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April 2, 2021

U.S. Forest Service, Director,
Forest Management, Range Management, and Vegetation Ecology
201 14th St SW, Suite 3SE
Washington, DC 20250-1124

Re: Little Missouri Grazing Association Rangeland Management Directives
#ORMS - 2514

Dear Director:

The Little Missouri Grazing Association (LMGA) submit the following comments on the **Standard Grazing Agreement Only for Grazing Associations Operating on National Grasslands in R-1** (23 Exhibit 02, FSH 2209.13, Chapter 20).

The LMGA was dismayed to read the three distinct changes to the original Dakota Prairie Grasslands Standard Grazing Agreement (SGA) that was accepted and signed in early 2020. The Forest Service changed two definitions and the Statement of Purpose. Those alterations change the intent of the negotiated Agreement. The DPG Grazing Associations' comments describe our response to the changes made, but the LMGA emphasizes that the definitions went through extensive review by all parties involved.

The DPG SGA definition for "Association Administered Lands" mean all lands administered by the Association for livestock use and rangeland resources including, but not limited to, private, state, other agency, and National Grasslands" should remain as written.

The FS restates the definition as "Association Administered Lands mean all lands *identified in the grazing agreement upon which the grazing the association is responsible for managing the rangeland resources and their member's livestock use including, but not limited to, private, State, other agency, and National Grasslands.*"

The DPG SGA definition for "Grazing Agreement authorizes Grazing Associations, established under State law and recognized by the Forest Service, to administer the livestock grazing program on National Grasslands, acting as agents of the Forest Service for a period of 10 years or less."

The FS restates the definition in the Exhibit as "Grazing Agreement Authorizes Grazing Associations, established under State law and recognized by the Forest Service, to administer the

livestock grazing *use made by its members* on the National Grasslands identified in the grazing Agreement for a period of 10 years or less.

The DPG SGA Statement of Purpose was negotiated to “The purpose of this Agreement is to:

1. Authorize the Association to administer the livestock grazing program on National Grasslands covered by this Agreement which includes the provision for the Association to issue and administer grazing permits consistent with applicable federal law, regulation (CFRs), applicable Forest Service policies, and direction in the Grassland Plan. Such administration must conform to this Agreement and the Rules of Management developed by the Association and concurred with by the Forest Service.”

The FS restated the Statement of Purpose in the Exhibit SGA as: “The purpose of this Agreement is to:

1. Authorize the Association to administer its members livestock grazing activities on National Grasslands covered by this Agreement which includes the provision for the Association to issue and administer grazing permits consistent with applicable federal law, regulation (CFRs), applicable Forest Service policies, and direction in the Grassland Plan. Such administration must conform to this Agreement and the Rules of Management developed by the Association and concurred with by the Forest Service.”

The FS re-statements cast doubts on the Forest Service’s intentions. Through the ND Department of Agriculture’s MOU group, the DPG SGA was negotiated in good faith that 36 CFR Part 213 remained in effect for the National Grasslands: “*...for administration under the provisions and purposes of Title III of the Bankhead Jones Farm Tenant Act.*” The DPG Grazing Associations believed that the DPG, with Regional Office approval, would identify the applicable federal law and regulations and applicable Forest Service policies. Region 1 has two Standard Grazing Agreements: Exhibit 2 and Exhibit 3. Is the DPG SGA going to disappear in 10 years because the FS beyond the Dakota Prairie Grasslands had no intention of honoring this Standard Grazing Agreement?

All of the associations in the DPG, the Forest Service, ND Congressional delegates, the ND Agriculture Commissioner and his staff spent countless hours reviewing, negotiating, and writing the Standard Grazing Agreement. Over the last three years, there have been no fewer than 13 meetings to create a final product that everyone involved agreed on. The FS had plenty of opportunities to make changes during the exhaustive process. With that being said, not a single word, no matter how small, should be changed from that final product when adding it to the Handbook. It took an unbelievable amount of sacrifice and dedication of all involved. To willfully make changes without consent to a signed document in the early years of its lifespan is a slap in the face.

The LMGA requests that the FS correct FSH 2209.13, Chapter 20 23-Exhibit 02 to the original DPG SGA as written.

The LMGA is frustrated that after 44 years of requesting the Forest Service to develop separate regulations, policies, and procedures for the National Grasslands, the Forest Service still refuses to develop them. The LMGA reviewed the draft directives and found 334 comments and requests from the DPG Grazing Associations that the FS specify or clarify when the National Grasslands regulations, policies, and procedures differ from the National Forests.

The DPG Grazing Associations, notably the Little Missouri Grazing Association, experience a revolving door of FS staff from the Supervisor's office to the ranger districts. Separate regulations, policies, and procedures devoted to the National Grasslands' uniqueness are required to restore efficiency in a chaotic employment environment. The DPG Grazing Associations Vegetation Management Projects and conservation practice design and approval are perpetually stalled and backlogged.

The LMGA requests that FS issue separate regulations, policies, and procedures for the National Grasslands.

The LMGA has enclosed a matrix summarizing LMGA's comments.

Thank you for your consideration,



Chad Erickson
President
Little Missouri Grazing Association

COMMENT	MANUAL OR HANDBOOK	RECOMMENDED CHANGE
1.	FSH 2209.13 Chapter 10 – Term Grazing Permits	Chapter 10 tries to fit National Grassland Grazing Associations’ Grazing Agreements into a kind of term grazing permit. The DPG Grazing Associations’ comments requested 123 times that Chapter 10 – Term Grazing Permits identify when a proposed directive apply to National Forests or to National Grasslands.
2.	FSH 2209.13 Chapter 20 – Grazing Agreements	Chapter 20 fails to recognize that the National Grasslands were founded under the Bankhead Jones Farm Tenant Act (BJFTA) and that 36 CFR 213.1(c) maintained the National Grasslands were to be managed by the FS “only so long the rules were consistent with the purposes of the BJFTA. Chapter 20 forces Grazing Agreements into “term grazing permits” for National Forests. The DPG Grazing Associations’ comments requested 80 times in Chapter 20 to delete “term grazing permits” or identified where the proposed directive did not apply to the National Grasslands.
3.	FSH 2209.13 Chapter 30 – Temporary Grazing and Livestock Use Permits	Chapter 30 applies to National Forest users. The DPG Grazing Associations comments request 24 times that the Forest Service identify what was specific to National Forests’ term grazing permits and what was specific to National Grasslands’ Grazing Agreements.
4.	FSH 2209.13 Chapter 60 – Records, Chapter 70 - Compensation for Permittee Interest in Rangeland Improvements	Chapter 60 & Chapter 70 apply to National Forest permittees; however, both chapters refer to the National Grasslands Grazing Associations. The LMGA supports the DPG Grazing Associations’ request to that the FS remove all reference to National Grasslands, Grazing Associations,

		Conservation Practices and Grazing Association members. A separate FSH for National Grasslands should be developed.
5.	FSH 2209.13 Chapter 80 – Grazing Fees	Chapter 80 contains 12 requests from the DPG Grazing Associations’ comments that the FS specify or identify how the National Grasslands fees differ from the National Forests.
6.	FSH 2209.13 Chapter 90 – Rangeland Management Decisionmaking	Chapter 90 contains 9 requests from the DPG Grazing Associations’ comments that the FS specify or identify how the National Grasslands rangeland management differs from the National Forests.
7.	FSH 2209.13 Chapter 20 - Grazing Agreements	“Successional” bae property is a phrase introduced in this chapter. Successional has never been defined before and is not in any regulations. Please drop “successional” from the directives.
8.	Conservation Practices	Conservation practices are land treatment and improvement measure necessary to carry out the provisions of the Grazing Agreement. The practices are structural and nonstructural that are necessary to administer a grazing program. Funding does not come from the Range Betterment Fund, which is specific to the National Forests. This is another reason why the National Grasslands should have separate regulations, policies, and procedures.
9.	FSH 2209.13 Chapter 80 – Grazing Fees Page 36, procedure #9 (Fee Credit Carried Forward for Approved Conservation Practices)	“The fees credited, because they are Forest Service funds, must be deposited in the project-specific account at the beginning of each grazing year...” The LMGA objects to the FS mandating this directive to the Grazing Associations. As documented in our DPG SGA: “Grazing Associations will maintain records related to the

		<p>administration of livestock grazing activities authorized by this Agreement that would otherwise be retained by the Forest Service if it were directly administering livestock grazing through Forest Service term grazing permits. Said records must include, but are not limited to: Association Member eligibility and qualification requirements; base property; Association grazing permits; documents pertaining to the investigation and enforcement of Association grazing permit terms and conditions; bills for collection; actual use records; lease agreements; <i>and land use practice costs to include detailed conservation practices, and administrative costs.</i></p>
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