

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**FSM 2200 – Rangeland Management
Chapter 30 – Grazing Permit System**

Amendment No.: 2200-2024-4

Effective Date: June 11, 2024

Duration: This amendment is effective until superseded or removed.

Approved by: Christopher French, Deputy Chief National Forest System

Date approved: June 11, 2024

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

Last Change: 2200-2024-3 to 2220

Superseded Document(s): 2230, 2200-2005-8, September 09, 2005

Digest:

Chapter 2230: Changes the chapter title from “Grazing and Livestock Use Permit System” to “Grazing Permit System” and sets forth direction. Revises, recodes, and organizes chapter in its entirety.

Section 2230.06: Changes section title from “Lands Not Under Jurisdiction of Forest Service” to “Consistency between Regulatory Authority and Policy Implementation” and provides a description of the correlation between the manual sections and associated handbook chapters.

Removes direction concerning the Forest Service’s lack of legal responsibility to construct and/or maintain fences to prevent livestock from straying onto or from National Forest System lands from this section and incorporates it into FSM 2240.6.

Section 2231: Changes section title from “Grazing Permit System with Term Status (Except Grazing Agreements)” to “Term Grazing Permits” and removes procedural direction on term grazing permits from this section and incorporates direction into FSH 2209.13, chapter 10.

Section 2232 - 2232.3: Removes procedural direction on grazing agreements from this section and incorporates direction into FSH 2209.13, chapter 20.

Section 2233: Changes section title from “Temporary Grazing Permit” to “Temporary Grazing and Livestock Use Permits” and removes procedural direction on temporary grazing permits from this section and incorporates direction into FSH 2209.13, chapter 30.

Section 2234 - 2234.6: Removes procedural direction on livestock use permits from this section, combines it with temporary permits, and incorporates direction into FSH 2209.13, chapter 30. FSH 2209.13, chapter 40 is now maintained in reserved status.

Section 2235: Changes section title from “Other Permits and Memorandum of Understanding (MOU)” to “Tribal Treaty Authorizations and Special Use Permits” and removes procedural direction on other permits and memoranda of understanding from this section and incorporates direction into FSH 2209.13, chapter 50.

Section 2236: Changes section title from “Grazing Permit and Agreement Records” to “Grazing Permit Records” and sets forth direction regarding permanent records and removes procedural direction on maintaining grazing permit and agreement records from this section and incorporates it into FSH 2209.13, chapter 60.

Removes procedural direction on grazing permit and agreement records from this section and incorporates it into FSH 2209.13, chapter 60.

Section 2237 - 2237.03: Removes procedural direction on compensation for permittee interest in rangeland improvements and incorporates direction into FSH 2209.13, chapter 70.

Section 2238 - 2238.6: Removes procedural direction on grazing fees from this section and incorporates direction into FSH 2209.13, chapter 80.

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2230.1 – Authority

Refer to 36 CFR 222, subparts A and C, and FSM 2201 for a description of the authority and direction on administering the grazing permit system on National Forest System (NFS) lands.

2230.2 – Objectives

In addition to the objectives set forth at FSM 2202, objectives of grazing permits are to:

1. Ensure livestock grazing is conducted in compliance with applicable laws, regulations, land management plans (LMPs), and permit terms and conditions.
2. Ensure authorized livestock grazing provides for healthy, diverse, sustainable rangelands, which meets or moves toward the desired conditions contained in programmatic and project-level decisions.
3. Ensure consistency in administration of permitted livestock grazing activities among different units of the National Forest System (NFS) to the extent practical.
4. Ensure permittees understand and comply with resource management objectives and other requirements associated with the administration of grazing permits.
5. Provide permittees with a reasonable expectation of the scope, extent, and duration of the grazing privilege on NFS lands, recognizing that adjustments may occur due to changes in law or regulation, rangeland resource conditions, management emphasis, or due to new information obtained following the issuance of the permit.

2230.3 – Policy

In addition to the policies set forth in FSM 2203, the policies regarding grazing permits are to:

1. Issue grazing permits to authorize livestock grazing at levels that are designed to achieve and maintain LMP goals and objectives.
2. Issue and administer grazing permits in accordance with applicable law, regulation, and policy.
3. Issue grazing permits only to individuals, corporations, partnerships, or other entities who meet all applicable eligibility and qualification requirements.
4. Grazing permits represent use privileges, not property rights, which may be cancelled, suspended, or modified, in whole or in part, by the Forest Service without triggering the requirement to pay just compensation under the Fifth Amendment.
5. Execute grazing agreements with grazing associations, where possible and practical, to facilitate more integrated management of rangeland resources on NFS lands and on intermingled lands owned or controlled by the grazing association and its members.

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6. Be responsive to other land managers who are interested in adopting and applying sound land management practices used on NFS lands to other lands through demonstration and, when economically feasible, facilitating cross boundary management by managing the NFS lands and these other lands as a logical rangeland management unit.
7. Charge a grazing fee for each head month of grazing authorized on NFS lands and require payment in advance of the grazing season, except in the few cases where free grazing is expressly provided.
8. When an appropriate lending institution holds the escrow waiver and has foreclosed on the base property, lessees of the base property held by the lending institution are given priority for annual temporary grazing or livestock use permits, for up to 3 years.
9. Provide compensation for the adjusted value of the permittee's investment in authorized permanent rangeland improvements on NFS lands in the sixteen contiguous Western States, as well as on the national grasslands in Texas, in cases where a permit is cancelled, in whole or in part, in order to devote the lands covered by a permit to another public purpose that precludes livestock grazing as provided in FSM 2248.
10. When suspending or canceling a grazing permit, in whole or in part, do so in accordance with procedures set forth in FSH 2209.13, chapter 10. When criminal action is suspected, contact and cooperate with local law enforcement personnel.
11. Promptly adjust stocking levels of permitted livestock, to protect or improve rangeland resource conditions, when and if necessary. Temporary or annual adjustments may be made through the annual bill for collection and/or authorized officer instructions, permanent changes should be made by a modification of the term grazing permit. Do not wait until the expiration or waiver of grazing permits before making stocking level adjustments deemed necessary as a result of allotment monitoring data.
12. Negotiate and execute memoranda of understanding with agencies (interagency agreements with a Federal agency) to authorize grazing for specific research projects or administrative purposes.
13. Effectuate written instruments with Tribes, who hold tribal treaty grazing rights on NFS lands, to document the agreed upon manner which grazing will occur when exercising tribal treaty grazing rights.

2230.4 – Responsibility

See FSM 2204 for responsibilities and delegations of authority for administering the grazing permit system.

2230.5 – Definitions

See FSM 2205 for definitions of terms used in this chapter.

2230.6 – Consistency between Regulatory Authority and Policy Implementation

Manual (FSM) chapters generally contain information and direction on the laws and regulations that the Forest Service is charged with implementing in the management of NFS lands.

Handbook (FSH) chapters contain the policies and procedures necessary to carry out those responsibilities in an orderly and proper manner on NFS lands.

Each of the following 2230 Manual sections is numbered to correspond with the same Grazing Permit Administration Handbook chapter that details agency implementing direction.

For example, section 2231 on Term Grazing Permits corresponds with chapter 10 in the Grazing Permit Administration Handbook (on Term Grazing Permits).

FSM section 2232 and FSH chapter 20 both discuss Grazing Agreements, and all the following chapters have the same correlation.

2231 – Term Grazing Permits

The objectives of issuing grazing permits are to:

1. Provide for the orderly and proper utilization of resources by livestock, and for coordination of livestock grazing with other multiple uses and values.
2. Manage grazing allotments and permitted livestock operations to meet or move toward desired rangeland vegetation conditions across the landscape.
3. Provide stability for livestock operations dependent on NFS lands and other livestock operations in the vicinity.
4. Manage for sustainable rangelands to provide for the continued presence of family ranches and farms and contribute to the social and economic structure of the rural communities of which they are a part.
5. Provide opportunities that support the continued presence of working ranches and farms as they are necessary to maintain the open spaces that are needed for vistas, recreation opportunities, and to retain habitat and migration corridors for native species.

Types of term grazing permits include:

1. Term Grazing Permit (FSH 2209.13, ch. 10).
2. Term Grazing Permit with On-and-Off Provisions (FSH 2209.13, ch. 10).
3. Term Private Land Grazing Permit (FSH 2209.13, ch. 10).

4. Grazing Agreement (FSH 2209.13, ch. 20).

See FSH 2209.13, chapter 10 for direction on issuing and administering term grazing permits to qualifying individuals, corporations, partnerships, and other legal entities.

2232 – Grazing Agreements

See FSH 2209.13, chapter 20 for direction on policies and procedures for issuing and administering grazing agreements. As referenced in section 2231, grazing agreements are a type of term grazing permit that are issued to qualified grazing associations and grazing districts.

2233 – Temporary Grazing and Livestock Use Permits

See FSH 2209.13, chapter 30 for direction on policies and procedures for issuing and administering temporary grazing permits and livestock use permits.

All these types of *annual* grazing permits are authorized on the Temporary Grazing and Livestock Use Permit form. The same form is used to apply for all types of temporary grazing and livestock use permits.

2234 – Livestock Use Permits

This section was formally combined with section 2233 in the year 2000, and chapter 40 of the Grazing Permit Administration Handbook is held in Reserve status.

See FSH 2209.13, chapter 30 for direction on issuing and administering livestock use permits.

2235 – Tribal Treaty Authorizations and Special Use Permits

See FSH 2209.13, chapter 50 for direction on policies and procedures for administering grazing in accordance with tribal treaty and other reserved rights.

Also see FSH 2209.13, chapter 50 for direction on cooperating with recreation and special uses personnel in administering incidental grazing uses authorized through issuance of certain types of special use permits.

2236 – Grazing Permit Records

Authorized officers shall maintain a permanent grazing permittee case file for each person, organization, or other entity currently holding a grazing permit which authorizes grazing on NFS lands or other lands under Forest Service control. The permanent grazing permit case file created by the Forest Service is the electronic copy. Hardcopy grazing permit case files may be

maintained for administrative use and marked as “reference”. Grazing permit case files are part of Forest Service official records and should be maintained in accordance with FSM 6230.

Where grazing agreements are involved, the grazing association shall be responsible for maintaining individual association member case files (2230), which shall be freely available to the Forest Service for inspection and copying in accordance with the terms of the grazing agreement. Grazing associations should use FSH 2209.13, chapter 60 as a guide for establishing and maintaining associated grazing permit files. See FSH 2209.13, chapter 20 for further direction on grazing agreements.

See FSH 2209.13, chapter 60 and FSH 6209.11 for direction on maintaining permittee records.

2237 – Compensation for Permittee interest in Range Improvements

See FSM 2248 and FSH 2209.13, chapter 70 for direction on policies and procedures for the limited circumstances where permittees may be compensated for the adjusted value of the permittee’s investment in range improvement construction.

2238 – Grazing Fees

See FSH 2209.13, chapter 80 for all discussions on policies and procedures concerning grazing fee formulas and grazing fees. It includes detailed direction on identifying, managing, and charging for excess and unauthorized grazing use (see chapter 10, sec. 16.4 for penalties and permit actions, when appropriate).

Unless a specific exception applies (see 36 CFR §§222.3(c)(2)(ii)(B) through (G)), a fee must be charged for grazing livestock on NFS lands and other lands under Forest Service.