experience and abilities and working with those individuals can provide important information regarding the resources. However, there are also several groups who seek to remove livestock from federally managed lands, and their main goal would be to disrupt livestock operations or work to create impediments in an effort to achieve their goals. Undoubtedly these groups will claim they are acting in the public interest.

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2240.6 - Livestock Intrusion

This particular section discusses the contentious topic regarding fencing responsibility. While a revision of the F.S. Manual on grazing is not the appropriate place to debate the policy of the

F.S. to not acknowledge state fencing laws, we do feel there needs to be some consideration of a national effort to repair and renew these boundary fences through a "conservation corps" effort or some other process. If the Agency would pursue an effort that would help accomplish the repair or replacement of boundary fencing, we would certainly advocate and support this.

2241 - Structural Rangeland Improvements

We supp01i the Agency utilizing regional handbooks for structural rangeland improvement. We also support F.S. officials working with pe1mittees to design site-specific improvements to consider variable conditions on the range and the ability for the permittee to construct such improvements.

2242.1 - Vegetation Management and 2242.2-Invasive Plants and Noxious Weeds

We support actions by the F.S. to better utilize livestock for vegetative management. There have been studies done that point to the effectiveness of livestock in helping reduce fuel loads caused by invasive species, which can mitigate fires. Livestock can also, in ce1iain circumstances, help control invasive plant species that have infested large areas of rangelands.

2242. - Pesticides

Livestock can provide economical management options for invasive plants and noxious weeds; nevertheless, there will be certain invasive plants and noxious weeds which will need to utilize herbicides in conjunction with livestock to help control these problems.

2242.4 - Animal Damage Control

We recognize and support the need for effective animal damage control on F.S. lands which can make livestock grazing economical for producers.

2242.5 - Insect, Disease, and Pest Management

We support F.S. efforts to control these items from both an ecological preservation perspective as well as protecting grazing resources.

2250-RangelandManagement Cooperation

Cooperation with permittees is critical and outlining the steps the F.S. will take to enhance this cooperation is very helpful. We support these actions.

2250.2 - Objectives

The two points outlined in this section are ve1y helpful, and we support the F.S. actions in this regard.

2250.3 - Policy

These eight points are well thought out, and we feel they will certainly enhance cooperation. Item Number 5 discusses sharing technical information. We would offer that the F.S. should also consider sharing this information with the land grant extension officials as well as those outlined in addition to the cooperation under Number 6.

Item Number 7 discusses the use of "best available scientific information," which is certainly important; however, we would like further clarification on how the F.S. decides which science is determined as "best available."

2251 - Cooperation with National, State, and Local Livestock Associations, GrazingAssociations, Professional Societies, and other Non-Governmental Organizations

We support the F.S. cooperating with livestock associations. This will provide a good opportunity for both livestock operators and the Agency to interact and share information.

2252.1 - Cooperation Regarding Modification of Permitted Livestock Grazing Activities

This section discusses changes in grazing on F.S. lands and coordination to accommodate livestock grazing changes that may be necessary on BLM land. We support these effo1is since many grazing operations rely upon BLM lands prior to moving on to F.S. lands. Seasons and conditions often dictate when livestock should move

from BLM lands to F.S. lands.

2252.4- Cooperation Regarding Noxious Weeds and Invasive Species

We fully support that the F.S. does not consider noxious weeds and invasive species a rangeland or livestock management responsibility. We recognize that livestock grazing still is the one use which takes place on much of the landscape. However, requiring livestock permittees to be responsible for control of weeds is unfair.

We do feel that working with livestock producers will help the Agency identify where there are undesirable weeds or invasive weed species. This coordination can help both entities. We also encourage the F.S. to coordinate their activities with the Weed and Pest Districts found throughout Wyoming.

Wyoming Farm Bureau Federation Comments on the Forest Service Handbook

FSH 2209.13 - Grazing Permit Administration Handbook Chapter 10 - Term Grazing Permits

We support efforts to provide flexibility for operators who are transitioning from one generation to another. The recognition by the F.S. of some of these processes can facilitate the ability for one generation to pass along the operation to another generation.

12-Eligibilityand Qualification Requirements for Term Grazing Permits

In the Exception Section under item Number 3 dealing with conservation easements it allows an exception if the "entire ranch" is enrolled in a permanent conservation easement. It would be helpful if the "entire ranch" phrase is better defined. For instance, if a rancher places a conservation easement on a significant portion of the ranch, but not all of it, then does that preclude this exception?

We are aware that there are entities which do not support livestock use who have land trusts. It seems a permanent conservation easement with such an entity would not fit in with the criteria of needing to own livestock.

Conservation easements can also be transferred to other land trusts which may make it difficult to maintain the original concept of the conservation easement.

12.18 - Non-Governmental Organizations (NGOs) and Nonprofit Organizations (NPOs)

We support that the F.S. limit the types of NGOs or NPOs who will qualify for a F.S. permit. We support the concept that a grazing permit is for purposes of harvesting forage on NFS lands.

Some NGOs or NPOs have a goal of removing livestock from federal managed lands. We do not feel these organizations would qualify under the criteria established by the Agency, but we feel the F.S. should use care when NGOs or NPOs apply for a grazing permit.

12.21(a)-Conservation Easements and Agricultural Land Trusts

This section discusses, in the third paragraph, that conservation easements generally allow the ranching family to retain ownership to the lands for future generations and keep it in agricultural production. We feel this is not an accurate assessment of the realm of conservation easements.

There are many conservation easements which may allow for agriculture operations to continue unless they conflict with some other conservation purpose. They may then require alteration or cessation of the livestock

operation. While the conservation easement is permanent, the interpretation of that easement can change over time making it difficult or impossible to continue an agricultural operation.

We believe the F.S. understands the difficulty in the administration of these circumstances when the Handbook elaborates on some of these issues further in this section.

12.22 - Livestock Ownership Requirements

This section establishes the processes that can allow livestock operators who want to allow their children the opportunity to utilize F.S. grazing in conjunction with moving ownership of the base property into the next generation. We feel this is an important move which will facilitate the transfer of a viable agriculture operation to the next generation.

12.3 -Livestock Branding

The use of brands to establish ownership of animals in Wyoming is governed by state statutes, and the management of these brands is done through the Wyoming Livestock Board. Utilizing this state agency to answer questions about brands would be another important resource for the F.S.

1.
1. 6 - Forage Reserve Allotments

Forage Reserve Allotments have been discussed as a useful tool to provide flexibility to the F.S. As mentioned in this section, these allotments were formerly active allotments but are no longer scheduled for annual livestock use. However, we understand, based on the webinar provided on the revisions, that range assessments necessary for these allotments is a low priority for the F.S. and absent this assessment, the F.S. cannot utilize these allotments as intended. This is discussed more under 13.61. If this is the case, then we ce1iainly encourage the Agency to elevate the assessment for these allotments so they can be used as intended.

Since the number of livestock utilizing F.S. lands have declined over the past several decades, we ask if there will be consideration by the F.S. to move these allotments back into term permits?

1.
1. 7 - Official Agency Policy on Third Party Arrangements or Permit Buyouts by External Groups

We ce1iainly do not support efforts by some groups to buy permits in order to retire those lands from livestock grazing. We have seen many examples of how this has negatively impacted grazing lands and support the F.S. policy regarding permit buyouts with intention of removing livestock grazing.

FSH 2209.13 - Chapter 20

In the discussion on the Standard Grazing Agreement for Grazing Associations Operating on National Grasslands (except those in R-1) we note that under Section F, Additional Requirements, Number 9, the agreement expires on the 28th day of February eve1y 10 years. We are curious what happens when the last day of February happens to be the 29th in a leap year?

This same requirement is also found in several other areas in Chapter 20 of the Handbook.

FSH 2209-13 - Chapter 30

The issuance of temporary grazing permits is a good tool to provide the F.S. flexibility for a number of management goals. We support the inclusion of many of the temporary pe1mits for management goals, particularly those for vegetative management under 36.3.

FSH 2209-13 - Chapter 80

The information in Chapter 80 is useful, but there are some concerns we have regarding the F.S. actions. One concern deals with 81.21 -Animal Equivalency Ratio. In this section the F.S. considers 5 sheep or goats to be equivalent to one cow. We are aware of numerous situations where pe1mittees sought to conve1i from sheep to cows and the F.S. routinely utilized a much higher ratio for these conversions (some conversions were in the range of 10 sheep to 1 cow).

By utilizing the 5-to-l ratio strictly for charging permittees grazing is clearly overcharging the permittees. In situations where there have been actual conversions from one species to another, we recommend that the Agency use those numbers to dete1mine fees. To do less is clearly unfair to the permittee.

Section 81.7 - Excess Livestock Use

This section establishes fees for excess use and also identifies what the F.S. considers excess animals. We feel the process for charging an excess fee in many cases does not consider many factors outside the control of the permittee. Since the F.S. does not exclude other uses, these uses can have an impact on the ability of a permittee to control livestock.

As noted in this section, in areas where there are fences to contain livestock on F.S. lands, gates can be left open by other users of the land, which can allow livestock to stray into areas where they can be missed by the permittee. This can also occur with wildlife that knock fences down in remote areas and allow livestock to stray.

Other factors outside the control of the permittee are weather events, which can greatly impact the ability to gather livestock in a timely manner. We suggest that F.S. consider options to waive any excess fees due to weather events.

We also suggest that in areas with high impacts from other uses the F.S. consider a more flexible approach for charging for excess uses.

We disagree with the statement, "For sheep allotments, there is virtually no excuse for the band, or any livestock, to remain on the allotment past the pe1mitted off-date." While this statement starts off discussing sheep, it is broadened to all livestock. However, there are a number of factors which can lead to sheep getting separated from the main band such as attacks by predators, weather situations that lead to sheep to become separated from the main band, and others. We do not believe the mentioned statement can be supported and do not see any reason to retain it.

We do not believe utilizing an average private grazing land lease rate (PGLLR) is justified. The private grazing land lease rate has a number of factors which make it unsuitable for such consideration. For instance, most, if not all, private grazing is an exclusive or near exclusive use of the land, and in those situations where other uses are allowed on private lands, the other users are identifiable, and control of their actions more closely monitored. Furthermore, many private grazing lands provide more than just forage for livestock. Unlike the F.S., private [DB2][DB3] grazing lands are fenced, and those fences are maintained by the landowner. The landowner also maintains other range structures and improvements that the F.S. places on the permittee [DB4].

We suggest the F.S. utilize some reasonable multiplier of the federal grazing fees as the basis for an excess livestock use.

81.8 - Unauthorized Livestock Use

We believe the F.S. should establish two difference categories for unauthorized livestock use. There should be "intentional and unintentional" categories. We believe the Agency seeks to differentiate these two concepts when they discuss "flagrant" unauthorized use in section 81.82.

Unintentional unauthorized use can be where livestock strays from adjacent private lands due to some of the factors mentioned in the discussion on excess livestock use as well as section 81.82 Impoundment and Disposal of Unauthorized Livestock, and certainly would be of a different nature than a situation where someone intentionally moves livestock onto areas where they do not have a permit.

We do not support anyone intentionally using the F.S. lands where they are not authorized. We also agree that actions should be taken against the livestock owner except in situations where that livestock owner is leasing land and the landowner is responsible for control of the livestock.

86 - Grazing Without Charge

Utilizing livestock to control or manipulate vegetation is a useful tool, and while we believe the F.S. should strive to ensure that livestock use continue to be a use on the F.S. managed lands, we recognize this may not always be possible. We support offering these opportunities to livestock producers without charge to facilitate vegetation goals.

FSH 2209 -13 - Chapter 90 - Rangeland Management Decision Making

The implementation of management decisions by the F.S. is described in this section, and we understand the importance of a process which outlines the steps the Agency will use.

One comment we have regarding 91.39 - Proposed Action - Adaptive Management which gives examples of some critical factors that should be analyzed to manage conflicts seems to place the burden for change in processes squarely on the shoulders of the livestock owner. It discusses timing restrictions in specific areas to manage conflicts with fisheries, big game, or recreation, etc., etc. We feel it is important to remind the Agency of the Secretary's Order of February 1, 1905, which focuses Agency efforts on maintaining the"... permanence of the resources of the reserves was indispensable to continued prosperity, largely of the agricultural, lumbering, mining, and livestock interest;" [emphasis added]. It appears the Agency is planning on ignoring this order in an effort to make the agriculture and livestock interests subservient to all other uses.

92.1 - Alternatives

This section describes the development of alternatives found in FSH 1909. We are puzzled on how a "no action" alternative can be considered a "no grazing" alternative since in most cases grazing on the landscape is currently occurring. It would seem a better description of a "no action" alternative would be an alternative which does not change current on-going activities. We do not believe "no action" and "no grazing" are synonymous.

94.31 - Participation and Attendance in Annual Meetings by Outside Parties

We support the inclusion of this section in the Handbook. The Agency has precisely outlined the reasons these meeting should not be attended by entities outside the Agency or permit holder unless expressly invited by the

permittee.

95 -Monitoring

We support the F.S. efforts to determine allotment monitoring in an open, cooperative, and inclusive process which will benefit both the F.S. and the permittee.

FSH 2209.16 - Allotment Management Handbook Chapter 10 - Allotment Management &Administration

Many of our comments on subsections of this chapter which deal with the same topic are the same as our comments on previous sections; therefore, we will not repeat them.

We do appreciate that the Agency seeks to avoid, if possible, closing allotments to grazing.

10.51 - Changing Active Allotments to Forage Reserve or Vacant Allotments

This section describes the difference between changing an active allotment to a forage reserve or to a vacant allotment. The F.S. points out these changes can be made administratively, while closing an allotment cannot. We appreciate the information on this but do have concern that the Agency can accomplish the same thing as closing an allotment by placing it in a vacant category but never removing the allotment from that category.

We feel the F.S. should endeavor to review vacant and/or forage reserve allotment designations periodically to see if there is something that can be done to move these back into active allotments.

We have commented previously about the inequity regarding the administrative decision to move an active allotment into a vacant allotment without any need for environmental analysis, but in order to move an allotment back to active use, environmental analysis must be performed. As was noted earlier, the Agency has the environmental analysis for vacant allotments as a very low priority, so essentially these allotments will never be returned to an active category unless a permittee or some other entity does the analysis. We suggest that moving an allotment from one level and back again should be accomplished without an environmental analysis unless there is a significant increase in livestock numbers.

This also supports our concern that moving an active allotment to a vacant allotment can have the same practical consequences as closing the allotment.

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

We have offered our support for the Agency's policy in this regard and reiterate it here as well.

10.7 - Allotment Designation as to Kind of Livestock

We agree with the F.S. that such designations may not be as important as it used to be. By moving to a more adaptive management process, it would provide permittees flexibility to adapt to new opportunities.

11.22 - Recommended Process for Determination of Rangeland Suitability

This section points out the process which the Agency should use to arrive at the number of acres suitable for livestock as an overall measure. We do have a concern about Number 8 and Number 10, which removes livestock as suitable where there are conflicts with other users or where there have been other uses which take precedence over livestock use. We would again reiterate the importance of the 1905 Secretarial Order as previously mentioned.

12.4 - Permittee Communications

We fully support the direction this section seeks to implement. We also support providing a grazing permittee's information in the 2230 permit folder and 2210 allotment folder without the need of a FOIA request.

13.2-ExcessLivestock Use

We reiterate our previous comments about Excess Livestock Use.

13.3 - Unauthorized Livestock Use

We reiterate our previous comments about Unauthorized Livestock Use. We do appreciate this section providing direction about the authorized officer allowing a reasonable time frame for resolution, but again feel there should be a couple of categories for unauthorized livestock use.

14.2-Other Rangeland Users and 14.3 -Recreation Special Events

We support the emphasis for the F.S. to work with permittees when other users seek to use the same area that is currently being used by the livestock permittee. We are aware of situations where recreational users have come into conflict with a permittee and, in one instance, we are familiar with a livestock owner who was sued when a livestock guard animal attacked a recreational user coming through the owner's sheep. We feel the F.S. should work with permittees to avoid these types of situations.

15.2-Water Permits and Water Rights for Surface Water Use and 15.3 - Water Permits andWater Rights for Groundwater Use

We support the Agency's direction in this regard.

15.42-Standards and Specifications

This section states that "In the absence of regionally approved standards and specifications, use the following references:"

We ask how standards become regionally approved? There are several water quality practices which are adopted by Wyoming but we are unsure if these are "regionally approved."

15.46-Cooperation with Adjacent Private Landowners

This section discusses the issues between private landowners and the F.S. regarding fence maintenance or construction. We agree with the assessment that some of these fences are nearing the end of their useful life and the cost of reconstruction will be considerable. Again, we would offer to work with the Agency to try and obtain other funding to address this issue.

Conclusion

Again, we appreciate the process the F.S. initiated for amending their grazing manual and handbook. We encourage the Agency to continue the effort to keep these documents timely and updated to account for changing rules and/or laws.

We welcome the opportunity to further clarify our comments and thank you for your consideration of our

comments.

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Under Item 3, it requires "journey level rangeland expe1iise" on management decisions and other actions. We support the F.S. also utilizing the expe1iise of the livestock operator who, in many cases, has a decade or more of experience in this area. We are unclear as to what a "journey level" might be in this context.

2240.6 - Livestock Intrusion

This particular section discusses the contentious topic regarding fencing responsibility. While a revision of the F.S. Manual on grazing is not the appropriate place to debate the policy of the

F.S. to not acknowledge state fencing laws, we do feel there needs to be some consideration of a national effort to repair and renew these boundary fences through a "conservation corps" effort or some other process. If the Agency would pursue an effort that would help accomplish the repair or replacement of boundary fencing, we would certainly advocate and support this.

2241 - Structural Rangeland Improvements

We supp01i the Agency utilizing regional handbooks for structural rangeland improvement. We also support F.S. officials working with pe1mittees to design site-specific improvements to consider variable conditions on the range and the ability for the permittee to construct such improvements.

2242.1 - Vegetation Management and 2242.2-Invasive Plants and Noxious Weeds

We support actions by the F.S. to better utilize livestock for vegetative management. There have been studies done that point to the effectiveness of livestock in helping reduce fuel loads caused by invasive species, which can mitigate fires. Livestock can also, in ce1iain circumstances, help control invasive plant species that have

infested large areas of rangelands.

2242. - Pesticides

Livestock can provide economical management options for invasive plants and noxious weeds; nevertheless, there will be certain invasive plants and noxious weeds which will need to utilize herbicides in conjunction with livestock to help control these problems.

2242.4 - Animal Damage Control

We recognize and support the need for effective animal damage control on F.S. lands which can make livestock grazing economical for producers.

2242.5 - Insect, Disease, and Pest Management

We support F.S. efforts to control these items from both an ecological preservation perspective as well as protecting grazing resources.

2250-RangelandManagement Cooperation

Cooperation with permittees is critical and outlining the steps the F.S. will take to enhance this cooperation is very helpful. We support these actions.

2250.2 - Objectives

The two points outlined in this section are ve1y helpful, and we support the F.S. actions in this regard.

2250.3 - Policy

These eight points are well thought out, and we feel they will certainly enhance cooperation. Item Number 5 discusses sharing technical information. We would offer that the F.S. should also consider sharing this information with the land grant extension officials as well as those outlined in addition to the cooperation under Number 6.

Item Number 7 discusses the use of "best available scientific information," which is certainly important; however, we would like further clarification on how the F.S. decides which science is determined as "best available."

2251 - Cooperation with National, State, and Local Livestock Associations, GrazingAssociations, Professional Societies, and other Non-Governmental Organizations

We support the F.S. cooperating with livestock associations. This will provide a good opportunity for both livestock operators and the Agency to interact and share information.

2252.1 - Cooperation Regarding Modification of Permitted Livestock Grazing Activities

This section discusses changes in grazing on F.S. lands and coordination to accommodate livestock grazing changes that may be necessary on BLM land. We support these effo1is since many grazing operations rely upon BLM lands prior to moving on to F.S. lands. Seasons and conditions often dictate when livestock should move from BLM lands to F.S. lands.

2252.4- Cooperation Regarding Noxious Weeds and Invasive Species

We fully support that the F.S. does not consider noxious weeds and invasive species a rangeland or livestock management responsibility. We recognize that livestock grazing still is the one use which takes place on much of the landscape. However, requiring livestock permittees to be responsible for control of weeds is unfair.

We do feel that working with livestock producers will help the Agency identify where there are undesirable weeds or invasive weed species. This coordination can help both entities. We also encourage the F.S. to coordinate their activities with the Weed and Pest Districts found throughout Wyoming.

Wyoming Farm Bureau Federation Comments on the Forest Service Handbook

FSH 2209.13 - Grazing Permit Administration Handbook Chapter 10 - Term Grazing Permits

We support efforts to provide flexibility for operators who are transitioning from one generation to another. The recognition by the F.S. of some of these processes can facilitate the ability for one generation to pass along the operation to another generation.

12-Eligibilityand Qualification Requirements for Term Grazing Permits

In the Exception Section under item Number 3 dealing with conservation easements it allows an exception if the "entire ranch" is enrolled in a permanent conservation easement. It would be helpful if the "entire ranch" phrase is better defined. For instance, if a rancher places a conservation easement on a significant portion of the ranch, but not all of it, then does that preclude this exception?

We are aware that there are entities which do not support livestock use who have land trusts. It seems a permanent conservation easement with such an entity would not fit in with the criteria of needing to own livestock.

Conservation easements can also be transferred to other land trusts which may make it difficult to maintain the original concept of the conservation easement.

12.18 - Non-Governmental Organizations (NGOs) and Nonprofit Organizations (NPOs)

We support that the F.S. limit the types of NGOs or NPOs who will qualify for a F.S. permit. We support the concept that a grazing permit is for purposes of harvesting forage on NFS lands.

Some NGOs or NPOs have a goal of removing livestock from federal managed lands. We do not feel these organizations would qualify under the criteria established by the Agency, but we feel the F.S. should use care when NGOs or NPOs apply for a grazing permit.

12.21(a)-Conservation Easements and Agricultural Land Trusts

This section discusses, in the third paragraph, that conservation easements generally allow the ranching family to retain ownership to the lands for future generations and keep it in agricultural production. We feel this is not an accurate assessment of the realm of conservation easements.

There are many conservation easements which may allow for agriculture operations to continue unless they conflict with some other conservation purpose. They may then require alteration or cessation of the livestock operation. While the conservation easement is permanent, the interpretation of that easement can change over time making it difficult or impossible to continue an agricultural operation.

We believe the F.S. understands the difficulty in the administration of these circumstances when the Handbook elaborates on some of these issues further in this section.

12.22 - Livestock Ownership Requirements

This section establishes the processes that can allow livestock operators who want to allow their children the opportunity to utilize F.S. grazing in conjunction with moving ownership of the base property into the next generation. We feel this is an important move which will facilitate the transfer of a viable agriculture operation to the next generation.

12.3 -Livestock Branding

The use of brands to establish ownership of animals in Wyoming is governed by state statutes, and the management of these brands is done through the Wyoming Livestock Board. Utilizing this state agency to answer questions about brands would be another important resource for the F.S.

1.
1. 6 - Forage Reserve Allotments

Forage Reserve Allotments have been discussed as a useful tool to provide flexibility to the F.S. As mentioned in this section, these allotments were formerly active allotments but are no longer scheduled for annual livestock use. However, we understand, based on the webinar provided on the revisions, that range assessments necessary for these allotments is a low priority for the F.S. and absent this assessment, the F.S. cannot utilize these allotments as intended. This is discussed more under 13.61. If this is the case, then we ce1iainly encourage the Agency to elevate the assessment for these allotments so they can be used as intended.

Since the number of livestock utilizing F.S. lands have declined over the past several decades, we ask if there will be consideration by the F.S. to move these allotments back into term permits?

1.
1. 7 - Official Agency Policy on Third Party Arrangements or Permit Buyouts by External Groups

We ce1iainly do not support efforts by some groups to buy permits in order to retire those lands from livestock grazing. We have seen many examples of how this has negatively impacted grazing lands and support the F.S. policy regarding permit buyouts with intention of removing livestock grazing.

FSH 2209.13 - Chapter 20

In the discussion on the Standard Grazing Agreement for Grazing Associations Operating on National Grasslands (except those in R-1) we note that under Section F, Additional Requirements, Number 9, the agreement expires on the 28th day of February eve1y 10 years. We are curious what happens when the last day of February happens to be the 29th in a leap year?

This same requirement is also found in several other areas in Chapter 20 of the Handbook.

FSH 2209-13 - Chapter 30

The issuance of temporary grazing permits is a good tool to provide the F.S. flexibility for a number of management goals. We support the inclusion of many of the temporary pe1mits for management goals, particularly those for vegetative management under 36.3.

FSH 2209-13 - Chapter 80

The information in Chapter 80 is useful, but there are some concerns we have regarding the F.S. actions. One concern deals with 81.21 -Animal Equivalency Ratio. In this section the F.S. considers 5 sheep or goats to be equivalent to one cow. We are aware of numerous situations where pe1mittees sought to conve1i from sheep to cows and the F.S. routinely utilized a much higher ratio for these conversions (some conversions were in the range of 10 sheep to 1 cow).

By utilizing the 5-to-l ratio strictly for charging permittees grazing is clearly overcharging the permittees. In situations where there have been actual conversions from one species to another, we recommend that the Agency use those numbers to dete1mine fees. To do less is clearly unfair to the permittee.

Section 81.7 - Excess Livestock Use

This section establishes fees for excess use and also identifies what the F.S. considers excess animals. We feel the process for charging an excess fee in many cases does not consider many factors outside the control of the permittee. Since the F.S. does not exclude other uses, these uses can have an impact on the ability of a permittee to control livestock.

As noted in this section, in areas where there are fences to contain livestock on F.S. lands, gates can be left open by other users of the land, which can allow livestock to stray into areas where they can be missed by the permittee. This can also occur with wildlife that knock fences down in remote areas and allow livestock to stray.

Other factors outside the control of the permittee are weather events, which can greatly impact the ability to gather livestock in a timely manner. We suggest that F.S. consider options to waive any excess fees due to weather events.

We also suggest that in areas with high impacts from other uses the F.S. consider a more flexible approach for charging for excess uses.

We disagree with the statement, "For sheep allotments, there is virtually no excuse for the band, or any livestock, to remain on the allotment past the pe1mitted off-date." While this statement starts off discussing sheep, it is broadened to all livestock. However, there are a number of factors which can lead to sheep getting separated from the main band such as attacks by predators, weather situations that lead to sheep to become separated from the main band, and others. We do not believe the mentioned statement can be supported and do not see any reason to retain it.

We do not believe utilizing an average private grazing land lease rate (PGLLR) is justified. The private grazing land lease rate has a number of factors which make it unsuitable for such consideration. For instance, most, if not all, private grazing is an exclusive or near exclusive use of the land, and in those situations where other uses are allowed on private lands, the other users are identifiable, and control of their actions more closely monitored. Furthermore, many private grazing lands provide more than just forage for livestock. Unlike the F.S., private [DB2][DB3] grazing lands are fenced, and those fences are maintained by the landowner. The landowner also maintains other range structures and improvements that the F.S. places on the permittee [DB4].

We suggest the F.S. utilize some reasonable multiplier of the federal grazing fees as the basis for an excess livestock use.

81.8 - Unauthorized Livestock Use

We believe the F.S. should establish two difference categories for unauthorized livestock use. There should be "intentional and unintentional" categories. We believe the Agency seeks to differentiate these two concepts when they discuss "flagrant" unauthorized use in section 81.82.

Unintentional unauthorized use can be where livestock strays from adjacent private lands due to some of the factors mentioned in the discussion on excess livestock use as well as section 81.82 Impoundment and Disposal of Unauthorized Livestock, and certainly would be of a different nature than a situation where someone intentionally moves livestock onto areas where they do not have a permit.

We do not support anyone intentionally using the F.S. lands where they are not authorized. We also agree that actions should be taken against the livestock owner except in situations where that livestock owner is leasing land and the landowner is responsible for control of the livestock.

86 - Grazing Without Charge

Utilizing livestock to control or manipulate vegetation is a useful tool, and while we believe the F.S. should strive to ensure that livestock use continue to be a use on the F.S. managed lands, we recognize this may not always be possible. We support offering these opportunities to livestock producers without charge to facilitate vegetation goals.

FSH 2209 -13 - Chapter 90 - Rangeland Management Decision Making

The implementation of management decisions by the F.S. is described in this section, and we understand the importance of a process which outlines the steps the Agency will use.

One comment we have regarding 91.39 - Proposed Action - Adaptive Management which gives examples of some critical factors that should be analyzed to manage conflicts seems to place the burden for change in processes squarely on the shoulders of the livestock owner. It discusses timing restrictions in specific areas to manage conflicts with fisheries, big game, or recreation, etc., etc. We feel it is important to remind the Agency of the Secretary's Order of February 1, 1905, which focuses Agency efforts on maintaining the"... permanence of the resources of the reserves was indispensable to continued prosperity, largely of the agricultural, lumbering, mining, and livestock interest;" [emphasis added]. It appears the Agency is planning on ignoring this order in an effort to make the agriculture and livestock interests subservient to all other uses.

92.1 - Alternatives

This section describes the development of alternatives found in FSH 1909. We are puzzled on how a "no action" alternative can be considered a "no grazing" alternative since in most cases grazing on the landscape is currently occurring. It would seem a better description of a "no action" alternative would be an alternative which does not change current on-going activities. We do not believe "no action" and "no grazing" are synonymous.

94.31 - Participation and Attendance in Annual Meetings by Outside Parties

We support the inclusion of this section in the Handbook. The Agency has precisely outlined the reasons these meeting should not be attended by entities outside the Agency or permit holder unless expressly invited by the permittee.

95 -Monitoring

We support the F.S. efforts to determine allotment monitoring in an open, cooperative, and inclusive process which will benefit both the F.S. and the permittee.

FSH 2209.16 - Allotment Management Handbook Chapter 10 - Allotment Management &Administration

Many of our comments on subsections of this chapter which deal with the same topic are the same as our comments on previous sections; therefore, we will not repeat them.

We do appreciate that the Agency seeks to avoid, if possible, closing allotments to grazing.

10.51 - Changing Active Allotments to Forage Reserve or Vacant Allotments

This section describes the difference between changing an active allotment to a forage reserve or to a vacant allotment. The F.S. points out these changes can be made administratively, while closing an allotment cannot. We appreciate the information on this but do have concern that the Agency can accomplish the same thing as closing an allotment by placing it in a vacant category but never removing the allotment from that category.

We feel the F.S. should endeavor to review vacant and/or forage reserve allotment designations periodically to see if there is something that can be done to move these back into active allotments.

We have commented previously about the inequity regarding the administrative decision to move an active allotment into a vacant allotment without any need for environmental analysis, but in order to move an allotment back to active use, environmental analysis must be performed. As was noted earlier, the Agency has the environmental analysis for vacant allotments as a very low priority, so essentially these allotments will never be returned to an active category unless a permittee or some other entity does the analysis. We suggest that moving an allotment from one level and back again should be accomplished without an environmental analysis unless there is a significant increase in livestock numbers.

This also supports our concern that moving an active allotment to a vacant allotment can have the same practical consequences as closing the allotment.

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

We have offered our support for the Agency's policy in this regard and reiterate it here as well.

10.7 - Allotment Designation as to Kind of Livestock

We agree with the F.S. that such designations may not be as important as it used to be. By moving to a more adaptive management process, it would provide permittees flexibility to adapt to new opportunities.

11.22 - Recommended Process for Determination of Rangeland Suitability

This section points out the process which the Agency should use to arrive at the number of acres suitable for livestock as an overall measure. We do have a concern about Number 8 and Number 10, which removes livestock as suitable where there are conflicts with other users or where there have been other uses which take precedence over livestock use. We would again reiterate the importance of the 1905 Secretarial Order as previously mentioned.

12.4 - Permittee Communications

We fully support the direction this section seeks to implement. We also support providing a grazing permittee's information in the 2230 permit folder and 2210 allotment folder without the need of a FOIA request.

13.2-ExcessLivestock Use

We reiterate our previous comments about Excess Livestock Use.

13.3 - Unauthorized Livestock Use

We reiterate our previous comments about Unauthorized Livestock Use. We do appreciate this section providing direction about the authorized officer allowing a reasonable time frame for resolution, but again feel there should be a couple of categories for unauthorized livestock use.

14.2-Other Rangeland Users and 14.3 -Recreation Special Events

We support the emphasis for the F.S. to work with permittees when other users seek to use the same area that is currently being used by the livestock permittee. We are aware of situations where recreational users have come into conflict with a permittee and, in one instance, we are familiar with a livestock owner who was sued when a livestock guard animal attacked a recreational user coming through the owner's sheep. We feel the F.S. should work with permittees to avoid these types of situations.

15.2-Water Permits and Water Rights for Surface Water Use and 15.3 - Water Permits andWater Rights for Groundwater Use

We support the Agency's direction in this regard.

15.42-Standards and Specifications

This section states that "In the absence of regionally approved standards and specifications, use the following references:"

We ask how standards become regionally approved? There are several water quality practices which are adopted by Wyoming but we are unsure if these are "regionally approved."

15.46-Cooperation with Adjacent Private Landowners

This section discusses the issues between private landowners and the F.S. regarding fence maintenance or construction. We agree with the assessment that some of these fences are nearing the end of their useful life and the cost of reconstruction will be considerable. Again, we would offer to work with the Agency to try and obtain other funding to address this issue.

Conclusion

Again, we appreciate the process the F.S. initiated for amending their grazing manual and handbook. We encourage the Agency to continue the effort to keep these documents timely and updated to account for changing rules and/or laws.

We welcome the opportunity to further clarify our comments and thank you for your consideration of our comments.