Forest Service Manual
National Headquarters (Washington Office)
Washington, DC

Forest Service Handbook 2209.16 – Allotment Management Handbook
Chapter 10 – Allotment Management and Administration

Amendment No.: 2209.16-2020-1

Effective Date: January 7, 2025

Duration: This issuance is effective until superseded or removed.

Approved by: Jacqueline Emanuel, Associate Deputy Chief, National Forest System

Date Approved: January 06, 2025

Responsible Staff: Forest Management, Range Management, and Vegetation Ecology (FMRMVE)

Posting Instructions: This is a new Handbook. Future amendments will be numbered consecutively by Handbook number and calendar year. Retain this transmittal as the first page(s) of this document.

New Document	2209.16_10	47 Pages

Digest: Establishes new direction for the Allotment Management Handbook to provide assistance to Forest Officers and Authorized Officers in the management of rangelands, associated livestock grazing allotments, and other uses of rangelands.

Details how to manage grazing allotments and serves as a companion to the existing direction on how to administer Forest Service grazing permits (provided in FSH 2209.13, Grazing Permit Administration).

11 – Describes the various status types that may be assigned to grazing allotments.

12 – Briefly discusses how allotments can be created, modified, vacated, or closed and describes the procedures for changing allotment status.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Digest – Continued:

12.6a – Describes how to navigate requests for third party term grazing permit buyouts.

13 – Explains the proper timing, methods, and procedures for completing rangeland capability assessments and making suitability determinations for livestock grazing use.

14 – Discusses how to determine priorities for allotment management, what is required to administer allotments to standard, and documenting the results of allotment administration.

14.4 – Discusses permittee communications.

15 – Details the relationship between management of permitted livestock use, excess livestock use, and unauthorized livestock use. Discusses cooperation with law enforcement personnel in identifying, managing, impounding, and disposing of unauthorized livestock.

16 – Discusses coordinating overlapping uses on allotments, including outfitters and guides, other types of special use permits, and recreation special events.

17 – Discusses the management of rangeland improvements, rangeland improvement specifications and administration of "cow camps". Includes sections on cooperation with permit holders, cooperation with other agencies, partners and adjacent landowners and coordination with other program areas.

17.3 – Discusses options for the maintenance of rangeland improvements on vacant and forage reserve allotments.

18 – Discusses situations involving conversions of kind and class of livestock and describes aspects related to animal unit equivalents. Inserts a table displaying commonly used animal use equivalents.

19 – Inserts a discussion on the authority and responsibility for maintaining official 2210 allotment files and folders.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Table of Contents

11 – ALLOTMENT STATUS 5
11.1 – Active Allotments 5
11.2 – Combined Allotments 5
11.3 – Forage Reserve Allotments 6
11.4 – Vacant Allotments 6
11.5 – Closed Allotments 7
12 – CREATING, MODIFYING, VACATING, OR CHANGING ALLOTMENT STATUS 7
12.1 – Creating a New Allotment 7
12.2 – Modifying Allotment Boundaries 8
12.3 – Modifying the Areas Identified as Available for Grazing Within Allotments 9
12.4 – Changing Allotment Status from Active to Forage Reserve or Vacant 12
12.5 – Changing Allotment Status from Vacant or Forage Reserve Back to Active 12
12.6 – Closing Grazing Allotments 12
12.6a – Requests for Allotment Retirement Based on Third Party Arrangements 13
13 – CAPABILITY ASSESSMENT AND SUITABILITY DETERMINATION 14
13.1 – Assessing Capability 15
13.11 – Recommended Information for Assessing Capability 15
13.12 – Recommended Process for Assessing Capability 16
12.2 – Determination of Suitability 19
13.21 – Recommended Information for Determination of Suitability 19
13.22 – Recommended Process for Determination of Suitability 20
14 – ALLOTMENT ADMINISTRATION 24
14.1 – Determination of Priority for Allotment Administration 24
14.2 – Allotment Inspections 25
14.21 – Compliance Inspections 26
14.3 – Documentation of Allotment Administration 27
14.4 – Permittee Communications 28
15 – COOPERATION WITH LAW ENFORCEMENT IN MANAGEMENT OF LIVESTOCK 29
15.1 – Roles in Managing Permitted Livestock and Unauthorized Livestock 29
15.2 – Excess Livestock Use 29
15.3 – Unauthorized Livestock Use 30
15.4 – Impoundment and Disposal of Unauthorized Livestock 32
16 – COORDINATING OVERLAPPING USES ON ALLOTMENTS 33
16.1 – Outfitter and Guide Permits 33
16.2 – Other Special Use Permits 34
16.3 – Group Uses and Recreation Events 34
17 – MANAGING RANGELAND IMPROVEMENTS 35
17.1 – Rangeland Improvement Specifications 35
17.2 – Cooperation with Permit Holders 37
17.3 – Maintenance of Structural Rangeland Improvements on Vacant and Forage Reserve Allotments 38

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

17.4 – Cooperation with Other Agencies, Partners and Adjacent Landowners 39
17.5 – Coordination with Other Program Areas 40
17.6 – Administration of "Cow Camps" 41
18 – KIND, CLASS, AND ANIMAL UNIT EQUIVALENTS 42
18.1 – Conversion of Kind of Livestock 42
18.2 – Conversion of Class of Livestock 43
18.3 – Animal Units and Grazing Capacity Estimates 44
18.4 – Animal Unit Equivalents 45
19 – OFFICIAL ALLOTMENT (2210) FILES 46
19.1 – Geographic Information Systems (GIS) 46

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

11 – ALLOTMENT STATUS

An allotment is a designated area of land available for livestock grazing (36 CFR §222.1(b) "Allotment"). Allotments may be assigned one of the following allotment statuses, which articulate if and how they are intended to be used: active, combined, forage reserve, vacant (vacant or vacant-unavailable), or closed.

11.1 – Active Allotments

An active allotment is one where there is a current term grazing permit. Often, an active allotment will have one or more active term grazing permits associated with it. However, there may be periods of time when no grazing is occurring including, but not limited to, instances when:

1. A term grazing permit is in approved non-use status.

2. A term grazing permit has expired and has not yet been re-issued.

3. A waiver of term grazing permit privileges has been accepted, but no term grazing permit has been issued to the preferred applicant.

4. A permit has been suspended or cancelled for noncompliance (NONC) and the capacity is now available.

5. A decision has been reached to grant available capacity; however, a grazing permit has not been issued yet.

6. The permittee is involved in a bankruptcy or foreclosure action.

7. A variable management system is in place, which calls for long periods of rest (even year-long), on one or more allotments included in the system.

Occasionally, livestock use on the allotment may be authorized by annual temporary grazing or livestock use permits, normally for short periods of time (times can vary, but generally between one to a few years).

11.2 – Combined Allotments

Combined allotments occur when one active allotment is combined with another one, and the first allotment ceases to exist, except as a historical record. The combined allotment no longer has separate allotment status, but now becomes part of the bigger combined allotment with the acres of the two added together to show the enlarged size of the active allotment.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Normally, the allotment that was incorporated into the primary allotment will continue to show its name and number in the database, but as a combined allotment status. The primary allotment, with its name and number, will continue as the active allotment.

11.3 – Forage Reserve Allotments

Forage reserve allotments (also referred to as grass banks, swing allotments, and so forth) are those allotments where a project-level environmental analysis and decision has been made to authorize use of the allotment forage resources. Use of forage reserves are typically authorized for periodic, temporary, or otherwise short-term planned basis. Authorizations for use should include specified management terms and conditions. Forage reserves can be used to facilitate landscape level management by improving flexibility in responding to needs (such as drought, fire, restoration, etc.) or resource management opportunities (vegetative manipulation for example). When it is decided to use an allotment in this manner, "forage reserve" is the official status assigned to the respective allotment within the database of record.

Use and occupancy of forage reserve allotments should not be authorized under a ten-year term grazing permit. Instead, use should be authorized through the issuance of a temporary grazing permit (for non-permittees) or, for existing permittees, authorized on the bill for collection and described in the annual operating instructions (AOI) or a similar document. The intent of a forage reserve is that use will be relatively short-term and will predominantly be authorized to respond to specific resource needs or opportunities under specified management instructions.

11.4 – Vacant Allotments

Vacant allotments are allotments where no term grazing permit currently exists. There may be several reasons why active allotments have become vacant, such as when the term grazing permit is waived without a preference, recreation conflicts, economic viability, seasonal or topographic restrictions, and so forth.

In many instances the authorized officer may choose to leave an allotment in vacant status for various reasons. For example, in instances where a permit has been waived back to the Forest Service without a preferred applicant and the authorized officer is considering management opportunities and/or needs.

The use of a vacant allotment may be temporarily authorized for livestock use, to other term grazing permittees on an annual basis, through the annual authorization and bill for collection (do not modify the existing term grazing permit), or other interested entities through a temporary grazing permit.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Vacant allotments should be further stratified using the options available within the database of record. Those options are as follows:

- Vacant – Assign this to those allotments that do not have an active permit but are considered available for use.
- Vacant Unavailable – Assign this to those allotments that do not have an active permit and are not available for use due to pending closure, resource and/or rangeland improvement condition issues, and so forth.

Stratifying vacant allotments allows for strategic planning relative to rangeland management challenges and opportunities. For example, stratification clearly shows vacant allotments available for use, which can be helpful when permittees are displaced due impacts to their assigned allotments from events such as wildfires. Stratification also improves the agency's ability to clearly articulate the status of allotments from a national perspective.

11.5 – Closed Allotments

Closed allotments are those allotments that were formerly designated as active, or as one of the other statuses, but for which a decision has been made through the environmental analysis process to no longer make it available for use and occupancy by permitted livestock. The land area retains an allotment status of 'closed' in the database for historical tracking purposes.

12 – CREATING, MODIFYING, VACATING, OR CHANGING ALLOTMENT STATUS

Circumstances change, and resource management needs and opportunities evolve across landscapes. This can lead to opportunities to create new grazing allotments, necessitate modifications to existing allotments, result in a need to change the status of allotments, or prompt decisions to close allotments. The following sections provide guidance on making decisions to create, modify, or vacate allotments.

12.1 – Creating a New Allotment

New allotments are most often created when a land exchange or acquisition adds adjacent lands to the NFS.

Another example for when creation of a new allotment might be considered is when existing permittees in a community allotment request division of the active allotment. Requests should rarely be approved when the intent of the requesting permittees is based solely on being able to run their herds separately, when doing so would impair or eliminate opportunities for grazing deferment or rotation, or if the request would result in the need to construct additional fencing or water developments to support grazing within the requested new allotment(s).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

12.2 – Modifying Allotment Boundaries

The approach used to modify allotment boundaries should be determined on a case-by-case basis. In some instances, modifying an allotment boundary may be considered a technical correction, while other instances might require a new project-level environmental analysis and decision. When allotment boundaries are modified, all acreage totals should be changed in the electronic database of record, and associated GIS layers should be updated to reflect the changes.

When one or more of the following conditions apply, re-alignment of an allotment boundary may be considered a technical correction:

1. In the case of active, vacant or forage reserve allotments, when the boundary change is needed to correct a mapping error, and/or align allotment boundaries with natural features which are better defined on the landscape (like a ridge top, for example); and the re-alignment is considered consistent with the applicable Land Management Plan.

2. In the case of active, vacant or forage reserve allotments, all involved allotments are supported by current project level environmental analysis and decisions, and the re-alignment is considered within the scope of the existing analysis and consistent with the applicable Land Management Plan.

3. In the case of active allotments, all permit holders involved accept the re-alignment of allotment boundaries and associated modification of their term grazing permit (which may include reduction in permitted number, change in season, or re-assignment of structural improvement maintenance responsibilities, reduction in permitted number, or change in season), as signified by signing the permit modification. Lack of agreement by affected permit holders could be an indication that the modification may be more complex than a technical correction, and the process could benefit from a more robust public involvement process.

Modifying vacant allotment boundaries to combine two or more vacant allotments into one larger vacant allotment can be done administratively with appropriate documentation of the rationale and decision.

The requirements of NEPA may need to be satisfied when existing rangeland improvements need to be modified and/or placement of new rangeland improvements are needed to implement the boundary changes. This is a determination that should be made on a case-by-case basis depending upon site specific information, such as the scope of existing analysis associated with the allotment(s), the level of modification to existing improvements, and/or the scope of new improvements, and so forth.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

When it is determined that a technical correction is not appropriate and/or when the allotment boundary is being modified to incorporate areas of NFS lands not currently within a designated allotment, the allotment boundary modification may be completed after satisfying the following requirements:

1. A review of the LMP suitability determination, as appropriate, to see if the area contains a manageable quantity and spatial distribution of lands suitable for grazing by the kind of livestock.

2. A determination that the allotment boundary modification would be consistent with the applicable LMP or, if not consistent, an LMP amendment would be included as part of the analysis and decision (*see* FSH 1909.15).

3. A project-level environmental analysis and decision (subject to objections in 36 CFR §218) to authorize the use and occupancy by livestock on the NFS lands and other lands under Forest Service control.

All or parts of vacant allotments may be analyzed through a project-level environmental analysis and decision when it is determined to be necessary to add them to active allotments to resolve resource concerns or improve management through creation of additional pastures or add them to an existing forage reserve allotment.

12.3 – Modifying the Areas Identified as Available for Grazing Within Allotments

The areas identified as available for livestock grazing within allotments may be adjusted (in whole or in part) for several reasons. Depending upon the circumstances, the adjustment may be temporary in nature or could result in a permanent change.

The following are some examples which illustrate various circumstances that may be encountered which could warrant a change in the areas available for livestock grazing. This is not an exhaustive list, and the site-specific circumstances should be considered when making decisions on whether to adjust areas available within a given allotment.

1. Lands permanently devoted to another public purpose. Circumstances arise where all or a portion of an allotment is associated with lands that will be devoted to another public purpose, which will be permanent in nature, and precludes livestock grazing. Examples include instances such as a land exchange or disposal, a developed campground and associated infrastructure that exclude livestock, and so forth. Per 36 CFR §222.4(a)(1), in instances where lands are going to be devoted to another public purpose, including disposal, no permit shall be cancelled without two years' prior notification (except in an emergency).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

2. Lands temporarily devoted to another public purpose. Various uses, other than livestock grazing, may be authorized on NFS lands, which result in a need to temporarily exclude livestock from all, or portions of an allotment. This includes instances such as authorized mining operations, active timber sales, etc. In these instances, livestock may need to be excluded from the area associated with the activity for the duration of the authorized activity. Depending upon the circumstances, the exclusion of grazing may need to be in place for several years (e.g., active mining operations), but grazing may resume after the activities have ceased, and any follow up actions associated with those activities have been completed. The excluded areas remain as part of the allotment, however the total authorized HMs and/or season of use for the allotment may need to be reduced due to the reduction in areas available for grazing during this time. This may be accomplished through implementing non-use for resource management needs for the specified time (*see* FSH 2209.13, ch. 10 for further direction on implementing non-use for resource management needs). The portions of the allotment should not be closed, as the areas will not be permanently devoted to another public purpose.

3. Adjustments to areas available for livestock grazing due to resource conditions. Circumstances may arise that result in a need to adjust the areas available for livestock grazing within an allotment, due to changes in resource conditions, or because of new information and/or changed circumstances. Depending on the situation, the adjustment may be temporary in nature or could warrant a permanent change. Some examples of temporary and permanent adjustment include, but are not limited to:

    a. Temporary adjustments to areas available for livestock grazing. An example would be a shift in forest conditions, resulting in a closed canopy and reduction in herbaceous understory growth, within areas historically available for grazing. Livestock grazing may need to be excluded from the area until vegetation management treatments are completed, and an increase in herbaceous understory growth is restored. Other examples include restoration projects following a wildfire, significant flood, hurricane, or other natural disasters. Livestock grazing may need to be excluded from the area until soil stabilization and vegetation establishment is completed.

        When the circumstances only require a temporary adjustment, the excluded areas remain as part of the allotment, however the total authorized HMs and/or season of use for the allotment may need to be temporarily reduced due to the reduction in areas available for grazing during this time. This may be accomplished through implementing non-use for resource management needs for the specified time (see FSH 2209.13, ch. 10 for further direction on implementing non-use for resource management needs). The portions of the

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

allotment should not be closed, as the areas will not be permanently excluded from livestock grazing.

b. Permanent adjustments to areas available for livestock grazing. Instances may arise where it is determined that livestock grazing should be permanently excluded from specific areas within an allotment. This would typically occur where adjustments in grazing management have not been successful in addressing resource issues and/or is incongruent with changed circumstances, and it has been determined that exclusion of livestock grazing on a permanent basis is warranted. This could include situations such as an area of highly erosive, and/or low productivity soils, were subject to historic impacts, and resource improvement efforts have not been successful in restoring the area, resulting in a need to exclude livestock grazing to ensure long term stabilization and restoration. Another example could include the designation of critical habitat for a newly listed species, whereas following a review of the conditions and circumstances, coupled with a lack of success in grazing management changes, it is determined that exclusion of livestock grazing from all, or a portion of the area identified as critical habitat within the allotment, is warranted to support the persistence of the listed species.

   When the circumstances require a permanent adjustment, a project level decision should be issued, which articulates the adjustment(s) to be made. That decision must document how it is in compliance with the NEPA (*see* FSH 1909.15). The excluded areas may remain as part of the allotment, however the total authorized HMs, and/or season of use for the allotment, may need to be permanently reduced due to the reduction in areas available for grazing. Follow direction at 36 CFR §222.4(a)(8) and FSH 2209.13, chapter 10, to modify the seasons of use, and/or numbers of livestock permitted, which includes providing for a one-year written notification. The one-year time frame will be construed as beginning on the date when the project-level decision is received by certified mail by the affected permit holder, unless otherwise altered through an appeal and by a stay. The portion(s) of the allotment should not be permanently removed from the allotment, but instead identified as excluded from livestock grazing until a future decision is made based on an analysis that the resource conditions and/or circumstances have changed, which no longer warrant grazing exclusion. The decision to exclude the areas from livestock grazing should articulate the specific conditions that must be met to temporarily authorize livestock grazing in the excluded areas (e.g., using grazing for vegetation management purposes).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

12.4 – Changing Allotment Status from Active to Forage Reserve or Vacant

The decision to change an active allotment to a forage reserve, or to a vacant allotment, may occur because of a site-specific environmental analysis or be made as an administrative action. The approach used depends upon the site-specific circumstances.

The decision to change an active allotment status may occur with cancellation of an existing term grazing permit, or upon receipt of a waiver of term grazing permit without preference. In both cases, the authorized officer may decide to issue a new term grazing permit, using the grant process (FSH 2209.13, section 13.2), change the allotment status to vacant or identify the allotment as a forage reserve.

12.5 – Changing Allotment Status from Vacant or Forage Reserve Back to Active

If a site-specific analysis and project level decision was in place when an allotment was being managed in active status, the decision to change a forage reserve or vacant allotment back to active status will nearly always be an administrative action relative to changing the allotment status in the database of record. If this is not the case, or if it is determined that the existing analysis is no longer adequate, a new site-specific analysis and project level decision may be needed. Once a decision is made to return an allotment to active status, the grant process should be utilized to allocate the forage available (*see* FSH 2209.13, ch. 10, section 13.2).

12.6 – Closing Grazing Allotments

The policies articulated at FSM 2203 require that, among other things, NFS lands be managed in a way that provide for forage use opportunities, consider socio-economic effects of management decisions, and maintain and/or enhance rangeland conditions. Livestock grazing opportunities and associated administration enables the Agency to satisfy the applicable policy requirements. As such, an active allotment, forage reserve, or vacant allotment may only be closed through an LMP or a project-level environmental analysis and decision.

The decision to close an allotment might affect adjacent allotment permittees by requiring them to maintain additional fences for allotment management. The decision may also affect holders of other permits, such as certain types of special use permits. A decision to close an allotment often results in the need for rangeland improvements to be removed.

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, or to create a new allotment occupying all or part of the previously closed area. This situation may occur when LMP management area boundaries change with changing management constraints. If the LMP closed the allotment(s), then a proposal to reauthorize grazing would require a new

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

environmental analysis. The workload required for an LMP non-significant amendment is a compelling reason to avoid closing an allotment.

NOTE: There are instances where congressional action is taken to create special areas. This includes areas such as wild and scenic rivers, for example. In rare instances, the congressional actions also include closing these areas to future livestock grazing. Grazing would not be allowed within these areas, unless the required process and subsequent actions are completed that amend the enabling law, in manner that once again provides for livestock grazing to be an allowable or needed use of the area.

12.6a – Requests for Allotment Retirement Based on Third Party Arrangements

The sole responsibility and authority for management of National Forest System (NFS) lands is delegated to the Secretary of Agriculture and in turn to the Chief of the Forest Service. These responsibilities and authorities are non-delegable to private entities. Policy, objectives, and responsibilities associated with Forest Service rangeland management are articulated within FSM 2200. They include, but are not limited to, aspects related to multiple use (including livestock grazing) of NFS lands, who may or may not make decisions on closing allotments, and what must be considered when making decisions implementing rangeland management activities (which includes decisions on allotment closure).

Management and use of NFS lands are to be determined in an open public process, as defined by the National Forest Management Act (NFMA) of 1976, from which LMPs are produced. Determinations of suitability and overall use must be compliant with those goals, objectives, and standards and guidelines set forth in the LMP.

Forage producing NFS lands will be managed for livestock grazing and the allotment management plans will be prepared consistent with land management plans (36 CFR §222.2(c)). Removal of lands suitable and available for livestock use must be compliant with that forest's or grassland's LMP. Even if a grazing allotment is vacated, it will be retained as vacant, not closed. Allotment closure restricts future Agency management options in a world of changing conditions. Allotment closures are not to be carried out at the request of any third party.

Grazing permits are documents which authorize livestock to use National Forest System lands for the purpose of livestock production (36 CFR §222.1(b)). Grazing permits and livestock use permits convey no right, title, or interest held by the United States in any lands or resources (36 CFR §222.3(b)). Therefore, the Forest Service does not, and cannot, acknowledge any monetary value of grazing permits.

The Forest Service, through its authority delegated to its authorized officers, does not recognize the sale of, or reimbursement for, the relinquishment of a permit. If a permittee waives their grazing privileges back to the Forest Service, there can be no guarantee or agreement, whether

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

written or verbal, regarding waived grazing capacity allocation, based upon financial arrangements or other types of agreements between permittees and conservation groups or other outside parties. Financial arrangements made between third parties purporting to determine the status and management of NFS lands will not be acknowledged, sanctioned, or accepted by the Forest Service.

Authorized officers must respond to requests for allotment retirements in a manner that is consistent with statutes, regulations, and Agency policy. Be aware, entities might approach the Forest Service with requests expressed in many ways, such as buyouts, agreements, and so forth. However, regardless of the term used by an entity, the Forest Service will not recognize any conditions attached to waivers of grazing permits beyond those identified in the waiver form, FS-2200-012. After a permit is waived, the Forest Service will determine whether to issue a new grazing permit or not. Decisions on permit issuance, or whether to close a grazing allotment, are made by the Forest Service through the NEPA process, not a third party or permittee because of a permit waiver. Through that process, the Forest Service must consider the objectives of land management plans, site-specific resource management opportunities, and/or issues. Payments from a third party to a permittee to waive their permit will not be a consideration in Forest Service determinations and decisions relating to permit issuance or allotment closure.

Third party arrangements purporting permanent allotment retirement would impose restrictions on the Forest Service's management prerogatives. It would cause the Forest Service to relinquish future management options without knowing beforehand what the long-term effects would be on the resources.

Legislation that requires certain actions to be taken by the Forest Service, related to permit relinquishment, and/or allotment closure, must be reviewed on a case-by-case basis. Direct questions to the Office of the General Counsel (OGC) in coordination with your regional rangeland management program lead.

13 – CAPABILITY ASSESSMENT AND SUITABILITY DETERMINATION

36 CFR §219.10 requires that LMPs that are developed or revised provide for ecosystem services and multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish, within Forest Service authority and the inherent capability of the plan area. Planning for a national forest, grassland, prairie, or other comparable administrative unit of the NFS is an iterative process that generally follows a three phase framework. Those phases include assessment (36 CFR §219.6); developing, amending, or revising a plan, which includes identifying the suitability of areas for the integration of resource management and uses (36 CFR §§219.7 and 219.13); and monitoring (36 CFR §219.12).

This section provides guideance on two of those phases specific to one of the multiple-uses (livestock grazing). Those two phases are:

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- assessing the capability of lands within the plan area to support livestock grazing use
- identifying which lands, within the plan area, may be suitable for livestock grazing use

See FSH 1909.12, chapter 20 for additional direction on the planning requirements found at 36 CFR §219 and the procedures for developing, amending, and revising land management plans during the planning phase. FSH 1909.12, chapter 10 describes the requirements for the assessment phase for developing, amending, and revising land management plans.

13.1 – Assessing Capability

36 CFR §219.19 defines "inherent capability of the plan area" as the ecological capacity or ecological potential of an area characterized by the interrelationship of its physical elements, its climatic regime, and natural disturbances. Assessing the capability of the plan area to support certain multiple uses (including livestock grazing) and provide for various ecosystem services, ensures the plan provides for social, economic, and ecological sustainabilty over the long term.

FSM 1905 defines "capability" as the ability of a unit of land, based on defined physical and biological attributes, to support a particular use or suite of products while maintaining ecosystem sustainability.

The scope of the assessment used to identify the capability of lands to support mutiple uses should be generally commensurate with the current levels and potential of use in the plan area. If domestic livestock grazing occurs, or might potentially occur in the plan area, the assessment should identify and evaluate available information about how the plan area currently provides grazing forage for domestic livestock and ungulate species, on both permanent rangelands and transitory range in forested landscapes.

Given that the identification of suitability or nonsuitability of lands is based on the desired condition for those lands and the inherent capability of the land to support the use, assessing the capability of the plan area to support livestock grazing provides utility beyond the assessment phase. In this context, capability can be viewed as the initial step in the determination of suitability. It is portrayed as a separate step, both for reasons of clarity and because the actual product of "capability" often is useful for planning purposes beyond its role in the determination of suitability.

13.11 – Recommended Information for Assessing Capability

The following are examples of the types of information that are helpful in conducting a capability assessment. All of the listed types of information may not always be available or required. Where some information is not available, other similar types of information may be substituted.

1. Land Ownership (from the Land Status layer of GIS)

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

2. Soil Map Unit – this information can be derived from Terrestrial Ecological Unit Inventory (TEUI), Ecological Site Descriptions (ESD), or soil inventories

3. Geology – from TEUI or other inventory (if information is available)

4. Potential plant community production (if information is available) – TEUI, ESD, 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 – from the Riparian Buffer Delineation Model (www.riparian.solutions)

8. Roads – from designated travel routes

9. Slopes – from Digital Elevation Models (DEM)

10. Distance to water (if information is available) – from Common Water Unit and/or Range Structural Improvement layer

13.12 – Recommended Process for Assessing Capability

Use GIS to identify areas that meet the following recommended criteria. It is not expected that all NFS units will have all of the following data sets available and some units may not need to use all of the criteria in their assessment. Use the best available data in completing the assessment and document what data sets were used and what steps were used to complete the capability assessment. If local changes are made to the values to be applied and/or criteria used, document the rationale behind the changes:

1. Begin with all lands within the project area that are NFS lands.

2. Subtract soil types that are dominated by a large percentage of rock outcrop and rubbleland, loose granitic or highly erosive soils, very wet and boggy soils, and sites with high mass movement risk. It is optional, when identifying erosive areas, to use a geologic layer that identifies active landslides, slumps, etc.

3. Subtract soil types that are not inherently capable of producing more than 200 pounds of forage/acre/year within their potential natural community (such as badland outcrops, nutrient-poor soils, shallow soils, or alkali salt flats). If a figure, other than the “200

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

pounds per acre" is used, document the rationale. When site-specific data is available, which enables a more detailed identification of existing conditions, that data should be used to identifiy which acres are capable of, and not capable of, supporting livestock grazing on a sustained basis.

4. When applicable, subtract areas with a high percentage of tree or unpalatable shrub canopy cover that are considered not capable of producing reliable amounts of forage each year. Canopy cover information can be derived from Field Sampled Vegetation (FSVeg) or from Common Vegetation Unit of IRI. If FSVeg or IRI information is not available for an area, historic range of variability or potential for forage production may be substituted. Note, some of these areas could be considered capable as transitory range following timber harvest activites, fire, and so forth, and may not need to be subtracted. Use timber harvest maps, burned area maps, and other resources to determine areas that may be considered capabable as transitory range during the life of the plan.

5. Subtract acres of lakes, reservoirs, or ponds (e.g. the area covered by water at the high water mark).

6. When buffering major rivers (Colorado, Mississippi, Missouri, Ohio, Rio Grande, or Snake River, for example), use the National Riparian Area Dataset to determine the width to use for a respective river. Historically, this buffering was done by buffering the actual width (averaged for individual reaches) and subtracted.

7. When buffering perennial streams, the National Riparian Area Dataset can be used to determine perennial streams present within a respective project area. Historically, this buffering was done by buffering the actual width of the water surface at the mean high water mark, or use an average width of three feet on either side of center line and subtract. The six foot width for perennial streams represents an average width for a stream's water surface and can be used as a unit-wide average for purposes of modeling.

8. Buffer NFS roads by eight feet on either side of center line and subtract the resulting areas from the total acres of NFS lands. The 16-foot width for roads represents an average width for a road's surface and can be used as a unit-wide average for purposes of modeling. The road surface is not considered to be capable unless it has been obliterated and revegetated, in which case it will remain within the capable land base.

9. Subtract slopes meeting the following criteria:

    a. Subtract slopes greater than 60% (generally considered not capable for either sheep or cattle). Keep track of capable acres for cattle and sheep separately (may also need to track separately for other kinds and classes of livestock such as bison, if needed). The 60% figure can be modified for each specific geographic

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

area to fit with local situations (with documented rationale).

b. Subtract slopes greater than 40% when assessing acres capable for cattle (slopes of 41-60% are capable for sheep but generally considered not capable for cattle). The 40% figure can be modified for each specific geographic area to fit with local situations (with documented rationale).

10. Consider subtracting areas that lack available water, or lack the potential to develop water, within approximately three miles of the center of the polygon for areas with low topographical relief (i.e., gentle terrain) or one-two miles in areas with high topographical relief (i.e., rugged terrain). This figure can be modified for each specific geographic area to fit with local situations (with documented rationale).

11. The remaining area is capable rangeland**.** The capable rangeland may be displayed as two separate map displays and acreage tables, whereas one map/acreage table set displays capable polygons/acreage for cattle; and, a second set displays capable polygons/acreage for sheep, if appropriate. Other displays may be used for other kinds of animals, if needed.

The results of the capablity assessment should be document and displayed. See 13.12 - Exhibit 01 for an example of how to document and display the results of applying the capability assessment across an entire planning unit.

13.12 - Exhibit 01
Acres of Land Considered Capable for Livestock Use

Classification/Description	Acres Deducted	Running Totals
Total National Forest System Acres		1,356,000
Deductions for Non-Capable Acres:		
Rock outcrop, rubble land; loose granitic, highly erosive, or very wet soils	59,483	1,296,517
Soils/plant communities that at site potential inherently produce <200 pounds/acre	11,119	1,285,398
Lakes, reservoirs, and ponds	3,350	1,282,048
Major Rivers	1,124	1,280,924
Perennial Streams	3,350	1,277,574
Roadbeds (not restored/revegetated)	3,450	1,274,124
Slopes greater than 60%	54,670	1,219,454
Slopes between 41-60% (generally considered not capable for cattle)	166,926	1,052,528
Total capable for sheep grazing		1,219,454
Total capable for cattle grazing		1,052,528

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

12.2 – Determination of Suitability

A description and reference for suitability of lands is found in 36 CFR §219.7 and FSH 1909.12, chapter 20. Suitibility of lands is defined as follows:

> ***Suitability of lands***. Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after consideration of historic uses and of issues that have arisen in the planning process. Every plan must identify those lands that are not suitable for timber production (§219.11). (36 CFR §219.7(e)(1)(v)).

National Forest System lands are generally suitable for a variety of uses consistent with the purposes for which they are administered (outdoor recreation, grazing, timber, watershed, and wildlife and fisheries). The identification of suitability of lands is not required for every resource or activity. If suitability of lands is identified for a resource or activity (for example, livestock grazing), such identification does not need to be made for every acre of the planning area. The interdisiplinary team should integrate social, economic, cultural, and ecological considerations when determining the suitability of lands in the planning area for livestock. Identifying the suitability of use or activity in a particular area may be more appropriately made at the project or activity level with site-specific analysis, stakeholder participation, and proposed design criteria.

Identifying suitability helps determine if future projects and activities are consistent with desired conditions. The identification of suitability or non-suitability of lands is based on the desired condition for those lands and the inherent capability of the land to support the use. A plan's identification of certain lands as suitable for a use such as livestock grazing is not a commitment to allow such use, but only an indication that the use might be appropriate. A specific use or activity may be approved, or may be disapproved, in an area identified as suitable for such types of use.

Areas identified as suitable for livestock grazing can vary by alternative being considered in the LMP process. For this reason, suitability may need to be determined by alternative or grouping of similar alternatives.

13.21 – Recommended Information for Determination of Suitability

The responsible official should document and make available to the public, the rationale for identifying the suitability of lands and the information sources, tools, standards, technical guidance documents, and databases used in the identification.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

The following are examples of the types of information that are helpful in making a suitability determination (all listed types of information may not always be available or required and where some information is not available, other similar types of information may be substituted):

1. Capability assessment as detailed above. The identification of suitability is based on the desired condition for those lands and the inherent capability of the land to support the use.
2. Management area prescription/allocation proposed for each alternative.

3. Areas where decisions have been made, or where decisions are proposed to be made within an alternative(s), to exclude livestock grazing during the life of the plan. These could include but are not limited to municipal watersheds, Research Natural Areas (RNAs), threatened or endangered (T/E) species habitat where determinations have been made that livestock grazing is incompatible with the viability of the habitat or species, and so forth.

4. Fenced areas, where livestock grazing is to be excluded during the life of the plan, as might be proposed for each alternative. These could include but are not limited to recreation areas and/or sites, cultural resource or other special management areas, minerals production areas (for example, mills, mines, settling ponds), and so forth.

5. Administrative sites where permitted livestock grazing is, or is proposed to be, excluded during the life of the plan (note, administrative sites may still be considered suitable for use by Forest Service administrative pack and saddle stock).

6. Special use sites where livestock grazing is determined to be incompatible with the purpose of the special use (summer homes, electronic sites, etc.). This determination may vary by alternative.

7. Road and railroad rights-of-way/easements (not including the actual roadbed as that is covered in the capability analysis) where the right-of-way is, or is proposed to be, fenced to exclude livestock grazing. Include actual or estimated area fenced.

13.22 – Recommended Process for Determination of Suitability

To determine areas suitable for livestock grazing, perform the following as a separate GIS analysis for each alternative or group of similar alternatives.

1. Start with the areas identified as capable within the capability assessment above.

2. Subtract areas that have a proposed management prescription that does not allow for livestock grazing (e.g., certain RNAs, experimental forests, municipal watersheds).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Subtract only management area prescriptions that have proposed standards & guidelines that do not allow for livestock grazing management, or where decisions have previously been reached that livestock grazing is incompatible with the planned land management prescription and the proposed alternative would continue that incompatibility finding.

3. Subtract fenced recreation areas, developed recreation sites, administrative sites (except administrative pack and saddle stock pastures), minerals production sites, fenced cultural resource sites, exclosures, and appropriate special use sites, where livestock use has been determined to be incompatible with the primary land use and/or where the proposed alternative would exclude livestock use.

4. Subtract road rights-of-way/easements (not including the actual roadbed as that is covered in the capability analysis) where the right-of-way is, or is proposed to be fenced to exclude livestock grazing. Subtract the actual fenced area.

5. Buffer primary roads by 100 feet on either side of the center line and subtract the calculated area.

6. Buffer secondary/county roads by 33 feet on either side of the center line and subtract the calculated area.

7. Buffer railroads by 100 feet on either side of center line or by the actual fenced area where a fence is known, or proposed, to exist and subtract.

8. Subtract areas that are closed or proposed to be closed to grazing.

9. Subtract areas where decisions have been made that specific T/E or other at-risk species habitats need to be excluded.

10. Have interdisiplinary team specialists on the planning team identify any additional areas where conflicts occur between livestock grazing and other resources, to the extent that the conflicts cannot be resolved or satisfactorily mitigated, and where the other resource values are proposed in the alternative to take precedence over livestock use. If the planning recommendation is that livestock use in these areas is incompatible, or the conflicts are incapable of being resolved in a satisfactory manner, these lands will be designated as not suitable for the specific alternative for the life of the plan. Clearly document the reason for determining the area(s) as not suitable for livestock grazing.

11. The remaining area is suitable for livestock grazing use as determined at the LMP level**.** There are many approaches for identifying suitable or not suitable lands for uses (such as livestock grazing), including: a variety of geographical mapping techniques; narrative descriptions of types of physical, ecological, or economic conditions; photos showing types of conditions; and tying specific uses to suitability tables of management areas. If

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

maps are used to show where plan components apply, substantive changes to such maps require a plan amendment. Separate displays (suitability tables, maps) may need to be provided for each alternative if there are substansive differences relative to areas considered suitable for livestock grazing within the respective alternatives.

The results of the analyisis and subsequent suitability determination should be documented and displayed. See 13.22 – Exhibit 01 for an example of how to document the suitability determination for an entire planning unit.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

13.22 - Exhibit 01
Acres of Land Determined as Suitable for Livestock Use

Classification/Description	Acres Deducted	Running Total for Cattle	Running Total for Sheep
Total National Forest System Acres		1,356,000	1,356,000
Deductions for Non-Capable Acres	306,017	1,052,528	1,219,454
Deductions for Unsuitable Acres:			
Existing canopy cover >70% or historic range of variability acres	54,670	997,858	1,164,784
M.A. prescription does not provide for grazing (ex: Municipal Watershed)	63,485	934,373	1,101,299
Excluded recreation sites	641	933,732	1,100,658
Administrative Sites excluded from grazing (excepting admin horse pastures)	2,145	931,587	1,098,513
Minerals Production Sites	597	930,990	1,097,916
Fenced Cultural/Special Management Areas	1,515	929,475	1,096,401
Exclosures	281	929,194	1,096,120
Special Use Sites excluded from grazing	1,497	927,697	1,094,623
Road ROW – excluded from grazing	3,350	924,347	1,091,273
Railroad ROW – excluded from grazing	857	923,490	1,090,416
Areas not within allotments or areas closed to grazing by decision	3,595	919,895	1,086,821
TES habitat permanently excluded from grazing	1,256	918,639	1,085,565
Total Suitable acres for the LMP		918,639	1,085,565

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

14 – ALLOTMENT ADMINISTRATION

This section provides general guidance for planning priority work and documenting how LMP direction, and the site-specific allotment analysis and decision, will be applied and measured on each allotment.

The overall goal of allotment administration is to ensure that the following occurs on all allotments:

1. Periodic inspections to make sure that management is being applied as specified in the project-level environmental analysis and decision, current AMP, and the Annual Operating Instructions (AOI).

2. Livestock management is occurring in a manner that follows LMP standards and guidelines, allowable use levels, and terms and conditions of the grazing permit.

3. Periodic evaluation of allotment conditions to determine if management actions are effective at meeting or making progress towards meeting desired conditions (see FSH 2209.13 chapter 90).

14.1 – Determination of Priority for Allotment Administration

A grazing allotment/pasture is considered to be administered to standard when all of the following have been satisfied during a respective fiscal year:

- an agency employee qualified in grazing permit administration issues a bill for collection and ensures the bill is paid prior to turnout (or ensures any nonuse that is requested by the permittee or required by the Agency is documented and approved when appropriate)
- a qualified agency employee visits the allotment/pasture(s) and determines if direction found in the following types of documents is being followed:
    - LMPs, allotment management plans, annual operating instructions, grazing permits, livestock use permits, and other relevant documents (such as biological opinions)
- a qualified agency employee documents that:
    - the permittee is in compliance with the relevant direction; or
    - if the permittee is not in compliance with the relevant direction, that steps are taken to correct the situation before the next grazing season

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

All reporting of allotments administered to standard must be completed within the database of record. The database will provide a conversion to total acres administered to standard. Attainment of desired conditions should not be confused with administering to standard. Administering an allotment to standard may lead to the attainment of desired conditions (in the short or long term) or may merely reflect that additional modifications in the grazing strategy are necessary.

The authorized officer should determine which allotments are the highest priority for administration. A prioritized list of allotments should be developed on an annual basis to identify which allotments will be "administered to standard" each year.

In determining allotment priority, the authorized officer should consider aspects including but not limited to:

- the permittee's history of compliance
- allotments with new permittees
- time since the allotment was last inspected
- any unresolved resource or administrative problems
- new or emerging resource issues
- schedules for project-level analyses
- required monitoring
- implementation of recent decisions

Depending on issues and/or management complexity, allotments may need to be inspected several times a year. Examples of circumstances that might warrant multiple inspections include but are not limited to instances such as on-going projects or activities, areas of resource concerns, cases of permittee non-compliance, or legal requirements set out in court orders or biological opinions, etc.

The value in establishing the priority is to attempt to stay on schedule and achieve assigned targets and workloads. Unplanned events, such as personnel vacancies and wildfires, might result in a need to deviate from the schedule and modify the required workload. Even though priorities and resulting accomplishments reported might change from what was planned, an effort should be made to adhere to the planned priorities as closely as possible.

14.2 – Allotment Inspections

The purpose of allotment inspections is to ensure permittees comply with relevant management direction and to remain aware of allotment conditions and trends. The number and frequency of inspections conducted for an allotment will vary and are dependent upon:

- the reasons that the allotment has been identified as a priority for allotment administration

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- how many areas and number/frequency of inspections are needed to determine if management direction is being applied
- if follow up inspections are needed when corrective actions are identified to ensure the actions are taken in a timely manner

For example, an allotment may be identified as a priority for monitoring to determine whether the project-level decision is being implemented as planned (implementation monitoring) and, if so, whether the objectives identified in the LMP and AMP are being achieved (effectiveness monitoring). In these instances, the allotment may need to be visited several times in order to collect the needed information. Guidance on the importance and relationship of monitoring to rangeland management decisions, permit administration, and allotment management is provided within FSH 2209.13, chapter 90. Guidance on the relationship between LMPs and grazing permits is also provided within FSH 2209.13, chapter 90.

Conversely, an allotment may be identified as a priority to determine the level of compliance by the current permittee. In these instances, one inspection may be sufficient.

The number of areas visited while inspecting allotments varies. The number of pastures/locations that should be visited when inspecting a particular allotment depends on the complexity of management needs and opportunities, and/or resource concerns. Some allotments are homogonous relative to vegetation type and management approach and have minimal resource management concerns. In those instances, only a few pastures/locations may need to be visited. Conversely, where resource concerns exist or management needs are complex, more pastures/locations may need to be visited. No two allotments are the same and the factors influencing condition and management should be considered when planning allotment inspections.

Vacant allotments, forage reserves, closed allotments, and non-allotment rangelands should also receive periodic inspection to ensure that management of the rangeland resources is consistent with the LMP, and that unauthorized use, resource issues, or other situations are identified and addressed.

14.21 – Compliance Inspections

Compliance inspections are focused on determining conformance with the terms and conditions of the permit, the AMP, and authorized officer instructions (which may be provided within an AOI or other similar documentation).

Common compliance items include: all structural improvements maintained to standard and on time as assigned in the permit and/or as specified in the AOI; allotment entry and exit dates adhered to; pasture rotations for the year and estimated dates of movement adhered to; assuring removal of all livestock from each pasture occurs on time; proper salt or supplement

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

use and placement; herding and distributing livestock properly; etc. See FSH 2209.13, chapter 10 for detailed guidance on permit administration.

Allotment inspections should be conducted with the permittee whenever possible. Inspections might also involve coordination with Forest Service interdisciplinary team members when there are other resource concerns or considerations present within the allotment, such as listed species or habitats, cultural resources concerns, livestock/recreation conflicts, and so forth.

14.3 – Documentation of Allotment Administration

The official permanent file is the electronic file. Hardcopy grazing permit and allotment case files may be maintained for administrative use and marked as "reference" (*see* FSH 2209.13, ch. 60).

During, or immediately after, administration or field inspection, personnel should enter pertinent information (e.g., written notes, observations, etc.) into the applicable database of record. At minimum, an inspection report should be completed in a timely manner and provided to the permittee. If corrective actions are needed, notify the permittee of the required actions.

When short-term monitoring is completed as part of allotment administration efforts, enter all monitoring findings as to location, indicator, methods used, results, and who conducted the monitoring (employee, permittee, or third party) in the monitoring module of the database of record. The results of all allotment inspections and data collected must be filed in the official allotment and permit records. A copy of all applicable records should be sent to the permittee.

Allotment administration activities should be documented (along with supporting information such as maps and photos) and filed in the official permanent grazing permit and/or allotment records in order to:

- Identify any non-compliance issues and corresponding corrective actions needed. See FSH 2209.13, chapter 10 for additional guidance on addressing non-compliance.
- Facilitate the completion of annual reporting.
- Ensure information is available to support the implementation of adaptive management approaches, future reviews of existing analysis and decisions (often referred to as a sufficiency review as described in FSH 2209.13 chapter 90 or FSH 1909.15, sec. 18 review), and/or future environmental analysis.
- Document management success stories and the permittee's contributions to those successes.
- Document cooperative permittee monitoring activities and associated data/information.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- Support the development of AOIs (or similar documents) for future grazing season(s).

14.4 – Permittee Communications

Prompt and open communication with permittees helps to inform them of management expectations and allows any challenges and/or issues to be identified early, ensuring solutions can be sought. Open communication also allows the permittee to communicate any management issues and/or opportunities on their assigned allotments. Topics of communication will vary by allotment and year. Examples include, but are not limited to, rangeland improvement needs, potential vegetation management activities (e.g., timber sales), partnership opportunities, and so forth.

A tool that can be used to communicate expectations is the AOI (or similar document). When used, the AOI should specify criteria for communications, such as notifying the assigned Forest Service personnel when a problem is found. This should also include a clear description of what would be considered timely communications associated with allotment and livestock management activities and actions.

When issues and/or management needs are identified, which are minor in nature and/or require a rapid response by the permittee, contact the permittee by telephone or in person. If there are instances of non-compliance, the permittee is to be informed as to what specifically is in non-compliance, what action is to be taken to remedy the situation, when the action must be completed, requirements to notify the assigned Forest Service personnel of completion, and the permittee should be reminded of the consequences of failure to remedy. All communications with the permittee related to non-compliance should be documented in the official 2230 permit case file. See FSH 2209.13, chapter 10 for additional guidance on addressing non-compliance, including when to issue a NONC and the types of corrective actions that might be needed for various types of non-compliance.

The permittee should be provided with copies of annual inspection reports in a timely manner, as well as long-term monitoring data, if requested. The intent is to ensure full communication between the Forest Service and the permittee, to ensure they are informed of the status of the allotment, whether it is reported as meeting or moving toward desired conditions, and initiate discussions of potential adjustments in management actions if needed. Do not wait until the end of the grazing season to share inspection reports, field notes, etc. with the permittee. They are partners in management of the allotment(s) and must be kept informed. Timely notification prevents surprises and strengthens communication and cooperation while helping to provide the permittee with a reasonable opportunity to correct any deficiencies in a timely manner.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

15 – COOPERATION WITH LAW ENFORCEMENT IN MANAGEMENT OF LIVESTOCK

15.1 – Roles in Managing Permitted Livestock and Unauthorized Livestock

Management of permitted livestock is conducted under range management regulations at 36 CFR §222, with direction found in FSM 2200 and FSH 2209.13. Grazing permits and associated permitted livestock use are normally managed by the authorized officer and the rangeland management specialist.

Use and occupancy by some livestock may be authorized under special use permits. Management of such livestock is conducted under special uses regulations at 36 CFR §251, subpart B, with direction found in FSM 2700 and FSH 2709.14. This use is managed by the authorized officer and the special uses administrator, with assistance from the rangeland management specialist.

Unauthorized livestock are livestock located on NFS land, which are not authorized by a permit (grazing permit or special use permit). Unauthorized livestock are managed under 36 CFR §§261 and 262, with direction found in FSH 5309.11. Unauthorized livestock are addressed by Law Enforcement and Investigations (LEI) staff with coordination and assistance from the authorized officer and rangeland management specialist or special uses administrator.

15.2 – Excess Livestock Use

As defined in 36 CFR §222.50(h), any livestock use by a grazing permittee (including members of grazing associations permitted under authority of a grazing agreement) in excess of the authorized number of livestock, outside the permitted grazing season and/or in areas not authorized under a grazing permit and a paid bill for collection, constitutes excess use.

Examples of excess use include grazing before the permitted on-date, placing, or allowing more livestock on the allotment than authorized, and not removing all permitted livestock from the allotment by the permitted/authorized off-date.

Forest Service Handbook 2209.13, chapters 10 and 80 explain excess use in detail. Chapter 10 describes administrative actions that may be taken to address excess use and chapter 80 explains when to charge for the excess use.

LEI staff typically will not become involved in these permit administration situations unless specifically requested to provide assistance. Examples where LEI assistance may be appropriate and requested could include, but are not limited to, assistance in delivery of a letter to a permittee when there is reason to believe that risk to employees may occur or when a permit holder fails to accept certified delivery letters.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Requests for LEI to take the lead, or provide assistance, may also be made in those instances where livestock owned by a permittee are found on NFS lands in excess, and attempts to resolve the excess livestock use by applying administrative actions (*see* FSH 2209.13 chapters 10 and 80) have not been successful; and/or where excess livestock are located a substantial distance from the permitted grazing allotments. This last scenario still constitutes excess use, and will almost always result in permit action, but may require assistance from LEI staff for removal of the livestock or to resolve the infraction.

15.3 – Unauthorized Livestock Use

Unauthorized livestock means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro, which is not authorized by permit to be upon the land on which the livestock is located, and which is not related to use authorized by a grazing permit (*see* 36 CFR §261.2). Noncommercial pack and saddle stock used by recreationists, travelers, other forest and grassland visitors for occasional trips, and livestock trailed over an established driveway, when there is no overnight stop on NFS land, do not fall under this definition. In addition, livestock use authorized under special use or outfitter and guide regulations would not be considered unauthorized use, unless they meet the definition stated above.

Forest Service Handbook 2209.13, chapter 80, section 81.8 explains unauthorized use in detail. Section 81.81 explains when to charge for unauthorized use under 36 CFR §222.50(h).

Unauthorized livestock must be addressed to prevent resource impacts and to ensure proper land management. Corrective action involves requiring the livestock owner to remove the unauthorized livestock within the timeframe requested by a forest officer and Forest Service efforts to deter unauthorized use from occurring in the future.

Per 36 CFR §261.7, the following acts are prohibited:

1. Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.

2. Not removing unauthorized livestock from National Forest System or other lands under Forest Service control when requested by a forest officer.

Work with LEI staff and OGC to enforce these prohibitions. The LEI staff will contact the regional office law enforcement personnel for incident review, additional action coordination, and/or assignment to a special agent. Appropriate feedback should be provided to the authorized officer to keep him/her informed regarding findings and any decisions pertaining to pursuing action utilizing the “placing or allowing” language at 36 CFR §261.7(a), versus the “failure to remove” language at 36 CFR §261.7(b).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Normally, it will be more effective to apply 36 CFR §261.7(b), regarding a failure to remove unauthorized livestock, as livestock observations and subsequent requests by the authorized officer for them to be removed from NFS lands can be documented. If the livestock owner fails to remove the livestock as requested, the Agency is then able to document that the livestock owner is in violation of the prohibition at 36 CFR §261.7(b).

With initial documented instances of unauthorized use, the appropriate action is for field personnel to document the occurrence in writing, showing number of animals, kind and class, brands or other markings, locations, dates observed, and observers. High quality photographs or video can also be beneficial.

The owner of the livestock can often be determined from State brand records. The assistance of a local brand inspector may be needed in identifying a brand and in determining ownership. Local resources such as local livestock sale barns, may also be contacted to assist in determining ownership.

Any action taken should generally be against the legal owner of the livestock, not against a landowner, manager, or other party who may be peripherally involved in some manner with the unauthorized livestock.

Once the livestock owner is identified, the authorized officer should notify them (usually a telephone call), describe where their livestock are located on NFS lands, and provide a reasonable time frame for resolution (normally not to exceed 72 hours). The authorized officer should also specify what will be a satisfactory resolution (full removal of all unauthorized livestock from NFS lands and other lands under Forest Service control within the specified timeframe). This notification should be followed up with a letter sent via certified mail or hand delivered (typically by LEI staff with documentation of delivery) to the livestock owner clearly stating what was found, what CFR violations are involved, what actions are required to resolve the situation, by when, and what may be the next step if the situation is not satisfactorily resolved. A copy of this letter should be sent to the LEI staff.

If the situation is resolved, document the resolution accordingly within the unauthorized use tab in the database of record, including all supporting information (*see* 36 CFR §222.50(h) and FSH 2209.13, ch. 80 for further direction on billing or not billing for unauthorized use). Notify the LEI staff that the situation is resolved.

If the incident is not able to be resolved, the authorized officer should request assistance from the LEI staff, either verbally or in writing as may be appropriate for the local situation. LEI will assume the lead in resolution of the unauthorized use situation, working within law and regulations, while continuing to interact with the authorized officer and rangeland management specialist.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Any penalties that may be assessed by LEI for a violation of a prohibition issued under 36 CFR §261 are separate from bills issued for unauthorized grazing use. See 36 CFR §222.50(h) and FSH 2209.13, chapter 80 for further direction on billing or not billing for unauthorized use.

In the case of repeated violations by the same livestock owner, either within the same or recent years (not necessarily consecutive), LEI should be requested by the authorized officer to take the lead on the violation. The authorized officer and rangeland management specialist will provide assistance as requested, to include inspections, identification of animals and brands, case records, etc. Forest Service law enforcement personnel should ensure that as the investigation and resolution proceeds, the authorized officer remains informed.

Once LEI assistance is requested and LEI staff are assigned to take the lead on the violation, the standard investigative procedures listed in the law enforcement handbook will be used (*see* FSH 5909.11).

15.4 – Impoundment and Disposal of Unauthorized Livestock

Impoundment and disposal of unauthorized livestock is a law enforcement action. Per 36 CFR §262.10, unauthorized livestock or livestock in excess of those authorized by a grazing permit on NFS lands, which are not removed from NFS lands within the time period required by the authorized officer, may be impounded and subsequently disposed of. As with all LEI activities, impoundment is a serious action with potentially significant implications to personnel, finances, liability, safety, and public perceptions. Impoundment and disposal of unauthorized livestock should only be undertaken after all reasonable efforts to control or remove unauthorized or excess livestock through permit, civil, criminal, or other actions have been unsuccessful, or when removal is necessary because resource damage is occurring or is imminent and/or to provide for public safety.

Policy and procedure related to livestock investigations, and livestock impoundment and disposal, are provided within FSH 5309.11, chapter 20. As described in policy, close coordination should be established between the authorized officer, LEI staff and the person(s) responsible for administering and/or monitoring livestock use on the applicable NFS lands. This includes coordination in the development of an impoundment plan. The Regional Office and OGC should be requested to review the plan and provide counsel and assistance. Close and continuous coordination should also occur with the Washington Office rangeland management staff due to the sensitivity of impoundment actions. Refer to chapter 20 of FSH 5309.11 for the various parties that must be notified, and procedures to be followed before taking impoundment action.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

16 – COORDINATING OVERLAPPING USES ON ALLOTMENTS

Multiple use of NFS lands includes livestock grazing. This includes livestock grazing authorized by permit, as well as livestock uses not associated with grazing permits. For example, members of the public using transportation livestock while camping, use related to outfitters and guides who hold a special use permit, and so forth. It is important to manage all livestock use in a manner that minimizes conflicts and ensures proper management of rangeland resources.

Equally, other uses may occur on NFS lands that can result in conflict with permitted livestock. Coordination across program areas is important to ensure multiple use opportunities are provided in a manner that minimizes conflict.

16.1 – Outfitter and Guide Permits

Often outfitter and guide permits will be issued for areas overlapping established allotments. Depending on the type of use authorized by the permit there may be associated livestock use (pack and saddle stock) or there may be approvals to occupy areas that put the permit holder and clients in direct conflict with permitted livestock use.

Where such dual use occurs, the staff assigned to manage the outfitter and guide permits and the rangeland management specialist, working with the authorized officer, must design and build into the respective permits the mandatory and optional clauses necessary to minimize conflict and manage the resources.

Specific clauses, where the special use permit authorizes pack and saddle stock, should be prescribed by the project-level environmental analysis and decision, and include:

1. Specification as to the areas authorized to be grazed, holding areas, and/or picket sites as well as timing restrictions.

2. Any requirements for separation of pack and saddle stock from permitted livestock, and instructions on use and maintenance of facilities (fences, corrals, cow camps or cabins, water sources, etc.).

3. Allowable use levels, including forage utilization or stubble height, trampling, and impacts to trees or associated vegetation. Allowable use levels should be similar or identical to those required of grazing permit holders.

Some types of outfitter-guide permits do not include livestock, but may authorize use and occupancy of specific areas such as campsites, boat or raft put-in or take-out sites, etc. Where these uses overlap with permitted livestock use, both permits should contain coordinated

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

management conditions (such as timing restrictions, areas of exclusion, or who is required to maintain fences) to minimize conflict.

16.2 – Other Special Use Permits

Special use permits have been issued to allow for use and occupancy of areas of NFS lands fenced in with private lands, to deal with land management issues associated with irregular boundaries, adjacent or intermingled lands, or topographic location.

If the primary use is for commercial livestock grazing, these uses should be authorized using a grazing permit as described within 36 CFR §222. If the primary use or purpose is related to other uses such as cultivation authorized under a special use permit, and grazing occurs incidental to that use (for example, grazing of crop aftermath), then the areas would normally be authorized under the appropriate special use direction (Livestock Areas and Convenience Enclosures). See FSM 2720 and FSH 2709.11 for additional guidance on special uses.

However, these instances are limited, and it is important to be realistic about these types of permitting situations. Make use of the authorities and permit type that will provide the best overall management of the resources at the most cost-efficient levels to manage the site-specific situation.

16.3 – Group Uses and Recreation Events

The Forest Service may authorize user groups to conduct events on NFS lands within grazing allotments. Examples include, but are not limited to, such events like mountain bike races, muzzleloader rendezvous, and distance running events. Many of these events bring large groups of people to one location, creating the potential for conflict between the authorized activities and participants associated with the events and the management of an allotment.

Early coordination between the rangeland management specialist and the special uses administrator should occur in order to avoid or minimize potential conflicts. This should include identifying potential resource conflicts and possible solutions, such as adjustments that might be made to the event, authorized grazing, or both.

Once the issues and potential conflicts have been identified, the rangeland management specialist should contact the livestock grazing permittees within the associated allotments to inform them of the details of the proposed event and to determine how livestock operations may be impacted. The discussions should focus on such things as flexibility of pasture movements to minimize or avoid conflicts, use around water sources or developments, fence and gate concerns, livestock disturbance, and other resource or forage concerns.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

17 – MANAGING RANGELAND IMPROVEMENTS

The purpose of rangeland improvement practices is to restore, maintain, and/or enhance rangeland conditions for the benefit of watershed protection, livestock production and/or fish and wildlife habitat. Rangeland improvements encompass both structural and non-structural practices which include, but are not limited to, seeding and reseeding, fences, noxious weed control, water development and fish and wildlife habitat enhancement. Rangeland improvements may be implemented on any NFS lands (within and outside of active grazing allotments) and funded using a variety of approaches (see FSM 2240).

A variety of approaches and tools may be used to implement rangeland improvements. These include but are not limited to mechanical approaches such as mowing and grinding; chemical methods such as herbicides and fertilizers; and biological methods such as targeted grazing and biological controls. See FSM 2240 for more information on non-structural rangeland improvements and vegetation management. See FSM 2900 for more direction on invasive species management including mechanical, chemical, and biological control.

Clear communication with all parties involved in the implementation, use and maintenance of rangeland improvements is critical. The following sections outline various considerations (including maintaining rangeland improvements on vacant and forage reserve allotments) as well as sources for additional information related to the implementation and maintenance of rangeland improvements.

17.1 – Rangeland Improvement Specifications

Specifications are used to ensure rangeland improvements are constructed/implemented and maintained in a way that ensures they meet their functional purpose. Specifications are the basis for ensuring that funds are spent appropriately and that improvements are of high quality and are capable of functioning for a reasonable period of time with maintenance.

Technology and approaches to rangeland improvement practices will continue to evolve. When implementing rangeland improvements, ensure the specifications being used will meet the purpose of the rangeland improvement in consideration of other factors such as landscape permeability for wildlife, maintenance of watershed conditions, and so forth. The following references provide examples of typical rangeland improvement specifications for various types of rangeland improvements. This list is not meant to be exhaustive but may be used to identify project specific specifications as needed.

- Fences (2nd edition). February 1999.
- Facilities for Watering Livestock and Wildlife. January 1989.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- Facilities for Handling, Sheltering and Trailing Livestock. September 1987.

- Monsen, Stephen B.; Stevens, Richard; Shaw, Nancy L. 2004. Restoring Western Ranges and Wildlands, vol. 1. Gen. Tech. Rep. RMRS-GTR-136-vol-1. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. Pages 1-294 plus index

- Monsen, Stephen B.; Stevens, Richard; Shaw, Nancy L. 2004. Restoring Western Ranges and Wildlands, vol. 2. Gen. Tech. Rep. RMRS-GTR-136-vol-2. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. Pages 295-698 plus index

- Monsen, Stephen B.; Stevens, Richard; Shaw, Nancy L. 2004. Restoring Western Ranges and Wildlands, vol. 3. Gen. Tech. Rep. RMRS-GTR-136-vol-3. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. Pages 699-884 plus appendices and index

- Rangeland Water Developments at Springs: Best Practices for Design, Rehabilitation, and Restoration. RMRS-GTR-405, January 2020.

- Specifications for Structural Range Improvements (PNW-GTR-250). September 1990.

- Taylor, D.A.R.; Tuttle, M.D. 2012. Water for wildlife—A handbook for ranchers and range managers. Austin, TX: Bat Conservation International. 20 p.

- USDA Forest Service. 2012c. National best management practices for water quality management on National Forest System lands, volume 1: National core BMP technical guide. FS-990a. Washington, DC: U.S. Department of Agriculture, Forest Service. 165 p.

- USDA Forest Service. [In press]. National best management practices for water quality management on National Forest System lands, volume 2: National core BMP monitoring technical guide. FS-990b. Washington, DC: U.S. Department of Agriculture, Forest Service.

- USDA Natural Resources Conservation Service [USDA NRCS]. 2006. Conservation practice standard: Spring development code 574. Washington, DC: U.S. Department of Agriculture, Natural Resources Conservation Service. 4 p.

- USDA Natural Resources Conservation Service [USDA NRCS]. 2010. Chapter 32: Well design and spring development. In: Engineering Field Handbook, Part 631. Washington, DC: U.S. Department of Agriculture, Natural Resources Conservation Service. 63 p.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- USDA Natural Resources Conservation Service [USDA NRCS]. 2011. Chapter 12: Springs and wells. In: Engineering Field Handbook, Part 650. Washington, DC: U.S. Department of Agriculture, Natural Resources Conservation Service. 51 p.

- USDA Natural Resources Conservation Service [USDA NRCS]. 2012. Wildlife escape ramps for livestock watering troughs. Portland, Oregon. 2 p.

- USDA Natural Resources Conservation Service [USDA NRCS]. 2016. Ecological considerations in spring development. Technical Note No. WNTSC TN 190-EQ-1. Portland, Oregon, West National Technology Support Center, Environmental Quality. 14 p.

- U.S. Department of the Interior. 2006. Riparian area management: grazing management processes and strategies for riparian-wetland areas. Technical Reference 1737-20. BLM/ST/ST-06/002+1737. Denver, CO: Bureau of Land Management, National Science and Technology Center. 105 p.

17.2 – Cooperation with Permit Holders

Early cooperation with permit holders is valuable when planning, designing, and implementing rangeland improvements. Permittees may be able to provide important feedback relative to the design and placement of rangeland improvements within their assigned allotments. They may have insights relative to animal behavior and other factors such as snow loading and other impacts that may influence the placement and specifications used when constructing rangeland improvements.

When rangeland improvement work will be completed with contributions (for example, labor, materials and/or funding) from a permittee(s), a permit modification for cooperative rangeland improvement work will need to be completed. Rangeland improvement work may be initiated once the permit modification is signed by the authorized officer. An example of how to document a grazing permit modification for cooperative rangeland improvement projects is provided in FSH 2209.13, chapter 10. Documentation of the permit modification should be filed on top of the grazing permit in the 2230 folder until the work has been completed. The permit modification should also be filed in the official file (electronic file) until the work has been completed.

Final inspection of the work should be made by Forest Service personnel and documented in writing. Inspection documentation along with supporting information (e.g., photos) should be filed in the official grazing permit case file. Once the rangeland improvement work has been accepted as complete, the authorized officer must document the completion in writing. Documentation of the completed permit modification should then be removed from the grazing permit case file and copies placed in the official 2210 allotment case file, the 2240 file

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

for the rangeland improvement, and information about the improvement entered into the appropriate allotment locations in the database of record.

When applicable, the completed rangeland improvement should also be added to the list of range improvements that the permittee is responsible to maintain as part of their term grazing permit including term grazing permits issued in the form of a grazing agreement.

17.3 – Maintenance of Structural Rangeland Improvements on Vacant and Forage Reserve Allotments

Maintenance of structural improvements may be addressed using several options. Those include but are not limited to:

- Third party agreement (or a volunteer).
    - Consider using third party agreements to maintain rangeland improvements outside of those periods of time when the forage reserve allotment is authorized for use. This helps ensure that the forage reserve is maintained in a functional state and can be employed as a resource management option and/or alternative grazing option when needed. Such an agreement may also contain provisions for management (such as rest periods, practices to enhance wildlife habitat, practices to improve or change trends of vegetation, etc.) or agreements to perform monitoring.

      The type of agreement to be used depends on the entity assuming the responsibilities defined. If the entity has a pre-existing Memorandum of Understanding (MOU) with the Forest Service, that MOU may need to be modified or an additional document executed. Work with Grants and Agreements personnel to determine the appropriate document.

      Depending on the circumstances, this approach may also be used to facilitate rangeland improvement maintenance on vacant allotments. Consider the reasons why the allotment is vacant, the anticipated duration that the allotment will remain vacant, and so forth, when determining whether to initiate a third-party agreement for rangeland improvement maintenance on vacant allotments.

- Temporarily assign rangeland improvement maintenance, through an AOI or letter, to the entity(ies) authorized to make use of the vacant or forage reserve allotment.

- Completed by the Forest Service when the vacant or forage reserve allotment is not being used and/or there is not third-party agreement in place.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

- Assign maintenance of shared allotment boundary fences to permit holders on the adjacent allotments, through a permit modification, making it part of their term grazing permit.

17.4 – Cooperation with Other Agencies, Partners and Adjacent Landowners

Opportunities may be pursued to work cooperatively with other agencies, partners and/or adjacent landowners in developing rangeland improvement projects. Cooperative plans can be developed at the landscape level and implemented across ownership boundaries and funded by the various parties. The exact funding approach and instrument used to document the cooperation depends upon the site-specific circumstances. See FSH 1509.11 for guidance on participating agreements, interagency agreements and so forth.

Some local (such as conservation districts), State and federal agencies (such as the Natural Resources Conservation Service) have programs which provide technical and financial assistance to agricultural producers to address natural resource concerns. Many of these programs are focused on the agricultural producers' private lands. However, under certain circumstances there can be opportunities for the Forest Service, the permittee and the other federal agency to work together to apply the financial resources across boundaries, including NFS lands associated with the permittees assigned grazing allotment(s).

Cooperation and funding may also be available from partners, including conservation groups such as the National Wild Turkey Federation and the Rocky Mountain Elk Foundation and other fish, wildlife and rare plant conservation and stakeholder groups interested in associated native species conservation and restoration objectives.

Work with your forest/grassland and/or regional rangeland management program leads to determine if there are any existing local, regional and/or national participating agreements in place that may be leveraged to complete cooperative rangeland improvement work and/or to determine if a project specific participating agreement may need to be developed.

Cooperation with adjacent landowners may also provide opportunities for rangeland improvement. In all instances, there must be clear benefits to the Agency's management of NFS lands. However, cooperation across boundaries can facilitate the achievement of resource improvement at a landscape level. There are often requests for assistance with construction of private land boundary fence where NFS lands border adjacent lands. See FSM 2240 for direction on livestock intrusion and boundary fencing.

Authorized officers need to evaluate each situation on a case-by-case basis and determine if the scope and purpose of the project is aligned with available authorities such as the Wyden Authority (Public Law 105-277, Section 323 as amended by Public Law 109-54, Section 434, and

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

permanently authorized by Public Law 111-11, Section 3001), the Good Neighbor Authority (permanently authorize by Public Law 113-79, Section 8206 as amended by Public Law 115-334, Section 8624 and Public Law 115-141, Section 212) and so forth. If there is any doubt, coordinate with the regional rangeland program manager and OGC before proceeding.

17.5 – Coordination with Other Program Areas

Coordination with other program areas is important when a resource management project and/or authorized activity might impact existing rangeland improvements and when opportunities may be available to construct new rangeland improvements that provide benefits beyond livestock grazing. Some examples include but are not limited to the following:

- Timber Management – When timber management activities (such as a timber sale) overlap with one or more grazing allotments, the Rangeland Management Specialist should be a member of the project Interdisciplinary Team (IDT). The Rangeland Management Specialist should work closely with the timber sale implementation team and contract administration to provide grazing management, allotment management, and rangeland improvement information and maps as appropriate. The Rangeland Management Specialist would also provide input into the design or mitigation measures that would be required for project implementation. Refer to FSH 2409.18 Timber Sale Preparation handbook and FSH 2409.19 Renewable Resources handbook for the preparation of Sale Area Improvement (SAI) plans and the use of Knutson-Vandenberg (KV) funds to construct and pay for new or replacement construction of rangeland improvements required by the timber sale operations and harvest.

- Prescribed Fire – Coordination between the Rangeland Management Specialist and the Fuels Management Specialist is important. For example, ensure the location of existing rangeland improvements is known to avoid impacts to rangeland improvements from prescribed fire activities. For prescribed fire direction, see FSM 5140, Hazardous Fuels Management and Prescribed Fire.

- Wildlife, Recreation, Research, etc. – There are opportunities to implement rangeland improvements that provided benefits to things such as fish and wildlife habitat improvement, endemic plant species, research, developed recreation, and so forth. When structural rangeland improvements are implemented for purposes other than livestock grazing management, maintenance responsibility should be determined on a case-by-case basis. Maintenance should typically be completed by Forest Service personnel each year but may be assigned to the livestock grazing permittee when warranted. The program area responsible for completing the maintenance will be determined by the authorized officer with consideration of the primary purpose of the rangeland improvement. Exclosures should only be constructed when there is a site-specific need and clear management objectives are defined. Decisions authorizing the

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

construction of exclosures should also include a description of how the Agency will determine when those objectives are met and what criteria will be used to decide when the exclosure will be removed. This will help ensure sound placement, use and removal of exclosures.

- Engineering – For direction on maintenance responsibilities for roads, cattleguards and gates, see FSM 7730 and FSH 7709.59, chapter 60. In most cases, maintenance of roads and cattleguards will not be assigned to livestock grazing permittees. When gates are constructed for the primary purpose of livestock management, they are typically considered part of the pasture and/or allotment fence. In these instances, maintenance will typically be assigned to the livestock grazing permittee.

- Water Rights (Watershed and Air Management) – *Generally, State law governs the right to use surface water for permitted livestock grazing.* FSM 2540 addresses "Water Uses and Development." Refer to FSM 2541 for specific details on NFS water rights. Contact your forest/grassland water rights specialist (normally the hydrologist) and/or the regional water rights and uses specialists for questions and when working on projects that may have implications and/or needs related to water rights.

17.6 – Administration of "Cow Camps"

Cow camps normally consist of some form of cabin or other dwelling, often a set of corrals or a small pasture, and occasionally other outbuildings such as tack or feed sheds. Cow camps located on NFS lands are managed under the range management regulations (*see* 36 CFR §222) or the land uses regulations (*see* 36 CFR §251). The governing regulations applied depends on the ownership of the cow camp facilities and the intended use of those facilities.

If the cow camp facilities are owned by the U.S. government and will be used to aid in management of the grazing allotment, they need to be authorized and managed as part of, or in concert with, a term grazing permit under the range management regulations. Each type of facility (for example cabin, corral, pasture fences, and so forth) associated with the cow camp should be entered into the appropriate database of record as separate items. Buildings such as cabins and barns should be entered into engineering database of record. Infrastructure such as corrals and pasture fences should be entered into the range database of record.

In addition to rangeland improvement maintenance requirements, the term grazing permit (Part 3), Allotment Management Plan, and Annual Operating Instructions (or similar document) may also contain maintenance requirements for cabins. Cabin maintenance requirements may include, but are not limited to, fire safety, provisions for building inspections, use of propane or other energy sources and sanitation. If a cow camp is shared by more than one permittee, specific maintenance responsibilities may need to be assigned to each permittee. When the cow camp has been in existence for 50 years or more coordination with heritage resources

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

should occur. A National Register of Historic Places (NRHP) evaluation may need to be completed. Different maintenance standards may need to be required if the building (and perhaps any appurtenant structure) is potentially eligible for inclusion on the NRHP. The integrity of the cow camp is a crucial part of the facility evaluation, and continual and proper maintenance of the structure(s) keeps the cow camp (and any appurtenant structures) in a "context of use" rather than just the historical context so that any upgrades, modifications, or critical maintenance to the facilities will reflect historic and on-going use of the property.

Use of cow camp facilities owned by the Forest Service that are authorized by a term grazing permit is only for those uses which aid the permittee in the management of their assigned allotment. Use for other purposes (for example a hunting camp) must be requested and authorized as a special use. See FSM 2720 and FSH 2709.11 for additional guidance.

Some cow camp facilities may be privately owned. If private ownership is confirmed, the use of the facilities would be considered a special use which could be authorized under a special use permit. See FSM 2720 and FSH 2709.11 for additional guidance. Private ownership may be determined by requesting and reviewing applicable documentation. Examples include, but are not limited to, tax records, receipts for building materials or labor, deeds, inheritance documents, etc. Consult with OGC on individual determinations of ownership.

18 – KIND, CLASS, AND ANIMAL UNIT EQUIVALENTS

Conversions of kind, class, or adjustments based on animal unit equivalents may be made and reflected on the permit and in the database of record where such conversion is consistent with the existing project-level environmental analysis and decision and is supported by appropriate inventory or monitoring information.

18.1 – Conversion of Kind of Livestock

Conversions from cattle to sheep, sheep to cattle, or conversions to other kinds of livestock such as bison, horses, etc. may be made when such conversion is supported by the effects analysis in a current and sufficient project-level environmental analysis and decision.

Although animal unit equivalents are available as described in section 18.4, they only provide initial estimates. The animal unit equivalents to be used must be tailored to the site-specific conditions. For example, a conversion from sheep to cattle would occur at a 5:1 ratio based solely on the table provided as 18.4 - Exhibit 01. However, this conversion factor is based only on daily dry weight forage consumption values.

Animal behavior should also be considered. For example, cattle tend to use rangeland in a different manner than sheep and the effects on the resources might be different. Cattle tend to use areas that are flatter, closer to water, and sheep tend to use steeper slopes and can

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

typically be herded into areas further from water. Cattle generally forage on grasses, and sheep tend to prefer forbs. These factors influence the areas considered capable of supporting use by the two kinds of livestock. When converting between kinds of livestock, adjustments should be made for areas capable of supporting the kind of livestock, including the possibility to use rangeland improvements to aid in livestock distribution.

The authorized officer is responsible for determining whether to approve conversions in kind of livestock. Determinations should be based on the site-specific conditions, livestock behavior and other management considerations. The determination should be science based, and the approach used to arrive at the determination should be documented along with the supporting rationale.

Once the conversion in the kind of livestock is implemented, monitoring must be conducted over time to verify that the conversion is achieving the desired results. If adjustments are needed, they may be completed as administrative actions and do not require any further analysis.

18.2 – Conversion of Class of Livestock

Conversions of class of livestock, such as from cow/calf to yearlings, or ewe/lamb to dry ewes, will rarely require a project-level environmental analysis and decision.

Conversions between classes of livestock are often based on animal unit equivalent tables such as shown in table provided as 18.4 - Exhibit 01. However, the animal unit equivalents are based only on daily dry weight forage consumption values, and do not take into account the differences in how the classes of livestock use rangelands. Therefore, they are a helpful guide, they must be adjusted to fit the local situation. Considerations include aspects such as differences in distribution between yearlings and mature cows, differences in preferred forage type, differences in management requirements (quality and quantity of fences, distribution of water, herding practices), and so forth.

The authorized officer is responsible for determining whether to approve conversions in kind of livestock. Determinations should be based on the site-specific conditions, livestock behavior and other management considerations. The determination should be science based, and the approach used to arrive at the determination should be documented along with the supporting rationale.

Once the conversion in the class of livestock is implemented, monitoring must be conducted over time to verify that the conversion is achieving the desired results. If adjustments are needed, they may be completed as administrative actions and do not require any further analysis.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

18.3 – Animal Units and Grazing Capacity Estimates

The animal unit month (AUM) concept has been the most widely used way to determine the carrying capacity of grazing animals on rangelands. The AUM provides the approximate amount of forage a 1,000-pound cow with calf will eat in one month. It was standardized to the 1,000-pound cow with calf when they were the most prevalent on rangeland. AUM was established to be 800 pounds of forage on a dry weight basis (not green weight). All other animals were then converted to an "Animal Unit Equivalent" when compared to a 1,000-pound cow.

Historically, estimated grazing capacity was based on the amount of grazing an area was considered capable of supporting, during a specific grazing period, over a long period of years, while maintaining soil, forage, water, and timber resources in satisfactory condition or fostering improvement of unsatisfactory conditions. The estimates often involved range surveys which calculated the pounds of forage produced per acre on associated NFS lands. Estimated forage consumption per day, per animal, were then applied to the acres available for grazing to determine the maximum number of animals the area was consider able to support for a particular period while still maintaining and/or improving resource conditions.

The terms stocking rate and grazing capacity are interrelated. Grazing capacity quantifies the amount of available forage for grazing animals on a given site while stocking rate is the number of animals grazing that forage for a given period of time. Simply put, grazing capacity is "forage produced" while stocking rate is "forage demand". Many of the historic allotment capacity estimates were completed when smaller framed/lighter weight livestock were an industry norm. Over time, livestock weights have generally increased in some locales of the U.S. These shifts in livestock weights are due to such things as changes in breed of animal (Angus vs. Charolais/Limousine) and changes in livestock industry practices. Depending on how substantive the differences in livestock weights are when comparing current weights to those used in completing the historic grazing capacity estimates (i.e., the maximum number of animals that could be supported), the values may no longer be accurate purely from a grazing capacity standpoint.

Grazing capacity can be estimated, and stocking rates can be set, based on site data and simple mathematical formulas. However, annual fluctuations in forage production mean that setting and adjusting stocking rates should be viewed as a process rather than an exercise in determining a precise number of animals that a site can carry. This is also important when considering animal weights. With all the factors involved, it is important to recognize that grazing capacities are most effectively used as an initial estimate and a more reliable approach for managing livestock grazing use is to monitor the vegetative response to grazing management and make adjustments where/when needed. Use of approaches such as allowable use criteria can then be applied to determine when livestock need to be moved to a new pasture or area, or to indicate if some other management action is needed.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Given the above discussion, the commonly used animal unit equivalents table in section 18.4 may be used as a general guide. Where there are no significant resource concerns and the larger animals are able to be managed to meet applicable design criteria (as indicated by monitoring), and to meet or move toward desired conditions (again, as indicated by monitoring), no permit adjustments are needed. However, where design criteria cannot be met and/or resource conditions are not satisfactorily meeting or moving toward desired conditions, and animal size is potentially a factor, adjustments may need to be implemented to bring actual stocking rates in line with forage availability and resource concerns. The commonly used animal unit equivalents table may also be used when new areas are added to the NFS, and an initial grazing capacity would be helpful in determining an approach to livestock grazing management.

In summary, there are many factors to be considered in the management and vegetative trend of the allotment. An attempt to reduce the stocking rate based solely on the size of a cow will rarely, if ever, be an accurate and defensible decision.

18.4 – Animal Unit Equivalents

The following table contains the commonly used (including within the database of record) animal unit equivalents from several literature sources and is for general use only.

18.4 - Exhibit 01
Commonly Used Animal Unit Equivalents

Animal Kind and Class	Animal Unit Equivalent	Daily Dry Weight (lbs.) Consumption
1000 lbs. animal - baseline	1.0	26
Dry cow (1000 lbs.)	1.0	26
Cow (1000 lbs.) with calf less than 6 months of age	1.0	26
Weaned Calf (500 to 700 lbs.)	0.5-0.7	13-18
Yearling over 6 months of age (700 lbs.)	0.7	18
Bull (1500 lbs.)	1.5	39
Bison (1000 lbs.)	1.0	26
Horse (1200 lbs.)	1.2	26
Dry ewe/nanny (125 lbs.)	0.2	5
Ewe (125 lbs.) with lamb(s)	0.3	8
Moose (900 lbs.)	0.9	23
Elk (600 lbs.)	0.6	16
Llama/Alpaca (325 lbs.)	0.35	11
Bighorn (200 lbs.)	0.2	5
Pigs (200 lbs.)	0.2	5
Deer (135 lbs.)	0.17	4.5
Pronghorn (110 lbs.)	0.11	3

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

19 – OFFICIAL ALLOTMENT (2210) FILES

The permanent allotment case files created by the Forest Service is the electronic copy. Hardcopy allotment case files may be maintained for administrative use and marked as "reference." The authorized officer shall establish and maintain a permanent file for each individual allotment, regardless of status, under their jurisdiction (*see* FSH 2209.13, ch. 60 for additional direction). For national grassland and national forest units issuing grazing agreements, Associations keep similar 2210 folders for each allotment (*see* FSH 2209.13, ch. 20).

19.1 – Geographic Information Systems (GIS)

Allotment management and associated rangeland management spatial information is stored, managed, and displayed using GIS.

The authorized officer is responsible for ensuring that rangeland and allotment management related information is maintained in GIS consistent with established standards (*see* FSH 6609.15, ch. 30).

References and instructions in the use of corporate data systems and GIS are available through online help systems, agency intranet websites, and technical reference guides. These are updated and maintained to reflect system changes and enhancements as they occur.

The following minimum GIS records should be completed and maintained for each Ranger District that display, consistent with the GIS Data Dictionaries published on the current standards site for Geospatial Data:

1. Pasture feature class – show all pasture boundaries (whether fenced, natural barrier like a ridgetop or cliff face, debris pile or brush fence, etc.). The feature class should include all pastures regardless of status.

    a. In the case of sheep or dual-use allotments, pastures in this instance are often defined as a sub-watershed or other logical management (routing) unit for the sheep. These might be considered synonymous with camps or herd areas (e.g. the area to be used by the sheep when the herder is operating out of one or more multi-night herder camps).

    b. All land ownerships within each pasture shall be included within the logical pasture boundary including other owned lands used as part of the permitted area for grazing use by the permit holder (off portion or waived private land).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Other owned lands not used as part of the permitted area shall be excluded from the total area. Inclusion of other owned lands may extend the pasture and resulting allotment boundary beyond the National Forest System boundary.

2. Structural rangeland improvement feature classes – Include a point and line feature class showing all fences, range water system components, such as, troughs, storage tanks, and pipelines, and livestock handling facilities like stock driveways or corrals. Structural improvements such as line cabins (cow camps) should be included in the structural rangeland improvement feature class for point features when it is not identified as a building by Engineering standards. Other structural improvements like cattleguards should not be included in the structural rangeland improvement feature class as they are available through other data sets.

3. Key area monitoring feature class – show all key area monitoring sites.

4. Permanent Monitoring Sites - Ensure that all points, polygons, or lines are reflected in the appropriate GIS feature class and are related back to the appropriate database where the data is stored. This is critical if the actual data associated with the monitoring site needs to be accessed for use along with the GIS information.

An Allotment Feature Class will be generated through an ETL in the Enterprise Data Warehouse based on active pastures. It is critical that the pasture feature class is populated with accurate data and associated with the tabular data stored in the database of record.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.