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Comments: Please find attached comment on the Rangeland Management Directives from the Eureka County Board of Commissioners.

The Eureka County Board of Commissioners welcomes and appreciates the opportunity to provide comments on the U.S. Forest Service (USFS) proposed changes to the Forest Service Manual (FSM) 2200, Forest Service Handbook (FSH) 2209.13, and FSH 2209.16 ([ldquo]the directives[rdquo]) that affect permitted grazing on forest and grassland units of the National Forest System (NFS).

Eureka County is supportive of ranching and the livestock industry is an essential part of the long-term socioeconomic stability of Nevada, its counties, and its residents, especially in rural areas. Much like Nevada as a whole, Eureka County is composed of a large federal land holding. Eighty-one percent of Eureka County[rsquo]s land area is made up of federally administered land, including NFS lands. Eureka County is primarily driven by ranching, mining, and farming. Nearly all of Eureka County[rsquo]s employment is in the natural resources sector and the community[rsquo]s viability is largely dependent on business and recreational activities conducted on or in concert with federal lands. Since private land makes up only 13% of Eureka County[rsquo]s total land area, dependency on federally administered land limits and is often detrimental to our long-term socioeconomic stability and viability. This threat to our viability is only exacerbated by the layers of regulatory burden that are often placed upon multiple uses of these federal lands, including grazing, and a general lack of effort by USFS to coordinate land management decisions with our local plans and policies. This works to undermine sound land management and creates often adversarial relationships between USFS the County and our ranchers (and other multiple uses).

An update to the USFS rangeland management directives is needed to overcome these unfortunate circumstances and to build a better model of cooperative and coordinated rangeland use and management. Eureka County generally supports the updates to the directives and agrees that the updates are needed. We recognize there has been some incidental updates over the years but USFS documents guiding administration of grazing have not kept up with current science or circumstances.

We ask USFS to consider and incorporate the following comments in the final directives.

General Comments

Outcome Based Grazing

Eureka County appreciates USFS grounding the directives on the foundation of flexibility and adaptive management with a focus on outcome-based grazing. The directives should be improved to recognize and leverage current science that has shown livestock grazing can actually help reach certain objectives such as riparian habitat enhancement, weed control, fire reduction and wildlife habitat improvement. USFS should properly incorporate current science and studies that have clarified how flexibility in grazing with a focus on outcomes nearly always results in positive or neutral impacts on rangelands. It is crucial for these outcomes to be based on proper management objectives.

Related to adaptive management and outcome-based grazing, the current 10-year term of grazing permits may not allow for any potential management changes to be assessed appropriately. The directives should allow

extending the duration of grazing from 10 years to 20 years in certain circumstances. The time it takes to follow the current permit renewal process is extensive and currently can take up to 5 years or more for a permit to be fully processed. Again, a true adaptive management approach under the directives would help overcome some of these difficulties.

Grazing Based on Current Science

It is crucial for the directives to mandate reliance on current rangeland science and the scientific recognition that many ecological sites have an ecological potential that is no longer able to meet pre-settlement "reference state." An understanding and description of the ecological shifts or transitions that have occurred due to disturbance, such as wildfire, or legacy management are imperative in order to frame management objectives under any grazing permit. Ecological Site Descriptions (ESD) and their associated State and Transition Models/Disturbance Response Groups should be relied on, when they are available, to inform objectives and differing levels of grazing allowed. Depending on the given state of any ecological state, grazing influences the site dynamics in different ways. Any given ecological site has a range of [potential] states (i.e., vegetation characteristics) based on climatic conditions, past and present disturbance, and other field conditions. Each ecological site has multiple states it can exhibit. An understanding and description of the ecological shifts or transitions that have occurred due to legacy management are imperative in order to frame management objectives under a grazing permit renewal or any other grazing decision.

Monitoring

Eureka County agrees that monitoring is a key component of proper grazing management and should inform decisions associated with adaptive management and other grazing adjustments. The directives should ensure that any long-term grazing decision or permit renewal is based on long-term (not [snapshot] in time), objective quantitative data through valid monitoring protocols, acceptable under current rangeland science standards. Qualitative data is appropriate and should be used for short-term and day-to-day decision making through adaptive management. We believe the directives would be strengthened by better defining the extent to which monitoring done by the agency or by permittees may inform the decisions of the appropriate authorized officer or rangeland management specialist related to changes in authorized grazing activities.

Private Land Considerations

The directives should include and consider the strong connection with private land. While evaluating grazing use, consideration should be given to the linkage between private ranch lands and USFS permits. The potential negative consequences if livestock grazing on USFS-managed land permit is unduly restrictive or reduced must be stressed. In order to maintain business operations, possible conversion of private land holdings may result from not being able to make economic use of NFS lands. In areas where private lands make up a significant portion, this increase in fragmentation would undoubtedly have a detrimental impact.

Closure of Grazing and Reauthorizing Grazing on Vacant Allotments

Eureka County appreciates the clarity provided in the directives to ensure USFS maintains future authority over grazing when there are third-party buyouts by external groups. We have clear policy supporting grazing on federally-managed lands and reauthorizing grazing on vacant allotment and have policy of not supporting purchase and/or retirement of grazing permits.

Socioeconomic Considerations

Nearly all of the cattle and sheep commodity sales in Nevada are made possible by grazing permits on federally administered land. The directives could be improved by inclusion of adequate and robust socioeconomic

analysis. For instance, of all the agricultural commodity sales in Eureka County, cattle/calves and sheep/lambs historically average 40% of the sales with most of the remainder made up of export hay. According to the 2007 Census of Agriculture, there was a livestock inventory in Eureka County of nearly 25,000 head (both cattle and sheep) and \$25,015,000 worth of agriculture commodity sales (value of livestock sold was not disclosed). The 2012 Census of Agriculture highlighted a cattle inventory of 17,092 (the 2012 Census of Ag did not disclose sheep numbers) with \$36,020,000 worth of agricultural commodity sales (again, the value of livestock sold was not disclosed). The 2017 Census of Agriculture highlighted a cattle inventory of 20,051 (again, the 2012 Census of Ag did not disclose sheep numbers) with \$40,432,000 worth of agricultural commodity sale, \$10,820,000 attributed to livestock sold. Livestock sales, in recent history, accounts for 25 to 40 percent of annual agriculture commodity sales in Eureka County. Therefore, livestock production from 2007 through 2017 was responsible for generating between \$10,000,000 and \$16,000,000 worth of product sales in Eureka County annually.

The direct and induced benefits of the livestock industry in Eureka County can be determined based upon information contained in the University of Nevada Report: Reno Technical Report UCED 2005/06-14 Updated Economic Linkages in the Economy of Eureka County. The livestock sector in Eureka County has a final demand multiplier of 2.0283. In short this means that for every \$1 generated by the sector Eureka County's economy will benefit \$2.02 of total revenue. The high final demand multiplier suggests strong economic linkages of the livestock sector to other sectors of the county's economy. Income and employment multipliers are also of importance. The livestock sector has an income multiplier of 1.6812 and an employment multiplier of 1.4439. Thus, for every \$1 generated by livestock production, total county household income increases by \$1.68 and for every job added by the livestock sector, total employment in Eureka County increases by 1.44 employees.

In 1999, funds were appropriated through the Nevada Legislature to create a Nevada Public Land Grazing Database and Economic Analysis. In 2000, the Nevada State Department of Agriculture asked the Nevada Association of Counties to assist in fulfilling this mandate. Resource Concepts, Inc. was contracted to help complete the database and analysis. The product of this effort is the report, Nevada Grazing Statistics Report and Economic Analysis for Federal Lands in Nevada (Resource Concepts, Inc. March 26, 2001). Table 3 of the Report (p. 48) summarizes the economic impacts of 1 AUM of grazing in Nevada as follows:

[Image of Table 3 Economic Impacts of 1 AUM of Grazing in Nevada]

Basically, for every AUM lost (or gained), the overall impact to the livestock producer himself in one year equaled \$29.40 (in 1999 dollars). However, to value an AUM in 2020 dollars there must be adjustments based on inflationary changes since 1999. Take the following as an example. The Bureau of Labor Statistics reports an average inflation rate over the past 40+ years (since 1976) to be about 3% per year. Applying a rate of 3% each year since 1999 gives a 2021 value of one AUM to the producer alone at about \$55 per year and \$100 per year to the local economy. What is critical to understand is that AUM loss is typically forever. Forage/AUM loss impacts do not occur to ranchers and local economies as a one-time impact. If AUMs are diminished (or gained), the economic loss (or gain) occurs year-after-year.

Resources to Meet Obligations

Eureka County understands that USFS is chronically understaffed and underfunded for grazing management. The directives cannot be implemented and achieve success at scale if USFS does not have the capacity and resources needed to fulfill its obligations. While we believe improving the directives can create better outcomes for people, the environment and all uses of NFS lands, it is essential that USFS receives and dedicates the resources to hire, train and retain a talented workforce capable of fulfilling obligations to manage for NFS land health and provide for flexibility within livestock grazing permits and leases.

Specific Comments

FSM 2200 [ndash] Rangeland Management Manual

Zero Code

Reference statutes

We urge the agency to carefully review the list of statutes included in the regulations for relevancy and whether they have the force and effect of law. Several statutes that have been repealed [ndash] either in whole or in part [ndash] are included in the list of reference points and while contents may have previously informed development of provisions in the directives, we urge the agency to streamline reference points. For example, citation of the Homestead Act of 1862 and the Organic Administration Act of 1897 are certainly relevant in terms of USFS history, however the accompanying narratives need to be further refined.

Further clarification is needed for statutes that do not have the same force and effect of law on grasslands as they do on national forest lands. If the agency proceeds with handbooks that address forest and grassland management in a collective fashion, authorities and relevant management directives must be clarified.

Definitions

Some of the items proposed in 2205 are defined here for the first time. Definitions are typically adopted through rulemaking or enactment of statute. Eureka County would recommend limited and judicious use of novel definitions, particularly where application or implementation of the term is largely up to agency interpretation. It is likely more accurate to call this section [ldquo]Descriptions[rdquo] or [ldquo]Key Terms[rdquo] rather than [ldquo]Definitions[rdquo] to avoid legal ambiguity that would be likely to result in punitive action for the agency and for the permittee

Eureka County recommends clarification in the following terms:

Base Property [ndash] The sentence following this term should account for the fact that base property, in some cases may be leased. The description/definition included in 2205 limits land and improvements to those [ldquo]owned and used by the permittee[rdquo], not [ldquo]owned or used[rdquo]. Further refinement should be sought.

Best Management Practices for Water Quality [ndash] USFS lacks authority to develop, implement, or enforce BMPs for water quality, as other state and federal agencies have delegated authority.

Compliance Inspection [ndash] The reference to Annual Management Planning and Annual Operating Instructions does not universally apply to grasslands permittees, so this description should be inclusive of all processes, if included at all. Other terms would be more useful here.

Critical area - This description appears to put [ldquo]critical areas[rdquo] in conflict with statutory and regulatory terms, like [ldquo]critical habitat[rdquo] for Endangered Species, [ldquo]Areas of Critical Environmental Concern[rdquo], etc. In this, and all places, USFS should avoid introducing confusion in introducing [ldquo]definitions that are unnecessary. This description should be compared against [ldquo]Key Species[rdquo].

Frequency vs. Grazing Occurrence [ndash] These terms appear to be in conflict.

Grazing Permit [ndash] As is discussed in a number of places outside of FSM 2200, the description of a grazing permit, a term grazing permit, and other kinds of grazing authorizations are referenced in several different places among the three documents. The groups recommend a more consistent, simplified citation process to ensure

agency professionals and permittees alike are not in the position to choose between or among potentially conflicting [ldquo]definitions[rdquo].

This is not an exhaustive list but intended to provide specific examples that would put the agency in direct conflict with later sections of their own handbooks, or worse, in direct conflict with their own statutory and regulatory directions. Agency personnel should carefully review all [ldquo]definitions[rdquo] for accuracy, authority, and need. Many of the definitions are superfluous, at best, and at worst will result in inconsistencies across USFS units because of variations in use of general terms that the agency has now here [ldquo]defined[rdquo]. Further, the lack of a [ldquo]definition[rdquo] or [ldquo]description[rdquo] of a preference right is glaring here.

Chapter 2206

References

Multiple Indicator Monitoring (MIM) is growing in its use on USFS lands and is considered an interagency monitoring reference. We recommend adding the MIM technical reference to 2206.

The citation:

Multiple Indicator Monitoring (MIM) of Stream Channels and Streamside Vegetation, Technical Reference 1737-23, 2011, Department of Interior, Bureau of Land Management, National Operations Center, Denver, CO. A joint United States Forest Service and Bureau of Land Management publication.

Chapter 2240

2240.3 [ndash] Policy

The groups recommend revising the use of the term [ldquo]journey level[rdquo] related to rangeland expertise on management decisions in favor of agency-specific terminology to ensure authorizations are appropriately elevated.

With respect to rangeland improvements, authority and responsibility to maintain range improvements is repeatedly assigned to permittees, of all permit types and durations. The guidance fails to address maintenance of improvements in the absence of an authorized permittee. Too often when an allotment becomes vacant or is otherwise unutilized by the agency or a permittee, range improvements are degraded. Over time, degraded improvements render an allotment difficult or impossible to use, as a permittee would enter the allotment at a deficit with range improvements to fix, rather than simply maintain. It has been the policy of the USFS to treat range improvements, de facto, as a USFS asset as the handbook directs USFS personnel to [ldquo]not convey exclusive rights to use a rangeland improvement or the land on which the improvement is located[rdquo]. As such, the agency should provide for management of permanent range improvements in the absence of a permittee.

2240.6 [ndash] Livestock Intrusion

The following paragraph should be stricken in its entirety:

[lsquo]Despite the legal Federal position regarding boundary fence policy, authorized officers are frequently finding themselves in situations of controversy, accused of being bureaucrats and [ldquo]poor neighbors,[rdquo] and often attempting to get polarized parties together to fix legal dilemmas that no one wants to accept responsibility for, including State and county elected officials.[rsquo]

By the agency's own assertion, "Manual (FSM) chapters generally contain information and direction on the laws and regulations that the Forest Service is charged with implementing in the management of NFS lands. Handbook (FSH) chapters contain the policies and procedures necessary to carry out those responsibilities in an orderly and proper manner on NFS lands." (FSM 2230.6). The graph above is not legal or regulatory direction, nor is it policy or procedure. Subjective assertions about motivation to accept responsibility for situations many of which are under the primary authority of the USFS is inappropriate.

2242.1 Vegetation Management

Inclusion of cattle in the "animals such as" list is appropriate here. As outlined originally, the USFS must use all tools at its disposal in vegetation management.

2245 Conservation Practices on National Grasslands

The first graph in this description is potentially inconsistent with the "definition" found in Zero Code.

FSH 2209.13 Grazing Permit Administration Handbook

Chapter 12 Eligibility and Qualification Requirements for Term Grazing Permits

We appreciate the agency's work to expand the nature and type of entities eligible for grazing permits and agreements. Further expansion of the kinds of entities eligible to hold permits (outside limited liability companies, family limited partnerships, etc.) would more accurately represent the identity of entities who currently hold grazing permits and their future enterprise objectives. Because the long interval between revisions of these handbooks and manuals, we recommend inclusion of language that would allow for classifications of business operations that may not currently exist, but may develop over time, to be included as qualifying entities to hold permits. The handbook and manuals should not unnecessarily preclude inclusion of future legal or financial classifications. Any future flexibility must be accompanied by the other underlying qualifications to ensure that permit holders are engaged in business activities and are viable, productive, active livestock and grazing operations.

We suggest further clarification of the agency's acceptance of the use of leased property as qualifying base property for a term grazing permit. The manuals and handbooks are inconsistent in mentions of leased base property, so conformance is critical to ensure consistency across NFS units. Chapter 12.21 outlines that "Leasing base property, where not specifically authorized by a grazing agreement or rules of management (See section 24.11), does not satisfy the base property ownership requirement and can result in the rejection of a term grazing permit application." Given the evolving nature of the industry and those directly involved in land stewardship, more clear direction that the agency may consider leased property, in specific scenarios, when considering eligibility for a grazing permit would be beneficial.

Finally, we recommend flexibility be found in the specific requirements for the uniformity between the discrete identities found on permit applications, base property ownership, and other relevant documents. Due to the diverse nature of operations across NFS lands, the agency must be able to verify the identity of a permit holder, but should not exacerbate administrative issues if there is disparity between a producer name/operation name/company name.

Chapter 13.6-13.61 Forage Reserve Allotments

USFS will have occasion to recognize vacant allotments as entering forage reserve status. As a general practice, we believe the USFS has a responsibility to pursue issuance of permits in cases where an allotment become

vacant as a result of a permit waiver or other loss of permitted grazing. While the handbook does recognize that forage reserve allotments may be analyzed in order to allow grazing to occur affirmatively, we recommend the agency first assess the impact of the loss of grazing activity if a permit or permits was not reissued on the allotments and the presence of livestock grazing was eliminated or severely curtailed. Not only is this important from a fuels management perspective, but from the perspective of range improvement maintenance. Maintenance is addressed in 13.61, outlining that the USFS [ldquo]may be responsible for maintenance of structural or nonstructural range improvements[rdquo], but that maintenance will be assigned to any permittee who uses the forage reserve. In the absence of a permittee, the USFS makes clear in several other locations in the handbooks that range improvements and their rights and interests are property of the agency. Therefore, management responsibility in the absence of a permittee, lies with the USFS.

Both here and with respect to agency authorizations for vacant allotments, we request flexibility for the use of temporary infrastructure when making allotments available to permittees on a short-term basis. Use of corrals, temporary fencing, and other non-permanent infrastructure can vastly increase the likelihood that a forage reserve allotment or a vacant allotment will be able to be used by a permittee. Available is one thing, it is another thing entirely to be usable.

Chapter 16 [ndash] Changes in Term Grazing Permits

As a general statement of principle, any changes to a grazing permit should be made in concert with, and with the consideration of all factors related to, a permittee and their respective grazing needs. Further, USFS should prioritize management that addresses causal factors [ndash] as addressed in an isolated away above, USFS must be able to determine that the modifications suggested (especially as in the case of grazing reductions) are factually related to grazing activities, rather than other factors like invasive species, recreation, etc.

Chapter 16.2 [ndash] Suspension or Cancellation of Grazing Permits Due to Non-Compliance with Permit Terms and Conditions

The handbook clarifies that if certain conditions are [ldquo]occasional[rdquo] and the permittee is responsive in correcting the situation, the issue will not necessarily constitute a violation of permit conditions. Agency personnel should be mindful that conditions they identify in this section [ndash] gates left open, fences cut, water tanks vandalized [ndash] can all be informed or mitigated as part of larger USFS policies for other multiple use on forest lands and grasslands. With respect to the recreation comments above, factors outside of the permittees control affect resource conditions that are outlined in a grazing permit and the agency should not pursue punitive action against a permittee strictly for incidents outside the permittee[rsquo]s control. USFS should endeavor to address potential use conflicts under their purview in a way that does not affect the utility or authorization of the allotment to be used for grazing.

Chapter 16.36 [ndash] Repeated Incidents of Non-Compliance

With relation to repetitive notices of noncompliance for a single permittee, there should be a process for a notice of non-compliance to [ldquo]expire[rdquo] from a file after a certain period of time and compliance. Notices of non-compliance can occur decades apart and yet still have the cumulative effect that contribute to a suspension or cancellation in the eyes of the agency. We support a timeliness consideration similar to the agency[rsquo]s process related to letters of reprimand, particularly given the significant repercussions of permit cancellation or suspension.

Chapter 16.6 [ndash] Permit Cancellation to Devote the Lands to Another Public Purpose

With respect to the inclusion of [ldquo]documented contacts with bighorn sheep[rdquo] as one of the reasons where permits may be cancelled in whole or in part, we recommend removal of the reference due to jurisdictional

conflicts. State wildlife agencies have primary authority to manage wildlife species and outright authority to cancel grazing permits, rather than reaching some widely-supported alternative among federal agency, state agency, and livestock interests creates unnecessary conflict.

Chapter 30 - Temporary Grazing and Livestock Use Permits

In Chapter 32.2 the directives outline that [ldquo]Applicants for temporary grazing permits and livestock use permits are not required to own either base property or the livestock to be grazed unlike applicants for term grazing permits.[rdquo] Further clarification should be provided to identify that these circumstances should be limited to those that would provide for specific resource outcomes: addressing invasive species like cheatgrass and ventenata, providing for targeted application of grazing animals for fuel breaks, and the link. The entire waiver of base property or livestock should not be blanket terms.

Chapter 33 - Temporary Grazing Permits

Temporary and short-term use of grazing allotments is an important tool in emergent situations where livestock are in need of alternate forage as a result of drought, catastrophic wildfire, infestation, flood, landslide, or other natural event that precludes the ability to graze in a given year. Other conditions exist that would be suitable for authorization of a temporary grazing permit, however, including attempts by the agency to prevent certain detrimental resource conditions. Authorization of temporary grazing permits or use of grazing as a tool to address invasive species, excessive fuel loading, undesirable fuel accumulations, or to create fuel breaks would also be beneficial for the resource. When authorizing temporary grazing permits, USFS should be aware of and responsive to local issues; temporary use should first be available to permittees in nearby areas to reduce potential use conflicts before being offered to other permittees.

Chapter 56 [ndash] Administration of Cow camps

FSH 2209.13, 56.4 asserts that cow camps that exceed 50 years of age shall be evaluated under the National Historic Preservation Act (NHPA) for inclusion in the National Register of Historic Places (NHRP). This evaluation will likely necessitate discussions of maintenance standards that might be required, at the sole responsibility, cost, and liability of the permittee. While we recognize and value the significant historic and cultural attributes of cow camps and other facets of grazing allotments, management of these assets under NRHP requirements must not impede the utility of the facility as a functional part of grazing management. While the directives do recognize this potential conflict, the agency should make every effort to limit the burden borne by permittees as a result of potentially onerous requirements under the NHPA. Therefore, we request inclusion of the following statement, or a similar statement, in Chapter 56:

Any issues related to maintenance of a cow camp or other historic structure on the allotment should not affect the USFS administration of the allotment, nor should any violations or disagreements under NHPA affect a permittee[rsquo]s grazing permit.

Chapter 73 - Waiver of Interest in Permanent Range Improvements

The proposed revisions outline that [ldquo][hellip] compensation cannot be made to persons who are no longer permittees nor can it be made to permittees presently using the allotment and associated permanent range improvements that were placed or constructed by former permittees.[rdquo] (Chapter 73). We recommend a more equitable consideration of compensation based on maintenance or range improvements; even if a permittee is not the individual who constructed the initial range improvement, subsequent permittees can make significant investments in keeping up range improvements, especially in cases where range improvements may have fallen into disrepair prior to the permittee accessing the allotment.

Chapter 81.82 [ndash] Impoundment and Disposal of Unauthorized Livestock

We appreciate the reference to contact with the county sheriff[rsquo]s personnel and local brand inspectors. In cases of impoundment or other detainment of livestock, USFS must use local law enforcement and local jurisdictional authorities.

Chapter 95.1 [ndash] Types of Monitoring

This section does not describe types of monitoring. We suggest renaming this section [ldquo]Purpose of Monitoring[rdquo].

Chapter 95.2 [ndash] Monitoring and Evaluation Methods

We suggest renaming this section to [ldquo]Types of Monitoring and Evaluation Methods[rdquo] as this section does describe [ldquo]types of monitoring[rdquo] which are Implementation Monitoring and Effectiveness Monitoring.

In addition, [ldquo]Implementation Monitoring[rdquo] and [ldquo]Effectiveness Monitoring[rdquo] is not necessarily language that is familiar amongst range managers. Monitoring is generally referred to as [ldquo]Annual Monitoring[rdquo] and [ldquo]Trend Monitoring[rdquo]. Although this could be implied by the methods, we offer the following clarification language:

Paragraph 3 Currently States: [ldquo]Implementation monitoring may include but is not limited to[hellip][rdquo]

Suggested Clarifying language: [ldquo]Implementation monitoring, otherwise known as annual monitoring, may include but is not limited to[hellip][rdquo]

Paragraph 6 Currently States: [ldquo]Effectiveness monitoring should include attributes, locations, and methods that are capable of detecting[hellip][rdquo]

Suggested Clarifying language: [ldquo]Effectiveness monitoring, otherwise known as trend monitoring, should include attributes, locations, and methods that are capable of detecting[hellip][rdquo]

Chapter 95.3 - Permittee Monitoring

We agree that if cooperative monitoring is to be done, the PLC-USFS cooperative monitoring MOU should be the guide and standard for monitoring. Further, USFS should emphasize the cooperative monitoring agreement with authorized officers to ensure agency consistency.

FSH 2209.16 Allotment Management Handbook

AUM conversions

Revision is needed to conform AUM conversions between Chapters 10 and 20. Other errors in conversion or disparate conversion calculations seem likely across the chapters. For instance, FSH 2209.16, 16.4 Exhibit 1 lists the conversion rates as Bull =1.5 AUMs and a Horse = 1.2 AUM, while FSH 2209.15.3, Exhibit 2 switches those figures. While these may be used as reference points only, consistent conversion factors should be adopted prior to finalization.

Chapter 10.13 [ndash] Forage Reserve Allotments

We appreciate the recognition that [ldquo]challenges to the management of forage reserve allotments include maintenance of rangeland improvements such as fences, spring developments, and livestock working facilities since no permittee may be assigned the maintenance responsibility when the forage reserve is not being used.[rdquo] This is why USFS is urged to apply their earlier assertion that range improvements are USFS-owned to the concept of management as well. Upkeep of range improvements will benefit wildlife and other users, in addition to maintaining the utility of forage reserve allotments for future use.

Chapter 10.15 [ndash] Closed Allotments

While the handbook outlines that [ldquo]a decision to close an allotment does not preclude a future environmental analysis and decision to open the area in whole or in part to livestock use and occupancy[hellip][rdquo], in practice that is rarely the case. USFS should include a mention here (as is done in 10.2) that due to the significant resource considerations when closing an allotment, closure should be avoided in all possible circumstances.

Chapter 10.16 [ndash] Wild Horse and Burro Territories

The statement here that [ldquo]Management can become very complex and controversial when wild horse and burro territories and grazing allotment boundaries overlap.[rdquo] In all cases of horse or burro presence, USFS should prioritize range health and identify causal factors for range degradation. Where allotments overlap with horse territories, USFS should take care to not take punitive action against permittees when the failure to manage overpopulated horse herds is the causal factor.

Chapter 10.52 [ndash] Changing Vacant or Forage Reserve Allotments Back to Active Allotments

While the directives directly address the process to change [ldquo]vacant or forage reserve allotments back to active allotments[rdquo] (FSH 2209.16, 10.52), the directives do not adequately address the process by which a closed allotment can be reopened. We appreciate the agency[rsquo]s acknowledgement that allotments should be closed rarely, and that context such as third-party buyouts of permits are not a reason to close allotments, however the directives should provide agency guidance on how to reopen a closed allotment, when appropriate. Inclusion of a section parallel to 10.51 or 10.52, with further process guidance, would be appropriate.

While the proposed revisions outline a succinct process for reopening allotments or reissuing permits on closed allotments, the directives should be revised to provide further guidance on the process to reinstate a permit that has been partially cancelled, particularly since reference in the FSM 2205 outlines that cancellation can be in whole or in part. Agency staff should have the flexibility to provide conditions under which a partially cancelled permit may be able to be restored in order to provide continuity in resource management. For example, in the case where parents held a series of grazing permits and a permit was partially cancelled or AUMs were significantly decreased as a result of non-compliance, when that permit is transferred to the children or other producer, the child or subsequent permittee should have the opportunity to pursue reinstatement of the original permit conditions, provided the resource can sustain similar conditions. Further clarification in the directives would be needed to provide for such a scenario.

Chapter 11.11 [ndash] Recommended Data for Determination of Rangeland Capability

11.11 currently states the following:

[ldquo]The following constitutes the basic information needed to complete a capability assessment. At times not all of this information may be available or required. Where such information is not available in an electronic format, other similar data may be substituted.

1. Land Ownership (from the Land Status layer of GIS)
2. Soil Map Unit - from Terrestrial Ecological Unit Inventory (TEUI), Ecological Site Descriptions (ESD), or other soil inventory
3. Geology - optional -- from TEUI or other inventory
4. Optional - Potential plant community production - from TEUI, Common Vegetation Unit, Common Land Unit, or Integrated Resource Inventory (IRI)
5. Lakes, ponds, reservoirs, and wetlands - from Common Water Unit (CWU) of IRI or the National Hydrography Dataset
6. Rivers/Streams - from CWU of IRI or the National Hydrography Dataset
7. Riparian delineation information [ndash] from the Riparian Buffer Delineation Model
 1. (www.riparian.solutions)
8. Roads - from designated travel routes
9. Slopes - from Digital Elevation Models (DEM)
10. Optional - Distance to water from Common Water Unit and/or Range Structural Improvement layer.[rdquo]

We have the following suggestions:

Item 2. Ecological Site Descriptions are not a [ldquo]soil map unit[rdquo] nor is it an inventory. It is more closely related to providing plant community information including potential for production. We recommend moving Ecological Site Descriptions to Item 4 for those reasons.

Item 4. Vegetation information should be used if available. We suggest changing from [ldquo]optional[rdquo] to [ldquo]Use If Available[rdquo].

Because the soils and vegetation datasets overlap for items 2 & 4, we also suggest the USFS consider combining 2 and 4 described as [ldquo]soils and vegetation information[rdquo] including TEUI, ESD, or other soil inventory, common vegetation unit, common land unit or IRI.[rdquo]

We also recommend using remote sensing data to delineate suitability and capability classifications in support of [ldquo]on the ground[rdquo] datasets.

Chapter 13.3 [ndash] Unauthorized Livestock Use

Please see comments related to FSH 2209.13, Chapter 81.7.

Chapter 13.4 [ndash] Impoundment and Disposal of Unauthorized Livestock

Please see comments related to FSH 2209.13, Chapter 81.82.

Chapter 15.43 [ndash] Cooperation with Permit Holders

Rangeland improvements and the ability of permittees to engage in cooperative agreements to construct range improvements is an important component of this chapter. This section seems to primarily discuss utilization of Range Betterment Funds (RBF). Further clarification should be added in this section that the funds discussed are RBF, not Conservation Practices (CP) funds related to grasslands.

With respect to cost share, the proposed changes continue the 50/50 cost share agreement. We recommend inclusion of some flexibility on when and how those costs are divided. If upfront payment is required, for example, we encourage the agency to make all efforts to provide their portion of the funds at the same time to ensure the project is able to get underway, rather than placing a significant burden on the permittee to facilitate upfront costs. While this may not be applicable in every scenario, flexibility may benefit the agency and the resource in key areas.

Chapter 15.54 [ndash] Recreation

While not addressed fully in this handbook, recreation has the ability to significantly affect rangeland conditions and the ability of permittees to undertake basic stewardship of the land and their livestock. We urge the agency, through coordination of these directives and administration of recreation programs across NFS lands, to ensure that recreation programs are consistent with objectives outlined in grazing programs and that neither land health nor general allotment condition are negatively impacted in a way that would ultimately cause the agency to attribute damage inappropriately to the permittee/lessee.

Conclusion

Eureka County again thanks USFS for opportunity to engage in ongoing dialogue about the best management of grazing on NFS lands that are integral to the lives and livelihoods of our local community. We look forward to further refinement of the rangeland management directives and offer our continued commitment for coordinated and productive relationships between ranchers, the public, and the USFS.

The Eureka County Board of Commissioners welcomes and appreciates the opportunity to provide comments on the U.S. Forest Service (USFS) proposed changes to the Forest Service Manual (FSM) 2200, Forest Service Handbook (FSH) 2209.13, and FSH 2209.16 ([ldquo]the directives[rdquo]) that affect permitted grazing on forest and grassland units of the National Forest System (NFS).

Eureka County is supportive of ranching and the livestock industry is an essential part of the long-term socioeconomic stability of Nevada, its counties, and its residents, especially in rural areas. Much like Nevada as a whole, Eureka County is composed of a large federal land holding. Eighty-one percent of Eureka County's land area is made up of federally administered land, including NFS lands. Eureka County is primarily driven by ranching, mining, and farming. Nearly all of Eureka County's employment is in the natural resources sector and the community's viability is largely dependent on business and recreational activities conducted on or in concert with federal lands. Since private land makes up only 13% of Eureka County's total land area, dependency on federally administered land limits and is often detrimental to our long-term socioeconomic stability and viability. This threat to our viability is only exacerbated by the layers of regulatory burden that are often placed upon multiple uses of these federal lands, including grazing, and a general lack of effort by USFS to coordinate land management decisions with our local plans and policies. This works to undermine sound land management and creates often adversarial relationships between USFS the County and our ranchers (and other multiple uses).

An update to the USFS rangeland management directives is needed to overcome these unfortunate circumstances and to build a better model of cooperative and coordinated rangeland use and management.

Eureka County generally supports the updates to the directives and agrees that the updates are needed. We recognize there has been some incidental updates over the years but USFS documents guiding administration of grazing have not kept up with current science or circumstances.

We ask USFS to consider and incorporate the following comments in the final directives.

General Comments

Outcome Based Grazing

Eureka County appreciates USFS grounding the directives on the foundation of flexibility and adaptive management with a focus on outcome-based grazing. The directives should be improved to recognize and leverage current science that has shown livestock grazing can actually help reach certain objectives such as riparian habitat enhancement, weed control, fire reduction and wildlife habitat improvement. USFS should properly incorporate current science and studies that have clarified how flexibility in grazing with a focus on outcomes nearly always results in positive or neutral impacts on rangelands. It is crucial for these outcomes to be based on proper management objectives.

Related to adaptive management and outcome-based grazing, the current 10-year term of grazing permits may not allow for any potential management changes to be assessed appropriately. The directives should allow extending the duration of grazing from 10 years to 20 years in certain circumstances. The time it takes to follow the current permit renewal process is extensive and currently can take up to 5 years or more for a permit to be fully processed. Again, a true adaptive management approach under the directives would help overcome some of these difficulties.

Grazing Based on Current Science

It is crucial for the directives to mandate reliance on current rangeland science and the scientific recognition that many ecological sites have an ecological potential that is no longer able to meet pre-settlement "reference state." An understanding and description of the ecological shifts or transitions that have occurred due to disturbance, such as wildfire, or legacy management are imperative in order to frame management objectives under any grazing permit. Ecological Site Descriptions (ESD) and their associated State and Transition Models/Disturbance Response Groups should be relied on, when they are available, to inform objectives and differing levels of grazing allowed. Depending on the given state of any ecological state, grazing influences the site dynamics in different ways. Any given ecological site has a range of [ldquo]potential[rdquo] states (i.e., vegetation characteristics) based on climatic conditions, past and present disturbance, and other field conditions. Each ecological site has multiple states it can exhibit. An understanding and description of the ecological shifts or transitions that have occurred due to legacy management are imperative in order to frame management objectives under a grazing permit renewal or any other grazing decision.

Monitoring

Eureka County agrees that monitoring is a key component of proper grazing management and should inform decisions associated with adaptive management and other grazing adjustments. The directives should ensure that any long-term grazing decision or permit renewal is based on long-term (not [ldquo]snapshot[rdquo] in time), objective quantitative data through valid monitoring protocols, acceptable under current rangeland science standards. Qualitative data is appropriate and should be used for short-term and day-to-day decision making through adaptive management. We believe the directives would be strengthened by better defining the extent to which monitoring done by the agency or by permittees may inform the decisions of the appropriate authorized officer or rangeland management specialist related to changes in authorized grazing activities.

Private Land Considerations

The directives should include and consider the strong connection with private land. While evaluating grazing use, consideration should be given to the linkage between private ranch lands and USFS permits. The potential negative consequences if livestock grazing on USFS-managed land permit is unduly restrictive or reduced must be stressed. In order to maintain business operations, possible conversion of private land holdings may result from not being able to make economic use of NFS lands. In areas where private lands make up a significant portion, this increase in fragmentation would undoubtedly have a detrimental impact.

Closure of Grazing and Reauthorizing Grazing on Vacant Allotments

Eureka County appreciates the clarity provided in the directives to ensure USFS maintains future authority over grazing when there are third-party buyouts by external groups. We have clear policy supporting grazing on federally-managed lands and reauthorizing grazing on vacant allotment and have policy of not supporting purchase and/or retirement of grazing permits.

Socioeconomic Considerations

Nearly all of the cattle and sheep commodity sales in Nevada are made possible by grazing permits on federally administered land. The directives could be improved by inclusion of adequate and robust socioeconomic analysis. For instance, of all the agricultural commodity sales in Eureka County, cattle/calves and sheep/lambs historically average 40% of the sales with most of the remainder made up of export hay. According to the 2007 Census of Agriculture, there was a livestock inventory in Eureka County of nearly 25,000 head (both cattle and sheep) and \$25,015,000 worth of agriculture commodity sales (value of livestock sold was not disclosed). The 2012 Census of Agriculture highlighted a cattle inventory of 17,092 (the 2012 Census of Ag did not disclose sheep numbers) with \$36,020,000 worth of agricultural commodity sales (again, the value of livestock sold was not disclosed). The 2017 Census of Agriculture highlighted a cattle inventory of 20,051 (again, the 2012 Census of Ag did not disclose sheep numbers) with \$40,432,000 worth of agricultural commodity sale, \$10,820,000 attributed to livestock sold. Livestock sales, in recent history, accounts for 25 to 40 percent of annual agriculture commodity sales in Eureka County. Therefore, livestock production from 2007 through 2017 was responsible for generating between \$10,000,000 and \$16,000,000 worth of product sales in Eureka County annually.

The direct and induced benefits of the livestock industry in Eureka County can be determined based upon information contained in the University of Nevada Report: Reno Technical Report UCED 2005/06-14 Updated Economic Linkages in the Economy of Eureka County. The livestock sector in Eureka County has a final demand multiplier of 2.0283. In short this means that for every \$1 generated by the sector Eureka County's economy will benefit \$2.02 of total revenue. The high final demand multiplier suggests strong economic linkages of the livestock sector to other sectors of the county's economy. Income and employment multipliers are also of importance. The livestock sector has an income multiplier of 1.6812 and an employment multiplier of 1.4439. Thus, for every \$1 generated by livestock production, total county household income increases by \$1.68 and for every job added by the livestock sector, total employment in Eureka County increases by 1.44 employees.

In 1999, funds were appropriated through the Nevada Legislature to create a Nevada Public Land Grazing Database and Economic Analysis. In 2000, the Nevada State Department of Agriculture asked the Nevada Association of Counties to assist in fulfilling this mandate. Resource Concepts, Inc. was contracted to help complete the database and analysis. The product of this effort is the report, Nevada Grazing Statistics Report and Economic Analysis for Federal Lands in Nevada (Resource Concepts, Inc. March 26, 2001). Table 3 of the Report (p. 48) summarizes the economic impacts of 1 AUM of grazing in Nevada as follows:

[Image of Table 3 Economic Impacts of 1 AUM of Grazing in Nevada]

Basically, for every AUM lost (or gained), the overall impact to the livestock producer himself in one year equaled \$29.40 (in 1999 dollars). However, to value an AUM in 2020 dollars there must be adjustments based on inflationary changes since 1999. Take the following as an example. The Bureau of Labor Statistics reports an average inflation rate over the past 40+ years (since 1976) to be about 3% per year. Applying a rate of 3% each year since 1999 gives a 2021 value of one AUM to the producer alone at about \$55 per year and \$100 per year to the local economy. What is critical to understand is that AUM loss is typically forever. Forage/AUM loss impacts do not occur to ranchers and local economies as a one-time impact. If AUMs are diminished (or gained), the economic loss (or gain) occurs year-after-year.

Resources to Meet Obligations

Eureka County understands that USFS is chronically understaffed and underfunded for grazing management. The directives cannot be implemented and achieve success at scale if USFS does not have the capacity and resources needed to fulfill its obligations. While we believe improving the directives can create better outcomes for people, the environment and all uses of NFS lands, it is essential that USFS receives and dedicates the resources to hire, train and retain a talented workforce capable of fulfilling obligations to manage for NFS land health and provide for flexibility within livestock grazing permits and leases.

Specific Comments

FSM 2200 [ndash] Rangeland Management Manual

Zero Code

Reference statutes

We urge the agency to carefully review the list of statutes included in the regulations for relevancy and whether they have the force and effect of law. Several statutes that have been repealed [ndash] either in whole or in part [ndash] are included in the list of reference points and while contents may have previously informed development of provisions in the directives, we urge the agency to streamline reference points. For example, citation of the Homestead Act of 1862 and the Organic Administration Act of 1897 are certainly relevant in terms of USFS history, however the accompanying narratives need to be further refined.

Further clarification is needed for statutes that do not have the same force and effect of law on grasslands as they do on national forest lands. If the agency proceeds with handbooks that address forest and grassland management in a collective fashion, authorities and relevant management directives must be clarified.

Definitions

Some of the items proposed in 2205 are defined here for the first time. Definitions are typically adopted through rulemaking or enactment of statute. Eureka County would recommend limited and judicious use of novel definitions, particularly where application or implementation of the term is largely up to agency interpretation. It is likely more accurate to call this section [ldquo]Descriptions[rdquo] or [ldquo]Key Terms[rdquo] rather than [ldquo]Definitions[rdquo] to avoid legal ambiguity that would be likely to result in punitive action for the agency and for the permittee

Eureka County recommends clarification in the following terms:

Base Property [ndash] The sentence following this term should account for the fact that base property, in some cases may be leased. The description/definition included in 2205 limits land and improvements to those

[ldquo]owned and used by the permittee[rdquo], not [ldquo]owned or used[rdquo]. Further refinement should be sought.

Best Management Practices for Water Quality [ndash] USFS lacks authority to develop, implement, or enforce BMPs for water quality, as other state and federal agencies have delegated authority.

Compliance Inspection [ndash] The reference to Annual Management Planning and Annual Operating Instructions does not universally apply to grasslands permittees, so this description should be inclusive of all processes, if included at all. Other terms would be more useful here.

Critical area - This description appears to put [ldquo]critical areas[rdquo] in conflict with statutory and regulatory terms, like [ldquo]critical habitat[rdquo] for Endangered Species, [ldquo]Areas of Critical Environmental Concern[rdquo], etc. In this, and all places, USFS should avoid introducing confusion in introducing [ldquo]definitions that are unnecessary. This description should be compared against [ldquo]Key Species[rdquo].

Frequency vs. Grazing Occurrence [ndash] These terms appear to be in conflict.

Grazing Permit [ndash] As is discussed in a number of places outside of FSM 2200, the description of a grazing permit, a term grazing permit, and other kinds of grazing authorizations are referenced in several different places among the three documents. The groups recommend a more consistent, simplified citation process to ensure agency professionals and permittees alike are not in the position to choose between or among potentially conflicting [ldquo]definitions[rdquo].

This is not an exhaustive list but intended to provide specific examples that would put the agency in direct conflict with later sections of their own handbooks, or worse, in direct conflict with their own statutory and regulatory directions. Agency personnel should carefully review all [ldquo]definitions[rdquo] for accuracy, authority, and need. Many of the definitions are superfluous, at best, and at worst will result in inconsistencies across USFS units because of variations in use of general terms that the agency has now here [ldquo]defined[rdquo]. Further, the lack of a [ldquo]definition[rdquo] or [ldquo]description[rdquo] of a preference right is glaring here.

Chapter 2206

References

Multiple Indicator Monitoring (MIM) is growing in its use on USFS lands and is considered an interagency monitoring reference. We recommend adding the MIM technical reference to 2206.

The citation:

Multiple Indicator Monitoring (MIM) of Stream Channels and Streamside Vegetation, Technical Reference 1737-23, 2011, Department of Interior, Bureau of Land Management, National Operations Center, Denver, CO. A joint United States Forest Service and Bureau of Land Management publication.

Chapter 2240

2240.3 [ndash] Policy

The groups recommend revising the use of the term [ldquo]journey level[rdquo] related to rangeland expertise on management decisions in favor of agency-specific terminology to ensure authorizations are appropriately elevated.

With respect to rangeland improvements, authority and responsibility to maintain range improvements is repeatedly assigned to permittees, of all permit types and durations. The guidance fails to address maintenance of improvements in the absence of an authorized permittee. Too often when an allotment becomes vacant or is otherwise unutilized by the agency or a permittee, range improvements are degraded. Over time, degraded improvements render an allotment difficult or impossible to use, as a permittee would enter the allotment at a deficit with range improvements to fix, rather than simply maintain. It has been the policy of the USFS to treat range improvements, de facto, as a USFS asset as the handbook directs USFS personnel to [ldquo]not convey exclusive rights to use a rangeland improvement or the land on which the improvement is located[rdquo]. As such, the agency should provide for management of permanent range improvements in the absence of a permittee.

2240.6 [ndash] Livestock Intrusion

The following paragraph should be stricken in its entirety:

[lsquo]Despite the legal Federal position regarding boundary fence policy, authorized officers are frequently finding themselves in situations of controversy, accused of being bureaucrats and [ldquo]poor neighbors,[rdquo] and often attempting to get polarized parties together to fix legal dilemmas that no one wants to accept responsibility for, including State and county elected officials.[rsquo]

By the agency[rsquo]s own assertion, [ldquo]Manual (FSM) chapters generally contain information and direction on the laws and regulations that the Forest Service is charged with implementing in the management of NFS lands. Handbook (FSH) chapters contain the policies and procedures necessary to carry out those responsibilities in an orderly and proper manner on NFS lands.[rdquo] (FSM 2230.6). The graph above is not legal or regulatory direction, nor is it policy or procedure. Subjective assertions about motivation to accept responsibility for situations [ndash] many of which are under the primary authority of the USFS [ndash] is inappropriate.

2242.1 Vegetation Management

Inclusion of cattle in the [ldquo]animals such as[hellip][rdquo] list is appropriate here. As outlined originally, the USFS must use all tools at its disposal in vegetation management.

2245 [ndash] Conservation Practices on National Grasslands

The first graph in this description is potentially inconsistent with the [ldquo]definition[rdquo] found in Zero Code.

FSH 2209.13 Grazing Permit Administration Handbook

Chapter 12 [ndash] Eligibility and Qualification Requirements for Term Grazing Permits

We appreciate the agency[rsquo]s work to expand the nature and type of entities eligible for grazing permits and agreements. Further expansion of the kinds of entities eligible to hold permits (outside limited liability companies, family limited partnerships, etc.) would more accurately represent the identity of entities who currently hold grazing permits and their future enterprise objectives. Because the long interval between revisions of these handbooks and manuals, we recommend inclusion of language that would allow for classifications of business operations that may not currently exist, but may develop over time, to be included as qualifying entities to hold permits. The handbook and manuals should not unnecessarily preclude inclusion of future legal or financial classifications. Any future flexibility must be accompanied by the other underlying qualifications to ensure that permit holders are engaged in business activities and are viable, productive, active livestock and grazing operations.

We suggest further clarification of the agency's acceptance of the use of leased property as qualifying base property for a term grazing permit. The manuals and handbooks are inconsistent in mentions of leased base property, so conformance is critical to ensure consistency across NFS units. Chapter 12.21 outlines that [ldquo]Leasing base property, where not specifically authorized by a grazing agreement or rules of management (See section 24.11), does not satisfy the base property ownership requirement and can result in the rejection of a term grazing permit application.[rdquo] Given the evolving nature of the industry and those directly involved in land stewardship, more clear direction that the agency may consider leased property, in specific scenarios, when considering eligibility for a grazing permit would be beneficial.

Finally, we recommend flexibility be found in the specific requirements for the uniformity between the discrete identities found on permit applications, base property ownership, and other relevant documents. Due to the diverse nature of operations across NFS lands, the agency must be able to verify the identity of a permit holder, but should not exacerbate administrative issues if there is disparity between a producer name/operation name/company name.

Chapter 13.6-13.61 [ndash] Forage Reserve Allotments

USFS will have occasion to recognize vacant allotments as entering forage reserve status. As a general practice, we believe the USFS has a responsibility to pursue issuance of permits in cases where an allotment becomes vacant as a result of a permit waiver or other loss of permitted grazing. While the handbook does recognize that forage reserve allotments may be analyzed in order to allow grazing to occur affirmatively, we recommend the agency first assess the impact of the loss of grazing activity if a permit or permits was not reissued on the allotments and the presence of livestock grazing was eliminated or severely curtailed. Not only is this important from a fuels management perspective, but from the perspective of range improvement maintenance. Maintenance is addressed in 13.61, outlining that the USFS [ldquo]may be responsible for maintenance of structural or nonstructural range improvements[rdquo], but that maintenance will be assigned to any permittee who uses the forage reserve. In the absence of a permittee, the USFS makes clear in several other locations in the handbooks that range improvements and their rights and interests are property of the agency. Therefore, management responsibility in the absence of a permittee, lies with the USFS.

Both here and with respect to agency authorizations for vacant allotments, we request flexibility for the use of temporary infrastructure when making allotments available to permittees on a short-term basis. Use of corrals, temporary fencing, and other non-permanent infrastructure can vastly increase the likelihood that a forage reserve allotment or a vacant allotment will be able to be used by a permittee. Available is one thing, it is another thing entirely to be usable.

Chapter 16 [ndash] Changes in Term Grazing Permits

As a general statement of principle, any changes to a grazing permit should be made in concert with, and with the consideration of all factors related to, a permittee and their respective grazing needs. Further, USFS should prioritize management that addresses causal factors [ndash] as addressed in an isolated way above, USFS must be able to determine that the modifications suggested (especially as in the case of grazing reductions) are factually related to grazing activities, rather than other factors like invasive species, recreation, etc.

Chapter 16.2 [ndash] Suspension or Cancellation of Grazing Permits Due to Non-Compliance with Permit Terms and Conditions

The handbook clarifies that if certain conditions are [ldquo]occasional[rdquo] and the permittee is responsive in correcting the situation, the issue will not necessarily constitute a violation of permit conditions. Agency personnel should be mindful that conditions they identify in this section [ndash] gates left open, fences cut, water tanks

vandalized [ndash] can all be informed or mitigated as part of larger USFS policies for other multiple use on forest lands and grasslands. With respect to the recreation comments above, factors outside of the permittees control affect resource conditions that are outlined in a grazing permit and the agency should not pursue punitive action against a permittee strictly for incidents outside the permittee[rsquo]s control. USFS should endeavor to address potential use conflicts under their purview in a way that does not affect the utility or authorization of the allotment to be used for grazing.

Chapter 16.36 [ndash] Repeated Incidents of Non-Compliance

With relation to repetitive notices of noncompliance for a single permittee, there should be a process for a notice of non-compliance to [ldquo]expire[rdquo] from a file after a certain period of time and compliance. Notices of non-compliance can occur decades apart and yet still have the cumulative effect that contribute to a suspension or cancellation in the eyes of the agency. We support a timeliness consideration similar to the agency[rsquo]s process related to letters of reprimand, particularly given the significant repercussions of permit cancellation or suspension.

Chapter 16.6 [ndash] Permit Cancellation to Devote the Lands to Another Public Purpose

With respect to the inclusion of [ldquo]documented contacts with bighorn sheep[rdquo] as one of the reasons where permits may be cancelled in whole or in part, we recommend removal of the reference due to jurisdictional conflicts. State wildlife agencies have primary authority to manage wildlife species and outright authority to cancel grazing permits, rather than reaching some widely-supported alternative among federal agency, state agency, and livestock interests creates unnecessary conflict.

Chapter 30 - Temporary Grazing and Livestock Use Permits

In Chapter 32.2 the directives outline that [ldquo]Applicants for temporary grazing permits and livestock use permits are not required to own either base property or the livestock to be grazed unlike applicants for term grazing permits.[rdquo] Further clarification should be provided to identify that these circumstances should be limited to those that would provide for specific resource outcomes: addressing invasive species like cheatgrass and ventenata, providing for targeted application of grazing animals for fuel breaks, and the link. The entire waiver of base property or livestock should not be blanket terms.

Chapter 33 - Temporary Grazing Permits

Temporary and short-term use of grazing allotments is an important tool in emergent situations where livestock are in need of alternate forage as a result of drought, catastrophic wildfire, infestation, flood, landslide, or other natural event that precludes the ability to graze in a given year. Other conditions exist that would be suitable for authorization of a temporary grazing permit, however, including attempts by the agency to prevent certain detrimental resource conditions. Authorization of temporary grazing permits or use of grazing as a tool to address invasive species, excessive fuel loading, undesirable fuel accumulations, or to create fuel breaks would also be beneficial for the resource. When authorizing temporary grazing permits, USFS should be aware of and responsive to local issues; temporary use should first be available to permittees in nearby areas to reduce potential use conflicts before being offered to other permittees.

Chapter 56 [ndash] Administration of Cow camps

FSH 2209.13, 56.4 asserts that cow camps that exceed 50 years of age shall be evaluated under the National Historic Preservation Act (NHPA) for inclusion in the National Register of Historic Places (NHRP). This evaluation will likely necessitate discussions of maintenance standards that might be required, at the sole responsibility, cost, and liability of the permittee. While we recognize and value the significant historic and cultural attributes of

cow camps and other facets of grazing allotments, management of these assets under NRHP requirements must not impede the utility of the facility as a functional part of grazing management. While the directives do recognize this potential conflict, the agency should make every effort to limit the burden borne by permittees as a result of potentially onerous requirements under the NHPA. Therefore, we request inclusion of the following statement, or a similar statement, in Chapter 56:

Any issues related to maintenance of a cow camp or other historic structure on the allotment should not affect the USFS administration of the allotment, nor should any violations or disagreements under NHPA affect a permittee's grazing permit.

Chapter 73 - Waiver of Interest in Permanent Range Improvements

The proposed revisions outline that "[...] compensation cannot be made to persons who are no longer permittees nor can it be made to permittees presently using the allotment and associated permanent range improvements that were placed or constructed by former permittees." (Chapter 73). We recommend a more equitable consideration of compensation based on maintenance or range improvements; even if a permittee is not the individual who constructed the initial range improvement, subsequent permittees can make significant investments in keeping up range improvements, especially in cases where range improvements may have fallen into disrepair prior to the permittee accessing the allotment.

Chapter 81.82 [ndash] Impoundment and Disposal of Unauthorized Livestock

We appreciate the reference to contact with the county sheriff's personnel and local brand inspectors. In cases of impoundment or other detainment of livestock, USFS must use local law enforcement and local jurisdictional authorities.

Chapter 95.1 [ndash] Types of Monitoring

This section does not describe types of monitoring. We suggest renaming this section "[...]Purpose of Monitoring[...].

Chapter 95.2 [ndash] Monitoring and Evaluation Methods

We suggest renaming this section to "[...]Types of Monitoring and Evaluation Methods[...]" as this section does describe "[...]types of monitoring[...]" which are Implementation Monitoring and Effectiveness Monitoring.

In addition, "[...]Implementation Monitoring[...]" and "[...]Effectiveness Monitoring[...]" is not necessarily language that is familiar amongst range managers. Monitoring is generally referred to as "[...]Annual Monitoring[...]" and "[...]Trend Monitoring[...]. Although this could be implied by the methods, we offer the following clarification language:

Paragraph 3 Currently States: "[...]Implementation monitoring may include but is not limited to[...]"

Suggested Clarifying language: "[...]Implementation monitoring, otherwise known as annual monitoring, may include but is not limited to[...]"

Paragraph 6 Currently States: "[...]Effectiveness monitoring should include attributes, locations, and methods that are capable of detecting[...]"

Suggested Clarifying language: "[...]Effectiveness monitoring, otherwise known as trend monitoring, should

include attributes, locations, and methods that are capable of detecting[hellip][rdquo]

Chapter 95.3 - Permittee Monitoring

We agree that if cooperative monitoring is to be done, the PLC-USFS cooperative monitoring MOU should be the guide and standard for monitoring. Further, USFS should emphasize the cooperative monitoring agreement with authorized officers to ensure agency consistency.

FSH 2209.16 Allotment Management Handbook

AUM conversions

Revision is needed to conform AUM conversions between Chapters 10 and 20. Other errors in conversion or disparate conversion calculations seem likely across the chapters. For instance, FSH 2209.16, 16.4 Exhibit 1 lists the conversion rates as Bull =1.5 AUMs and a Horse = 1.2 AUM, while FSH 2209.15.3, Exhibit 2 switches those figures. While these may be used as reference points only, consistent conversion factors should be adopted prior to finalization.

Chapter 10.13 [ndash] Forage Reserve Allotments

We appreciate the recognition that [ldquo]challenges to the management of forage reserve allotments include maintenance of rangeland improvements such as fences, spring developments, and livestock working facilities since no permittee may be assigned the maintenance responsibility when the forage reserve is not being used.[rdquo] This is why USFS is urged to apply their earlier assertion that range improvements are USFS-owned to the concept of management as well. Upkeep of range improvements will benefit wildlife and other users, in addition to maintaining the utility of forage reserve allotments for future use.

Chapter 10.15 [ndash] Closed Allotments

While the handbook outlines that [ldquo]a decision to close an allotment does not preclude a future environmental analysis and decision to open the area in whole or in part to livestock use and occupancy[hellip][rdquo], in practice that is rarely the case. USFS should include a mention here (as is done in 10.2) that due to the significant resource considerations when closing an allotment, closure should be avoided in all possible circumstances.

Chapter 10.16 [ndash] Wild Horse and Burro Territories

The statement here that [ldquo]Management can become very complex and controversial when wild horse and burro territories and grazing allotment boundaries overlap.[rdquo] In all cases of horse or burro presence, USFS should prioritize range health and identify causal factors for range degradation. Where allotments overlap with horse territories, USFS should take care to not take punitive action against permittees when the failure to manage overpopulated horse herds is the causal factor.

Chapter 10.52 [ndash] Changing Vacant or Forage Reserve Allotments Back to Active Allotments

While the directives directly address the process to change [ldquo]vacant or forage reserve allotments back to active allotments[rdquo] (FSH 2209.16, 10.52), the directives do not adequately address the process by which a closed allotment can be reopened. We appreciate the agency[rsquo]s acknowledgement that allotments should be closed rarely, and that context such as third-party buyouts of permits are not a reason to close allotments, however the directives should provide agency guidance on how to reopen a closed allotment, when appropriate. Inclusion of a section parallel to 10.51 or 10.52, with further process guidance, would be appropriate.

While the proposed revisions outline a succinct process for reopening allotments or reissuing permits on closed allotments, the directives should be revised to provide further guidance on the process to reinstate a permit that has been partially cancelled, particularly since reference in the FSM 2205 outlines that cancellation can be in whole or in part. Agency staff should have the flexibility to provide conditions under which a partially cancelled permit may be able to be restored in order to provide continuity in resource management. For example, in the case where parents held a series of grazing permits and a permit was partially cancelled or AUMs were significantly decreased as a result of non-compliance, when that permit is transferred to the children or other producer, the child or subsequent permittee should have the opportunity to pursue reinstatement of the original permit conditions, provided the resource can sustain similar conditions. Further clarification in the directives would be needed to provide for such a scenario.

Chapter 11.11 [ndash] Recommended Data for Determination of Rangeland Capability

11.11 currently states the following:

[ldquo]The following constitutes the basic information needed to complete a capability assessment. At times not all of this information may be available or required. Where such information is not available in an electronic format, other similar data may be substituted.

1. Land Ownership (from the Land Status layer of GIS)
2. Soil Map Unit - from Terrestrial Ecological Unit Inventory (TEUI), Ecological Site Descriptions (ESD), or other soil inventory
3. Geology - optional -- from TEUI or other inventory
4. Optional - Potential plant community production - from TEUI, Common Vegetation Unit, Common Land Unit, or Integrated Resource Inventory (IRI)
5. Lakes, ponds, reservoirs, and wetlands - from Common Water Unit (CWU) of IRI or the National Hydrography Dataset
6. Rivers/Streams - from CWU of IRI or the National Hydrography Dataset
7. Riparian delineation information [ndash] from the Riparian Buffer Delineation Model
 1. (www.riparian.solutions)
8. Roads - from designated travel routes
9. Slopes - from Digital Elevation Models (DEM)
10. Optional - Distance to water from Common Water Unit and/or Range Structural Improvement layer.[rdquo]

We have the following suggestions:

Item 2. Ecological Site Descriptions are not a [ldquo]soil map unit[rdquo] nor is it an inventory. It is more closely related to providing plant community information including potential for production. We recommend moving

Ecological Site Descriptions to Item 4 for those reasons.

Item 4. Vegetation information should be used if available. We suggest changing from [ldquo]optional[rdquo] to [ldquo]Use If Available[rdquo].

Because the soils and vegetation datasets overlap for items 2 & 4, we also suggest the USFS consider combining 2 and 4 described as [ldquo]soils and vegetation information[rdquo] including TEUI, ESD, or other soil inventory, common vegetation unit, common land unit or IRI.[rdquo]

We also recommend using remote sensing data to delineate suitability and capability classifications in support of [ldquo]on the ground[rdquo] datasets.

Chapter 13.3 [ndash] Unauthorized Livestock Use

Please see comments related to FSH 2209.13, Chapter 81.7.

Chapter 13.4 [ndash] Impoundment and Disposal of Unauthorized Livestock

Please see comments related to FSH 2209.13, Chapter 81.82.

Chapter 15.43 [ndash] Cooperation with Permit Holders

Rangeland improvements and the ability of permittees to engage in cooperative agreements to construct range improvements is an important component of this chapter. This section seems to primarily discuss utilization of Range Betterment Funds (RBF). Further clarification should be added in this section that the funds discussed are RBF, not Conservation Practices (CP) funds related to grasslands.

With respect to cost share, the proposed changes continue the 50/50 cost share agreement. We recommend inclusion of some flexibility on when and how those costs are divided. If upfront payment is required, for example, we encourage the agency to make all efforts to provide their portion of the funds at the same time to ensure the project is able to get underway, rather than placing a significant burden on the permittee to facilitate upfront costs. While this may not be applicable in every scenario, flexibility may benefit the agency and the resource in key areas.

Chapter 15.54 [ndash] Recreation

While not addressed fully in this handbook, recreation has the ability to significantly affect rangeland conditions and the ability of permittees to undertake basic stewardship of the land and their livestock. We urge the agency, through coordination of these directives and administration of recreation programs across NFS lands, to ensure that recreation programs are consistent with objectives outlined in grazing programs and that neither land health nor general allotment condition are negatively impacted in a way that would ultimately cause the agency to attribute damage inappropriately to the permittee/lessee.

Conclusion

Eureka County again thanks USFS for opportunity to engage in ongoing dialogue about the best management of grazing on NFS lands that are integral to the lives and livelihoods of our local community. We look forward to further refinement of the rangeland management directives and offer our continued commitment for coordinated and productive relationships between ranchers, the public, and the USFS.