

**FSH 2209.13 - GRAZING PERMIT ADMINISTRATION HANDBOOK**  
**Chapter 30 - Temporary Grazing Permits**  
**WO AMENDMENT 2209.13-2005-10**  
**EFFECTIVE 09/09/2005**

**31 - PURPOSE OF TEMPORARY GRAZING PERMITS.**

**31.1 - Temporary Grazing Permits to Allow Use of Range While a Term Grazing Permit is Held in Suspension.** A temporary grazing permit may be issued to a different operator to allow use of forage available on an allotment while the regular users' permit is in suspension. Do not issue temporary permits to the same party whose term grazing permit was suspended.

**31.2 - Temporary Grazing Permit to Use Forage Created by Unusually Favorable Climatic Conditions.** A temporary grazing permit may be issued to allow use of increased amounts of forage produced in any specific year due to unusually favorable climatic conditions. If the authorization to graze livestock under this provision is to an existing term grazing permit holder, the increased use may be authorized by modifying the term permit to allow for the temporary increase. On annual ranges, where applicants are unable to meet term grazing permit qualifications, temporary grazing permits may be issued.

**31.3 - Temporary Grazing Permit to Use Range While Term Permit Holder Livestock Are in Personal Convenience Nonuse Status.** A temporary grazing permit may be issued to allow use of available forage on an allotment where the term permit holder is taking personal convenience nonuse. Do not issue permits under this authority if the range exhibits resource problems and would benefit from rest during the period of nonuse.

**31.4 - Temporary Grazing Permit Following Waiver of Grazing Privileges.** A temporary permit may be issued to the seller to authorize continued grazing of livestock for the remainder of the grazing season when base property has been sold, the permit waived, and the seller retains ownership of the livestock.

**31.5 - Temporary Permit Because of Drought or Other Emergency Situations.** In cases of drought or other emergency conditions of National or Regional scope, temporary grazing permits may be issued to allow grazing use of National Forest System lands where such use would not result in resource damage. If the authorization to graze livestock under this provision is to an existing term grazing permit holder, the increased use may be authorized by modifying the term permit to allow for the temporary increase.

**32 - ELIGIBILITY AND QUALIFICATIONS.** Generally a person must be of legal age. See FSM 2233.2 for more specifics.

**33 - APPLICATION PROCEDURE.** Use Form FS-2200-2, Application for Temporary Grazing Permit - Part 1, for receiving and acting on applications for temporary grazing permit. The

application must show the number, kind and class of livestock, period of use requested, and the allotment. It must also show the mark or brand on the livestock to be grazed.

Applications may include requests for "on and off" provisions where applicable. When an applicant desires to graze two or more kinds of livestock, such a request can be submitted on one application.

33.1 - Performance Bonds. The issuing officer may require a performance bond with an application in instances where it may be difficult to insure payment for damages which may result from violations of terms and conditions of the grazing permit.

A performance bond should be in an amount sufficient to cover foreseeable damage that might occur.

A bond must state number and kind of livestock and period of grazing. It must describe the area involved and stipulate that livestock will graze only on the described areas. It must further state that the permittee shall comply with terms of the permit, instructions received from Forest Officers, and Secretary's regulations pertaining to the permit. The Regional Forester may require review of bonds by a local representative of the Office of General Counsel. As a general rule, use Standard Form SF-25, Performance Bond. If the issuing officer accepts the sureties, approval of the grazing application will follow. If other types of bonds such as cash, corporate surety, or individual surety are used, see FSM 6506 for instructions.

33.2 - Action on Applications. In cases of disapproval of an application, the Forest Supervisor shall provide written notice stating the reason for disapproval.

34 - ISSUANCE OF TEMPORARY GRAZING PERMITS. Issue temporary permits in triplicate on Form FS-2200-5, Temporary Grazing Permit - Parts 1 and 2. Complete any necessary additional sheets and make them part of the permit.

If the authorization to graze livestock under temporary grazing permit provisions is to an existing term grazing permit holder and that the permittee owns the livestock to be grazed, the increased use can be authorized by modifying the term grazing permit to allow for the temporary increase. If the term grazing permit holder does not own the livestock, authorize the use by issuing a temporary grazing permit. For "on and off" situations use form FS-2200-10e, Grazing Permit, Part 3.

Other instructions for issuing temporary grazing permits are similar to instructions for issuing term grazing permits with term status (FSM 2231.5).

35 - CHANGES IN TEMPORARY GRAZING PERMITS. Because a temporary permit is valid for only 1 year, limit changes. Should changes become necessary, see FSM 2231.6.

36 - GRAZING CAPACITY AVAILABLE FOR USE. Consider the four elements in the grant process (ch. 10).

## FSH 2209.13 - GRAZING PERMIT ADMINISTRATION HANDBOOK

### Chapter 30 - Temporary Grazing And Livestock Use Permits

**Amendment No.:** 2209.13-2005-2

**Effective Date:** July 19, 2005

**Duration:** This amendment is effective until superseded or removed.

**Approved:** FRED NORBURY  
Associate Deputy Chief

**Date Approved:** 04/11/2005

**Posting Instructions:** Amendments are numbered consecutively by Handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this Handbook was 2209.13-2005-1 to 2209.13\_zero\_code.

<b>New Document</b>	2209.13_30	9 Pages
<b>Superseded Document(s) by Issuance Number and Effective Date</b>	!2209.13,30 Contents (Amendment 2209.13-92-1, 08/03/1992) 2209.13,30 (Amendment 2209.13-92-1, 08/03/1992)	1 Page  3 Pages

#### **Digest:**

30 - Changes the caption of this chapter to "Temporary Grazing and Livestock Use Permits" (formerly, "Temporary Grazing Permits"). Consolidates previous direction in chapter 40 regarding livestock use permits into this chapter to reflect that temporary grazing and livestock use permits now use the same form.

31 - Clarifies criteria before temporary grazing or livestock use permit may be authorized.

#### **Digest--Continued:**

33 - Removes previous direction authorizing collection of performance bonds from applicants for temporary grazing privileges. Clarifies applicants for temporary grazing or livestock use permits need not own livestock to be permitted.

36 - Removes provision concerning the mechanism used to determine the amount of forage available for grazing under a temporary grazing or livestock use permit and replaces it with direction on making decisions under the National Environmental Policy Act.

### **31 - TEMPORARY GRAZING AND LIVESTOCK USE PERMITS**

Temporary grazing permits and livestock use permits are similar in that:

- (1) they have the same eligibility and qualification requirements;
- (2) they are both issued for a period not to exceed 1 year;
- (3) neither a temporary grazing nor a livestock use permit creates priority for reissuance, and;
- (4) the application and the permit for both permit types use the same forms (FS-2200-02, FS-2200-05).

The two permits differ in that temporary grazing permits are issued when the primary use is livestock production (36 CFR 222.3).

Grazing fees for a temporary grazing permit are assessed using the same procedures as term grazing permits (ch. 80). Livestock use permits are issued when the primary purpose is not livestock production. Some examples are: using livestock to manipulate vegetation (firebreaks, controlling invasive plants), for non-permitted livestock crossing National Forest System (NFS) lands, and for research. Grazing fees for a livestock use permit are assessed using the same procedures as term grazing permits (ch. 80). In some limited circumstances, grazing under a livestock use permit can be free.

Decisions to issue temporary grazing or livestock use permits are entirely discretionary on the part of the authorized officer and must be within the scope of effects disclosed in a National Environmental Policy Act (NEPA) analysis and decision (ch. 90). Each application for a temporary grazing or livestock use permit shall be evaluated individually and the permit shall be issued only when all of the following conditions are satisfied:

1. The allotment or area is covered by a current NEPA analysis and decision.
2. Monitoring indicates that objectives from the land management plan (LMP) and/or allotment management plan (AMP) are being met, or that satisfactory progress is being made toward those objectives.

## **32 - ELIGIBILITY AND QUALIFICATION REQUIREMENTS**

### **32.1 - Eligibility Requirements**

Eligibility requirements for temporary grazing permits and livestock use permits are the same and conform to the requirements of term grazing permits (sec. 12-12.1).

### **32.2 - Qualification Requirements**

Unlike applicants for term grazing permits, applicants for temporary grazing permits and livestock use permits are not required to own either base property or the livestock to be grazed.

## **33 - TEMPORARY GRAZING PERMITS**

Temporary grazing permits are issued in certain circumstances to allow use of forage available on NFS lands when issuance of, or modification of a term grazing permit is not appropriate.

Authorization of livestock grazing under a temporary grazing permit must be consistent with the criteria listed in section 31. Sections 33.1 through 33.6 are examples of the most common circumstances under which the authorized officer may consider issuing a temporary grazing permit.

### **33.1 - To Use Forage Made Available Due to the Suspension of a Term Grazing Permit**

A temporary grazing permit may be issued to allow use of forage available on an allotment if the term grazing permit for that allotment has been suspended, in whole or in part. However, under no circumstances should such permits be issued to the holder of the suspended term grazing permit.

### **33.2 - To Use Forage Created by Unusually Favorable Climatic Conditions**

A temporary grazing permit may be issued to allow use of increased available forage due to unusually favorable climatic conditions. Previous climatic conditions and long term monitoring information should always be considered when evaluating an application for temporary grazing. A year of above normal precipitation, producing abundant forage, should not be the only consideration for a temporary permit, precipitation patterns and long term vegetation trends should also be considered.

### **33.3 - To Use Forage During Periods of Permittee Convenience Nonuse**

A temporary grazing permit may be issued to allow use of forage on an allotment where the term permit holder is taking permittee convenience nonuse.

### **33.4 - Following Waiver of a Term Grazing Permit**

If a term permit holder has sold base property, but not permitted livestock, and has executed a Waiver of Term Grazing Permit (form FS-2200-12), the authorized officer may issue a temporary grazing permit to the former permit holder to authorize the continued grazing of livestock for the remainder of the season, provided that the recipient of the new term grazing permit elects not to graze livestock on the permitted allotment(s) until the beginning of the next grazing season.

### **33.5 - During Drought or Acts of Nature**

Temporary grazing permits may authorize the use of forage on certain allotments when permittees have been displaced from their permitted allotments as a result of drought, fire, or acts of nature.

### **33.6 - Because of Escrow Waiver held by Farm Credit Banks**

Lessees of base property held by the Farm Credit Banks (FCB) shall be given priority for issuance of a temporary grazing permit on allotments associated with the base property held by FCB. Permits are issued annually and shall include an assignment of range improvement

maintenance responsibilities. The permit shall authorize the use of forage normally covered by a term grazing permit where an escrow waiver to FCB was invoked (sec. 18).

The permit application must include a copy of the lease with FCB. Do not honor leases purporting to assign or sublease the grazing permit to the lessee.

### **34 - APPLICATION PROCEDURE FOR TEMPORARY GRAZING PERMIT**

Form FS-2200-2 is used to apply for a temporary grazing permit and for a livestock use permit, (sec. 37). To differentiate the two permits, on the top of the form, select the type of permit, temporary grazing or livestock use permit. Applications may include requests for on and off provisions. Descriptions for on/off provisions are found in chapter 10. Applicants applying to graze two or more kinds of livestock may make such a request on one application.

### **35 - ISSUANCE OF TEMPORARY GRAZING PERMITS**

Form FS-2200-5 is used to issue both the temporary grazing and the livestock use permits (sec. 37). At the top of the form, select whether the permit is for a temporary grazing permit or a livestock use permit. Additional attachments, such as maps or annual operating provisions should be completed and then incorporated into the permit.

Where an existing term permit holder is authorized to increase grazing use on a temporary basis, the authorized officer may, at his or her discretion, authorize the temporary increase in a bill for collection and a letter of modification without issuing a temporary grazing permit.

### **36 - LIVESTOCK USE PERMITS**

Issue livestock use permits to authorize grazing use for purposes other than livestock production on National Forest System (NFS) rangelands. Sections 36.1 through 36.5 are examples of the most common circumstances under which the authorized officer may consider issuing a livestock use permit.

#### **36.1 - For Transportation Livestock**

Issue livestock use permit to outfitters and guides for pack and saddle stock that transport people, equipment, or supplies on NFS lands where such use is not already authorized under an outfitter/guide permit (form FS-2700-4). For assessment of fees related to outfitter/guide livestock use, see FSM 2721.53.

Issue livestock use permits to individuals involved in activities such as: dude ranching, logging, or mining operations on NFS lands if they are not covered by another written authorization.

#### **36.2 - For Approved Research or Administrative Study Activities**

Livestock use permits may be issued to persons, institutions, or other Federal, State, or local agencies conducting approved research activities involving the grazing of animals on NFS land or other lands under Forest Service control.

A memorandum of understanding (MOU) should be used to document the relationship between the Forest Service and the sponsor of the research activity. The MOU must state the purpose of the research, the scope and extent of grazing necessary to meet research objectives, and whether a fee should be charged for the grazing. Where the perceived benefits of the research activity to the United States outweigh the benefit to the United States associated with grazing fees that would be collected, the authorized officer may waive the grazing fee (36 CFR 222.3(2)(ii)(B)).

### **36.3 - For Crossing National Forest System Lands**

Issue livestock use permits to non-permittees whose livestock traverse NFS lands in order to reach other destinations. For example, crossing NFS land may be necessary to access private land, grazing land administered by another Federal or State agency, or to a site for the shipping of livestock to market.

Do not issue livestock use permits for trailing by permitted livestock moving to NFS allotments. Authorize permitted livestock trailing by including this trailing period in the total season of use authorized under the term permit.

Consider trailing by non-permittee livestock a marginally compatible use of NFS lands and do not authorize if other non-NFS routes or means, such as trucking, are available. Where the demand for trailing exceeds resource capacity or this use is not compatible with LMP guidance, limits on the amount of grazing use by trailing animals shall be established and permits shall be issued in the following order of priority:

1. To enable landowners to access their private property when no other reasonable means of access on non-NFS land are available.
2. To enable individuals to access permitted grazing lands administered by another Federal or State agency when no other reasonable means of access on non-NFS land are available.
3. To enable individuals to access privately owned or leased grazing lands within units of the NFS when no other reasonable means of access on non-NFS land are available.
4. To enable individuals to access a site for shipping non-permitted livestock to market when no other reasonable means of access on non-NFS land are available.

### **36.4 - For Breeding Animals not owned by the Term Permit Holder**

Authorize, with a livestock use permit, forage use by breeding animals (sires) that service permitted livestock when the sires are not owned by the permittee. When the term permit holder owns breeding animals, authorization shall be included as part of the term grazing permit.

### **36.5 - For Vegetation Management**

Livestock use permits can be used to authorize the consumption of vegetation to manipulate vegetation characteristics to enhance resource values. Some examples are establishing fuel breaks, removing competing vegetation to improve wildlife habitat, reducing competing



vegetation for timber regeneration, site preparation to facilitate establishment of trees or a different forage vegetation type, or to reduce fire hazards on ranges by removing biomass. In limited circumstances, where it is advantageous to the government, grazing to accomplish vegetation manipulation objectives may be free.

In some instances grazing to achieve vegetation manipulation objectives can better be achieved through avenues other than grazing permits, such as:

1. Contract for services (FSH 6309.32).
2. Under a cooperative agreement (36 CFR 222.3, FSH 1509.11).
3. Stewardship contracting (FSH 2409.19, ch. 60; FSH 6309.32, part 4G37).

### 37 - APPLICATION PROCEDURE FOR LIVESTOCK USE PERMIT

Form FS-2200-2 is used to apply for both a livestock use permit and for a temporary grazing permit (sec. 34). To differentiate the two permit types, at the top of the form select whether the application is for a temporary grazing permit or for a livestock use permit. Applicants applying to graze two or more kinds of livestock may make such a request on one application.

### 38 - ISSUANCE OF LIVESTOCK USE PERMIT

Form FS-2200-5 is used to issue either a livestock use permit or temporary grazing permit (sec. 34). At the top of the form, select whether the permit is a temporary grazing permit or a livestock use permit. Additional attachments, such as maps and the annual operating provisions (AOP) should be completed and then incorporated into the permit.

### 39 - CHANGES TO TEMPORARY OR LIVESTOCK USE PERMITS

Because temporary grazing and livestock use permits are issued for a period not to exceed 1-year, the need for modifications should be limited. Changes to temporary or livestock use permits could occur based on:

1. Changes in environmental conditions.
2. Requests by the permittee.
3. To comply with LMP, laws, regulations, and policy.

Modification to temporary or livestock use permits can be made at any time during the authorized period of use. Should adjustments to the permitted grazing become necessary, the authorized officer should determine whether the permit should be modified or cancelled. Procedures to modify or cancel a temporary or livestock use permit generally follow the procedures found in chapter 10, modifying a permit. At a minimum, any changes should be discussed with the permittee, a letter sent to the permittee with copies to the file documenting the change, and/or and updated AOP.