

James F. Hagenbarth
PO Box 1128
Dillon, MT 59725
406 683-2163
hagenbarthj@msn.com

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U.S. Forest Service
Director, Forest Management, Range Management and Vegetation Ecology
201 14th Street SW Suite 3SE
Washington, DC 20259-1124

RE: Rangeland Management Directives

To Whom It May Concern:

Our family has managed livestock in southwestern Montana and southeastern Idaho since 1870. Our livestock has continuously grazed forest service lands in the Caribou-Targhee National Forest since 1890, which is before the forested lands were reserved in this area. In 1904 Francis J. Hagenbarth, my grandfather, carried a survey of the Targhee area to Washington D.C. and asked President Roosevelt to set the Centennial Mountain Range aside as a national forest and he did. The Forest Service grazing permits we currently utilize on the Caribou-Targhee are adjacent to our grazing units in Idaho that are a mixture of private, Idaho State Lease and BLM Lands where we harvest around 20,000 AUMs off the lands we control. Change on all fronts in the last 50 years has made it very difficult for lessees and agency personnel to have the flexibility necessary to work within current regulatory structure. Please find comments below on the propose changes in Rangeland Management directives.

comment #1 on/off permits
-Chapter 10, Sec 11.52 This change makes it easier to manage permits that have private and leased lands included within the allotment boundary. Managing a separate permit for these private and leased lands involves more paper work and confusion. Including private or leased lands is generally site specific and depends on terrain, roads and other kinds of issues that makes it easier to manage livestock with the inclusion of these lands. There must be a caveat included in this directive that allows private land and/or leases to be removed from allotment management plan at the end of any grazing year with adjustment of numbers and livestock occurring before the beginning of the next grazing season. A ten year term permit should not limit the withdrawal of private or leased lands if the permittee chooses before the term permit expires.

#2 eligibility qualifications
12,16
-Chapter 10, Sec 12. Discussion of different ownership entities. With the changing inheritance and estate tax regulations it makes it very difficult to design successional plans that not only shelter estates from financial consequences of death of an individual in the business, but encourage younger generations to take over the business entity and continue the public land

ranching operations that are the only entity that holistically manage the rangelands in the west that are fractured by jurisdictional polygons. The current regulations has caused our family grief when the livestock and brand is owned by a sub-chapter S corporation and the other private and leased lands are under an limited partnership that has shareholders that have interest in the livestock. The BLM and state land departments in Montana and Idaho allowed the LP to be the lessee and the brand on the livestock made little difference. We wanted all the private land and leased land in the name of the LP so if something happened to the other entity owning the livestock it would not break up the continuity of a ranch that is made up of co-mingled ownerships. The USFS would not allow the LP to be the permittee, even though a shareholder in the LP owned the entity that owned the brand and livestock for that grazed on the forest permit. This required the individual that managed the livestock entity to outright buy the brand and livestock on the animals that used the permit. This was totally unreasonable, cost the young permit holder a lot of money and a lot of debt just to graze the permit our direct family had been grazing for 76 years.

#3
3rd Party
Buyouts

Chapter 10, Sec 12- Terminology and documents- Grazing leases permit livestock to be used as a tool to cause the time controlled disturbance necessary to enhance the sustainability of the grazing rangelands and also manage fine fuels that can contribute to increased fire risk. If terminology and documents allow non grazing users to obtain a permit that will no longer be grazed, it will eventually lead to the loss of the grazing resource to brush and conifer encroachment and a decrease of perennial forbs and grasses. This really will increase the risk of fires within the forest with these kinds of fuels. Purchase of permits or mitigated abandonment to advance wildlife corridors and perceived habitat requirements of endangered species is being looked at by conservation groups as a way to wrench permits away from legitimate livestock lessees. Sustainable ecologically functioning habitat with diversity in seral stages and plants is much more important than an individual species.

#4
Eligibility
+ Rental

Chapter 10, Sec 12 – base property. It is my experience that base property requirements have changed drastically over the years. With the increased value of grazing land adjacent to forest service grazing permits, many permits may be purchased with the livestock on the original transaction and be forfeited as the livestock is sold by the land buyer and the land is either developed or leased to pasture cattle. If the USFS intends to keep livestock as a tool to enhance the forest service grazing resource, they better figure out some way to allow different livestock ownership arrangements on grazing permits. The ownership dynamics on the western rangelands is changing and often times state, BLM and Forest service grazing permits are a liability to landowners not interested in owning or managing livestock. These leases and permits are a way serious ranching families can increase their capacity to add numbers to accommodate interested young family members that want to be involved, but cannot because of the increased recreational value of deeded lands in the west. The ability to move cattle longer distances to stock an allotment gives the agency options they may not recognize. What is important is that the grazing resource is grazed and not just left idle due to regulation. Base property and ownership (brand) requirements sheltered the surrounding landowners from outside grazing interests competing for permits, but the tables have turned and if the forest service wants to stock their allotments accommodations will have to be made. The agency

should recognize that definitions of base property, family and identity of married couples may not be how they want to address permittee qualifications.

#5
Conservation Easements

-Chapter 10, Sec 12.21. Conservation easements can be used as a tool to generate one time income to address the financial needs of a ranching family. Once used, the only asset value that is likely to appreciate significantly in the future is lost. This can limit the options of a livestock producer if his only income is via livestock production and his operation is not or becomes economically unviable for a variety of reasons. Conservation easements are for perpetuity and the holding entity is supposed to remain viable for perpetuity. That is a high bar to clear for all involved. Quite often conservation organizations or Land Trusts (Nature Conservancy, for example) buy ranches and often use Water and Land Conservation Funds to divvy up their interests to conservation efforts, either federal or state projects that encompass permits where livestock is removed and the permit retired. This does not do much to sustain the viability of the grazing resource nor aid in making this permit available to another producers. From a grazing resource management perspective conservation easements can be detrimental to good management practices that enhance the longevity of a sustainable grazing resource.

#6
Ownership Reg. (Eligibility & Quals)

Chapter 10, Sec 12.22 Corporations cannot have children, but children can own shares in a corporation and this gives them ownership in whatever the corporation owns. The USFS did not recognize this when we presented it to them in developing our succession plan discussed in the above discussion of Chapter 12, Sec 12.

#7
Livestock Branding

Chapter 10, Sec 12.3 Here we go again getting hung up on ownership of livestock, base property and brands. The forest service needs to understand that times have changed and eventually other marks of ownership are going to become prevalent and who owns the livestock on the allotment is not as important as having livestock on the allotment. Eventually hot iron brands will be replaced with other identification methods. Hot iron branding has become an animal welfare issue and it significantly decreases the value of the hide as it is sold on a worldwide market. The way things are going a livestock owner may be prohibited from running livestock on agency land that have a hot iron brand. With individual identification and traceability becoming a value that is marketable and with the advances in electronic identification, hot iron branding may not be the identifying tool the agency should hang their hat on. Another alternative should be figured out if individual livestock ownership is going to remain an issue.

#8
Forage Reserves

Chapter 10, Sec 13.6- This proposed change would allow keeping grazing as a recognized use on an allotment that is not currently used by a permittee or has been in non-use status for a period exceeding that allowed by regulation. These allotments could be used as a grass bank to accommodate permittee that have lost the use of their permit because of fire, drought or other reasons. The use of these allotments would depend upon how much infrastructure is involved and the maintenance required by the permittee for compliance with the grazing guidelines for a specific allotment. This would accommodate grazing by sheep better than by cattle. Water development and fences are the infrastructures of most concern.

#9
3rd Party
Buyouts

Chapter 10, Sec 13.7 This proposed policy in regard to third party buyouts is extremely important and limits the ability of a non- grazing interest buying the base property and then retiring the permit or selling it, especially to satisfy ESA habitat concerns or using it as mitigation by removing livestock (selling a sheep allotment in grizzly or Big Horn habitat and then retiring it).

#10
Conversion
Factors

The flexibility suggested by permitting a total number of AUMs will be extremely helpful in managing classes and numbers of livestock on an allotment for designated periods of time.

There should be some language that addresses a conversion rate for yearling's vs pairs. I believe a yearling is charged by the head day just as a pair and is rated at .75 Aum for stocking rate. Depending upon weight of the yearling being grazed at .75 stocking rate the number allowed will not consume the feed allotted to grazing pairs and useable feed is left that is available within the grazing prescription for a particular allotment. This increases the cost/Aum if one is grazing yearlings. One needs to remember that the grazing fee charged is for forage in open space and the cost to harvest this forage can often times be a multiple of 25 times greater than the grazing fee, especially when cattle and water developments, predation, and fencing is involved. Accurate cost records confirms this and is the basis of the PRIA formula.

#11
On-off
permits

Chapter 10, Sec 14.2 & 15.2- OK. If other lands are intermingled with forest service lands to incorporate some feature on the other lands such as water to better accommodate use of the forest lands and these other lands are fenced so they can be used on another adjacent non forest unit, then their plural use should be allowed once their contribution to the forest permit has been made.

#12
non-use

Chapter 10, Sec 17.2 The USFS must be careful not to allow this proposal to be used as a weapon by conservation or wildlife groups to justify non-use because they believe grazing is an inappropriate use or it elevates disease or conflict risk with wildlife, i.e. Big Horn Sheep, Grizzly bear.

Chapter 30, 36.2. See comments on Chapter 10, Sec 12.3 What is important on a grazing resource is the relationship between the number of livestock, grazing system and time control of grazing to get the appropriate disturbance necessary to enhance the grazing resource. It is appropriate to use flexibility and common sense to allow this to happen. We work closely with our forests supervisors to ensure compliance, but I suppose where there are many members of an association, things can get complicated.

#13
Records

Chapter 60, all sections: Records are becoming a very important issue in regard to historical use of a permit for different classes of livestock, monitoring and water rights. It is appropriate to develop a good electronic file system that can accommodate all records related to the past use of the permit. It was very difficult to access old grazing records to establish the actual existence of a permit to determine priority dates for stockwater on forest lands. I was told it was archived in Denver and the cost of my accessing it would be substantial. All these records should be gone through and put in electronic forms. Paper backup is important, but electronic records are more useable.

FSH 2209.16, Sec 16. See discussion in Chapter 10, Sec 13.7

#14
3rd party
buyouts

FSM 2200, Sec 2201.1 See comments in Chapter 10. Third party buyouts, retiring and closing allotments has been occurring in the Caribou-Targhee in regard to critical grizzly habitat and Big Horn Sheep concerning disease. It is ironic that guard dogs have been used successfully to protect sheep against grizzly bear and limits the taking of a bear due to depredation. The notion of having sheep on an allotment humanizes the bear is laughable at best. Several allotments have been closed by the USFS as mitigation to litigious groups using the ESA to take sheep off allotments. My inquiry into including sheep as a grazing tool on past sheep allotments has been denied. Sheep have been removed from allotments to accommodate Idaho Fish and Game and Big Horns they have introduced. Big Horns are not endangered and the disease that impacts their population is carried by other wildlife and livestock and is in the soil. Grazing allotments need grazing disturbance to enhance diversity in grass and forage species. Big Horn Sheep do not have the numbers or movement to accomplish this and the grizzly certainly does not harvest enough forage to enhance the grazing resource. The closing of allotments and third party buyouts will devastate in the long run the grazing resource the USFS is mandated to enhance.

#15
Diseases

FSM 2250, Sec 2252.2 & 2252.21 In the Greater Yellowstone Area which covers forested lands in Montana, Idaho and Wyoming, elk have become infected with brucellosis and have become a vector that exposes cattle and humans to this zoonotic disease which has been controlled in cattle. Areas where cattle are exposed to brucellosis infected elk are classified as a designated surveillance area and managers in these DSAs have to develop testing protocols and are often quarantined if positive cattle are found. In forest permits where comingling with other cattle does not occur it should be permitted to graze cattle that have tested negative to accommodate the permittee to provide forage for this livestock. Why should negatively tested cattle not be permitted on a permit where the elk are infected with brucellosis? CWD is also a disease of interest and it is in the wildlife at this point in certain areas of the intermountain west. It is important to work with all agencies in managing diseases, but this collaboration should not be used to remove livestock from an allotment.

Thanks for the opportunity to comment on these proposed rangeland management directives.
Sincerely,

James F. Hagenbath