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**Forest Service Handbook 2209.13 - Grazing Permit Administration Handbook
Chapter 90 - Rangeland Management Decisionmaking**

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

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Digest: Following is an explanation of the changes throughout the document by section.

Chapter 90: This chapter retains the incorporated and revised direction on rangeland management planning previously located in Forest Service Manual (FSM) 2210, 2211, 2212, 2213, 2214, and 2215.

Clarifies direction on planning and analysis, decision implementation, monitoring, and modifications in the use or activity based on monitoring results.

Section 91: Renames section title from “Rangeland Management Direction in Land and Resource Management Plans (Programmatic Planning Level)” to “Rangeland Management Direction in Land Management Plans (Programmatic Planning Level).” Clarifies the decisions related to rangelands made in Land Management Plans (programmatic planning level) and how Land Management Plans relate to grazing authorizations.

Section 91.1: Clarifies the role of the “plan-to-project” NFMA analysis process in rangeland management decision making and the use of adaptive management in decision planning and implementation.

Section 91.2: Expands the explanation of the relationship between land management plan direction and grazing permits.

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Section 92.12c: Establishes code, caption, and sets forth direction on Identification of Project Needs. Provides an example of a Plan-to-Project matrix via Exhibit 01, to compare existing condition to desired condition.

Section 92.12g: Establishes code, caption, and sets forth direction on Purpose and Need including a concise definition and discussion of Purpose and Need.

Section 92.12h: Establishes code, caption, and sets forth direction on proposed actions. Adds direction concerning the components of a complete proposed action statement and how it relates to the development or revision of an Allotment Management Plan.

Section 92.22: Provides expanded direction and additional examples of adaptive management options and flexibility.

Section 93: Retains the method by which requirements of other Federal laws can be satisfied through site-specific analysis and review conducted pursuant to the National Environmental Policy Act.

Section 93.2: Provides clear language on how to meet the requirements of 43 U.S.C. 1752(d) relative to coordination with affected permittees on allotment management plans.

Section 94: Clarifies the relationship between the project level decision to authorize grazing and the Allotment Management Plan, the annual operating instructions, and the grazing permit. Continues the requirement that the Allotment Management Plan is attached to and made a part of the term grazing permit.

Section 94.3: Explains the proper use of Annual Operating Instructions and that they are not required by regulation.

Section 94.31: Inserts a new section to address attendance in annual meetings by outside parties.

Section 95: Expands the direction on monitoring.

Section 95.3: Expands the direction on cooperative monitoring.

Section 96: Provides direction regarding when existing environmental analysis are sufficient and completion of a new analysis for an allotment(s) is not required. Also explains when monitoring results require adaptive management implementation, and whether further site-specific analysis is required before needed or proposed grazing adjustments can be implemented.

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91 - Rangeland Management Direction in Land Management Planning

Land management plans (LMPs) typically determine what areas are suitable for grazing and browsing animals and establish programmatic direction and guidance for grazing activities by developing plan components (for example, desired conditions, objectives, standards, guidelines, and suitability identifications). In accordance with, Title 36, Code of Federal Regulations, section 219.7(e)(1)(v), 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. See FSM 1920 and FSH 1909.12 for basic direction for addressing rangeland resources in LMPs.

91.1 - Consistency with the Land Management Plan

Under the National Forest Management Act of 1976 (NFMA), and the Forest Service planning regulations at 36 CFR §219, project-level decisions, which authorize the use of specific National Forest System (NFS) lands for a particular purpose like livestock grazing, must be consistent with the broad strategic guidance established in the LMP. Consistency is determined by examining whether the project-level decision meets the established plan components – desired conditions, objectives, standards and guidelines, and suitability.

91.2 - Relationship of Land Management Plans to the Grazing Permit

All grazing permits, new and existing, must be consistent with applicable direction in the LMP. Where necessary, modify grazing permits to ensure consistency with the LMP and any subsequent amendments. Pertinent guidance in LMPs relating to livestock grazing are included directly into Part 3 of the grazing permit if an allotment management plan (AMP) either does not exist or is inconsistent with the LMP. When an AMP exists and is consistent with the LMP, the AMP is attached to and made a part of the term grazing permit and is referenced in Part 3.

The revision or amendment of a LMP does not constitute, in and of itself, relevant new information or changed circumstances requiring correction, supplementation or revision of existing environmental documentation and modification of the associated grazing permit(s). In cases where a LMP revision or amendment creates an inconsistency that would require modification of a grazing permit, modify the grazing permit as soon as practicable. Prior to modifying the grazing permit, review any relevant new information or changed circumstances to determine if the site-specific environmental analysis needs to be supplemented or revised.

Permit holders may file an objection to a LMP decision associated with a LMP revision or amendment (see 36 CFR §219, part B). Project-level decisions modifying a term grazing permit to be consistent with the revised or amended LMP may be appealed by the permit holder depending on the nature of the decision (see 36 CFR §214.4).

91.3 - Actions Taken During Routine Grazing Permit Administration

In managing rangeland resources, there are inevitable changes in laws, regulations, policies, Endangered Species Act (ESA) consultation requirements, LMPs, and so forth that affect management decisions on the ground. In addition, analysis of monitoring results provides information to the authorized officer regarding status of management in terms of meeting or moving toward the desired conditions set out in the LMP. Examples of actions that may be taken without further environmental analysis may include such things as changes in the class of livestock to be authorized for a given season or adjustments to the specific dates of authorized grazing that are within the overall season of use analyzed within the environmental analysis. The determination on whether additional analysis is needed should be based on whether the actions are within the scope and range of effects considered in the original analysis.

92 - Phases of Rangeland Management Planning

It is important to recognize two distinct phases in the rangeland project planning process:

1. Phase one is the plan-to-project analysis. This phase leads up to the site-specific analysis and includes gathering information/developing aspects of the project such as existing conditions, desired conditions, identification of information needs, identification of issues, development of a proposed action, and so forth.

The responsible official should consider the nature of the proposed action, the preliminary issues identified for the project, and the extent of any applicable existing documentation to determine if the proposed action might be able to be categorically excluded from documentation in an Environmental Impact Statement (EIS) or an Environmental Assessment (EA). If the proposed action is within an available category of actions listed in 36 CFR §220.6 and if the proposed action does not involve any extraordinary circumstances, the action may be categorically excluded from documentation in an EIS or EA. Documentation associated with the use of a CE is completed in phase two. If the proposed action cannot be categorically excluded, the responsible official must then determine the type of document that should be prepared in phase two of the rangeland project planning process.

Phase one also includes determining if the project and associated activities are consistent with the LMP (36 CFR §219.15).

2. Phase two is the project level analysis and decision(s). This phase is focused on completing a site-specific analysis of the proposed action and alternatives in compliance with the National Environmental Policy Act (NEPA), and subsequent issuance of a site-specific decision(s). If the proposed action can be categorically excluded (CE), this phase would include documenting the use of an applicable CE (see FSH 1909.15, ch. 30 for available CEs) and issuance of a project level decision(s).

Completing a plan-to-project analysis and defining the proposed action prior to initiation of site-specific analysis may increase the efficiency of the site-specific analysis.

A plan-to-project analysis may be conducted on an allotment or group of allotments that share similar ecological conditions and resource issues. Depending upon scope and complexity, there may be one environmental analysis document for the analysis area, with different decisions for individual allotments.

92.1 - Plan-to-Project Analysis

This section clarifies the utility of the “plan-to-project” analysis process in rangeland management decision-making and the use of adaptive management in decision planning and implementation. A plan-to-project analysis may encompass all resources within a specified area or be focused on the specific resource of rangeland allotments. A science-based approach should be used to inform all phases of the plan-to-project analysis. Interdisciplinary teams should leverage modern planning tools, technology, and information to assess current conditions and predict future resource conditions, management challenges, and opportunities.

92.11 - Leveraging Landscape Scale Inventory, Monitoring and Assessments

When possible, consider completing inventory, monitoring, and assessment work at a landscape scale (for example, encompassing a watershed). Inventory, monitoring, and assessment information gathered at a landscape scale can improve understanding of resource conditions across project areas, interaction between resources, and can create efficiencies in project level work. The exact scale applied will depend on the complexity of the landscape, project needs, staff capacity, and so forth. Site-specific analysis and project level decisions can then be conducted on an allotment or group of allotments that share similar ecological conditions and resource issues.

92.12 - Elements of the Plan-to-Project Analysis Process

Prior to initiating a plan-to-project analysis, it is important to establish whether an existing analysis and valid decision exists. If a decision has been made to authorize an action in a specific area, such as livestock grazing, a new decision may not be necessary. Review the environmental analysis documentation and assess whether there is sufficient new information, technology, or changed conditions to warrant a new analysis and decision (see FSH 1909.15 section 11.23). Refer to section 96 of this chapter for further guidance on conducting a review of existing project level analysis and decisions.

If it is determined that a new analysis is needed, information can be gathered and/or determinations made associated with various elements in preparation for a project-level proposal as described in the following subsections.

92.12a - Description of Existing Conditions

The analysis team should examine and describe the existing conditions within the analysis area for all pertinent resources, such as ecological status of the vegetation, composition and arrangement of plant communities, status and function of riparian areas and wetlands, stream bank and stream channel characteristics, wildlife and fish habitat characteristics, cultural resource protection, soil and water conditions, and recreation/human pressures. Existing conditions should be specific and quantified where possible.

Existing conditions may be identified through a myriad of sources, including rangeland inspections, rangeland analyses, environmental analysis documentation for other actions in the area, electronic resource databases, relevant survey and monitoring data from various disciplines including wildlife, soils, and aquatics, and information from previous or current grazing permittees or other knowledgeable sources such as State natural heritage programs. Historic, current, and desired grazing capacity levels and decisions should be reviewed.

The data and information must be pertinent to identifying differences between existing and desired conditions related to rangeland resources. Do not amass needless information that will not help identify rangeland conditions and resource problems and solutions. Determination of the difference or gap, if any, between current and desired conditions establishes if there is a need to change grazing management and is the primary source for development of the proposed action.

92.12b - Description of Desired Conditions

The interdisciplinary team should review the relevant LMP and identify the desired conditions (from the various sections of the LMP, such as management areas and geographic areas) that are applicable to the proposed project area and scope of the project. The applicable desired conditions should be documented so they can be brought forward into the project-level analysis.

92.12c - Identification of Resource Management Needs

Identification of resource management needs is simply the comparison of desired conditions with existing conditions to determine the extent and rate at which current management is meeting or making progress toward meeting desired conditions. See 92.12c Exhibit 01 – Plan-to-Project Matrix, below for an example of how to describe the site potential and compare the existing conditions with the desired conditions of an area. Where existing and desired conditions are the same, there is no apparent need for change. Conversely, where existing and desired conditions are not the same or progress toward meeting desired conditions is not being made, then there may be a need for change in management. When developing resource management needs, the interdisciplinary team should identify and explain the relevant causes for not meeting, or making progress towards meeting, desired conditions. Resource management needs should then be designed which address the need for change. If the causes

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for not meeting, or making progress towards meeting, desired conditions are outside of the scope of the project (for example, not related to livestock grazing and/or other aspects of rangeland management), they should be disclosed, but resource management needs should not be developed.

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92.12c - Exhibit 01 Plan-to-Project Matrix
(Comparison of Existing Condition to Desired Condition)

Allotment: Grassy Flats. Silver, Gold, and Copper pastures, and Tin Trap			
Designated Area: Volcanic Hills MLRA, 16-20 Inch precipitation zone Clayey Ecological Site (ES)			
	Vegetative Resource	Wildlife Resource	Soil Resource
Site Potential	Mixed grassland, warm and cool season grasses, forbs, lesser shrubs, and trees.	Habitat diversity for a variety of mountain and grassland wildlife species.	Vegetative ground cover of 21-75%. Rock component of 35-80%. Bare ground of 3-15%.
Existing Condition	Gold, Silver and Tin Trap pastures lack perennial cool season grasses. Copper pasture has appropriate species composition based on the ES.	Forb and grass components are adequate in all pastures. The average cover height measured across the nesting habitat within the Copper pasture is 4 inches.	The average percent bare ground within the Copper and Tin Trap pastures is 10%. The average percent bare ground within the Silver and Gold pastures is 30%.
Desired Condition	Manage to achieve or maintain mid-seral vegetative communities reflective of the Clayey ES. The full spectrum of both warm- and cool-season species should be present.	Achieve forage and nesting cover of 6 inches in the Copper pasture at least one year out of every three years.	Manage to maintain and/or achieve an average of 15% or less bare ground within all pastures.
Resource Management Needs	<p>The desired condition for vegetation communities in the Gold, Silver and Tin Trap pastures are not being met due to a lack in perennial cool season grasses. To trend these plant communities within these pastures toward the desired condition, the following actions are needed:</p> <ol style="list-style-type: none"> 1. Adjust grazing management to reduce fall season grazing pressure on perennial cool season grass species. 	<p>The desired condition for cover height is not being met within the Copper pasture. To achieve the desired condition for nesting cover in the Copper pasture, the following actions are needed:</p> <ol style="list-style-type: none"> 2. Adjust grazing management to ensure livestock grazing occurs outside of the nesting season at least one out of every three years. 	<p>The desired condition for bare ground is not being met within the Silver and Gold pastures. To trend these pastures toward the desired condition, the following actions are needed:</p> <ol style="list-style-type: none"> 3. Adjust grazing management to reduce the percent bare ground by increasing vegetation basal area and litter by at least 10% over the next 10 years.

92.12d - Identification of Information Needs

Examine existing information available to support the project level analysis and determine if any information gaps exist. Approaches to identifying information gaps include but are not limited to:

1. Evaluate the quality, accuracy, and usefulness of the information being used to describe existing and desired conditions.
2. Identify any important gaps in knowledge that keep the analysis team from understanding and evaluating differences between desired and existing conditions.
3. Estimate what it would cost in terms of time, money, and effort to obtain missing information, and if it is necessary to collect it.
4. Identify how the information gap relates to the decision to be made and associated risks.
5. Resource specialists may make recommendations to the authorized officer regarding the importance of any information gaps as they relate to making an informed decision, but the authorized officer is the one to determine what information needs to be obtained to sufficiently inform their decision.

92.12e - Possible Management Practices

Resource management needs provide the basis for developing possible management practices that would move existing conditions toward desired conditions. A suite of possible management practices that are likely to meet or make progress toward meeting desired conditions should be considered and identified. Potential management practices can range from adjustments to grazing management (for example, adjust livestock grazing intensity, timing, duration, and/or frequency), installation of rangeland improvements along with other vegetation management tools (for example, prescribed fire and mechanical treatments). One or more possible management practices may form the proposed action for the project level phase of rangeland project planning. Possible management practices should be checked for consistency with the LMP. A possible practice that is not consistent with the LMP may not be implemented within the plan area. It does not need to be automatically eliminated from consideration but instead, the inconsistency should be noted and potentially identified as a need to consider an amendment to LMP direction (see FSH 1909.12, ch. 20).

An adaptive management strategy should be considered (see sec. 92.22). Adaptive management may provide the flexibility to respond to continually changing conditions found within natural ecosystems.

92.12f - Decision Framework

Often a well-described proposed action (who, what, when, where) makes the decision clear. However, there may be instances where extra clarification may be needed, such as when a previous decision constrains decision space, more decisions will be made later (for example, when an LMP amendment may be needed), and so forth. See FSH 1909.15, Section 11.22 for general guidance on decision framework. Some likely situations where a decision framework would be helpful to ensure clarity relative to a rangeland management project includes but are not limited to:

1. A landscape grazing approach is being analyzed which includes multiple jurisdictions and other agencies are involved and have their own decisions or authorizations to make.
2. A previous court decision and/or settlement is in effect which constrains decision space on a particular allotment(s) and/or area.
3. Legislation exists which directs the Agency to take a specific approach to livestock grazing management (for example, include or exclude certain areas as available for livestock grazing) on NFS lands where all or a portion of the project area is located.

92.12g - Purpose and Need

The need for action discusses the relationship between the desired condition and the existing condition in order to answer the question, “why consider taking any action?”

The breadth or narrowness of the need for action has a substantial influence on the range of alternatives considered in the analysis. A well-defined “need” or “purpose and need” statement sets the stage for a reasonable range of alternatives to be considered. See 40 §CFR 1502.13 and FSH 1909.15, section 11.21 for general guidance on the purpose and need.

In terms of livestock grazing, the purpose may include the authorization of livestock grazing as a tool to achieve desired resource conditions and/or to utilize forage available for livestock grazing as identified in the LMP to support ranches and rural economies while meeting other resource objectives. Where existing resource conditions are meeting or moving toward meeting desired conditions, the need may simply be to authorize livestock grazing in a manner that will continue to meet or move toward direction in the LMP while meeting other resource objectives.

92.12h - Proposed Action

A proposed action is a proposal by the Forest Service to authorize, recommend, or implement an action to meet a specific purpose and need. All proposed actions have five parts that comprise their whole: who, what, how, where, and when. See FSH 1909.15, section 11.2 for general guidance on the proposed action.

For rangeland management projects, the proposed action should address management of all active, vacant, and forage reserve allotments within the project area, and may address management actions associated with areas outside of allotments within the project area. It is strongly recommended to analyze conditions in vacant allotments in the project area in case future conditions or resource needs may warrant intermittent grazing or restocking of the vacant allotment(s). Depending on the site-specific circumstances (for example, such as available information and/or issues) a consideration to open a closed allotment might require a separate analysis and decision.

A proposed action, and action alternatives, which includes initial authorization or updated authorization standards of livestock grazing, should include:

1. Management objectives;
2. Required livestock management practices including maximum amount of use in terms of authorized use levels to achieve management objectives;
3. The earliest on-date possible for the allotment and the latest off-date that might be allowed, thereby providing the flexibility needed to respond to annual climatic conditions (for example, enabling early on-dates or extensions of use to be within the range of analysis);
4. Structural or non-structural improvements that are or may be necessary; and,
5. Appropriate monitoring to determine if management objectives are being met or if adaptive management actions are needed.

A proposed action that describes the maximum amount of use (for example, #2 above) and the earliest on-date and latest off-date (for example, #3 above) that might be allowed for an allotment, provides the opportunity to issue term grazing permits with variable numbers and/or variable seasons. See section 94.2 of this chapter for guidance on issuing term grazing permits with variable numbers and/or variable seasons.

92.2 - Project-Level Analysis and Decision

In accordance with, 43 U.S.C. §1752(c)(4), environmental reviews should be conducted “on an allotment or multiple allotment basis, to the extent practicable, if they share similar ecological conditions, for purposes of compliance with the NEPA and other applicable laws.” General environmental analysis requirements are set forth in regulations adopted by the Council on Environmental Quality at 40 CFR Part 1500 Forest Service NEPA regulations at 36 CFR §220, and in the Forest Service directives system at FSM 1950 and FSH 1909.15. Special features as applied to rangeland management and livestock grazing are described below to clarify FSH 1909.15 for situations unique to rangeland management and livestock grazing decisions.

Interdisciplinary teams should use modern techniques that leverage science and technology to aid in their environmental reviews. The depth or detail of analysis will depend on the important management and resource issues and should be commensurate to the magnitude of the effect.

92.21 - Alternatives

No specific number of alternatives is required or prescribed. See 36 CFR §§36 CFR 220.5(e) and 220.7(b)(2) and FSH 1909.15 for guidance on alternative development. The range of alternatives considered by the responsible official includes all reasonable alternatives to the proposed action that are analyzed in the document, as well as other alternatives eliminated from detailed study (see FSH 1909.15, ch. 10).

A no action alternative is required in an EIS (40 CFR §1502.14(c)). When an EA is prepared, the analysis typically includes consideration of a no-action alternative. When included, a no-action provides a benchmark, enabling decision makers to compare the magnitude of environmental effects of the action alternatives (see 36 CFR §220.7(b)(2)(ii)).

For areas where livestock grazing has been authorized and occurring, the no-action alternative is an analysis of the current management direction (for example, analyze current grazing management). If the analysis is considering an initial grazing authorization, then no-grazing would be the no-action alternative.

It is encouraged to include a no-grazing alternative as part of the range of alternatives. Doing so enables the decision-maker to contrast the impacts of managed grazing to those associated with not grazing. A no grazing alternative may not always need to be analyzed in detail. A no grazing alternative may be included and described as an alternative that was considered but eliminated from detailed study. Because alternatives eliminated from detailed study are considered part of the range of alternatives, the project or case file should contain descriptions of the alternatives and the reasons for their elimination from detailed study.

92.22 - Adaptive Management

Alternatives may include an adaptive management strategy allowing for adjustment of the action during implementation. See 36 CFR §§220.5(e)(2) and §220.7(b)(2)(iv), and FSH 1909.15, section 14.1 for general guidance on adaptive management.

For rangeland management projects, the proposed action for an adaptive management strategy should describe the upper bounds of what is allowed in terms of timing, intensity, frequency, occurrence, and period of livestock grazing along with various management tools such as rangeland improvements, in order to achieve desired conditions. The analysis should identify conditions that will be monitored and the threshold that will trigger management adjustments. The adaptive management strategy must clearly identify the adjustment(s) that may be made within the established upper bounds to meet desired conditions when monitoring indicates that the action is not having its intended effect. For example, adjust timing

in areas to address issues associated with other multiple uses such as recreation and/or resources such as fisheries and wildlife habitat needs.

If monitoring indicates that the intended effects are not being achieved through the initial grazing management action, the action can be modified using one or more of the identified adaptive management actions to better achieve the intended effects. Changes to the management action may include employing tools/options within the adaptive management framework such as adjusting the number of livestock authorized annually, specific dates for grazing, class of animal, or modifications to pasture rotations.

As long as, monitoring indicates that the environmental effects of each action do not exceed the bounds of those anticipated in the decision, and the actions serve to move the project toward the intended effects, implementation continues using the “implement-monitor-adapt” cycle without the need for new or supplemental NEPA review.

When rangeland improvements are analyzed as part of an adaptive management strategy, a phased approach for complying with other laws such as the ESA and/or National Historic Preservation Act (NHPA) can be employed. Phasing is an alternate sequencing of the standard NHPA Section 106 and ESA Section 7 processes. Phased identification, evaluation, and assessment of effects continue after a project decision, and before project implementation begins, in an area of the project where applicable resources (for example, historic properties [NHPA], endangered species and habitats [ESA]) may be affected.

Field surveys and other needed actions do not have to be completed during the time of the analysis. However, once a need to construct a rangeland improvement is identified, field surveys and other needed actions must be completed prior to implementation (placement and construction), including incorporation of all applicable LMP standards and guidelines.

In instances where there is new information and/or changed circumstances that result in the need to apply a management action that is outside the scope and/or range of the environmental analysis and authorized by a decision, a new environmental analysis may be needed. Equally, if monitoring shows that the effects of implementation are greater than the effects originally predicted and disclosed within the range of the environmental analysis, a new environmental analysis may be needed. See FSH 1909.15, section 18 for guidance on how to make these determinations.

93 - Integration of Other Legal Requirements into The Rangeland Management Decision Making Process

This section provides considerations relative to many (not all) laws that have specific bearing on the rangeland management decision making process.

93.1 - Priority and Timing for Completion of Environmental Analysis

In the 1990s, legal rulings resulted in new interpretations of NEPA requirements. The new interpretations resulted in a need to satisfy the requirements of NEPA for many grazing allotments prior to issuing new term grazing permits when existing grazing permits expired. When questions arose about the impact on permittees not being able to “renew” a permit because of the agency's failure to comply with the law, Congress enacted the Rescissions Act of 1995 (P.L. 104-19, section 504). The Act directed the Forest Service to establish a schedule for meeting the requirements of NEPA and provided the authority to issue a new grazing permit with the same terms and conditions as the expired permit until the requirements of NEPA were met for the allotment(s) associated with the grazing permit.

Later, the National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291) amended Section 402 of the Federal Land Policy Management Act of 1976 (*see* 43 U.S.C. §1752) in a manner that the Forest Service interprets as superseding the Rescission Act.

The priority and timing for completion of environmental analysis should be based on those aspects identified at 43 U.S.C. §1752(i) which are:

1. The environmental significance of the grazing allotment or permit; and
2. The available funding for the environmental analysis.

Environmental analysis for allotment planning and management is a dynamic on-going process due to fluctuations in budget, emerging issues, and changing environmental conditions. There are instances where lack of funding and/or conflicting priorities (for example, catastrophic wildfire events) preclude the Agency's ability to satisfy the requirements of NEPA for allotments associated with term grazing permits that are due to expire or when a term grazing permit is waived. In those instances, the terms and conditions shall be continued under a new permit until any environmental analysis and documentation for the permit required under the NEPA and other applicable laws is completed (*see* 43 U.S.C. §1752(c)(2)).

Please note that for lands not subject to section 402 of the FLPMA, meaning those NFS lands outside of the “National Forests in the sixteen contiguous Western States,” such as National Grasslands, the authority to issue a new permit with the same terms and conditions has continued to be provided through annual appropriations acts in recent years. However, the provision is not permanent, and units must confirm with their Forest/Grassland and/or Regional Rangeland Management Program leads that the authority has continued to be available during the fiscal year in question.

When using the authority provided at 43 U.S.C. §1752(c)(2), or similar provisions within appropriations acts as described above, units should ensure that a planned date for the completion of an analysis to satisfy the requirements of NEPA is identified within their Schedule of Proposed Actions.

93.2 - Coordination with Affected Permittees on Allotment Management Plans

Per, 43 U.S.C. §1752(d) when an allotment management plan (AMP) is developed for a given area, it shall be developed in careful and considered consultation and cooperation with the affected permittees. AMPs must be consistent with the applicable project-level analysis and decision. Therefore, it is important to consult, and coordinate with affected permittees early (i.e., beginning with phase one as described in section 92 of this handbook) and throughout the rangeland project planning process. Early involvement provides the affected permittees the opportunity to provide input about rangeland and livestock management needs and/or opportunities that can be timely considered and incorporated (when appropriate) into the project-level analysis. That input may then be reflected in the subsequent project-level decision and resulting AMP.

Providing affected permittees the opportunity for involvement throughout the process ensures they have been provided sufficient opportunities to coordinate and consult on the development of an AMP, as required by 43 U.S.C. §1752(d). Document any efforts to coordinate with affected permittees in the respective project record.

93.3 - Endangered Species Act

See FSM 2670 for direction on compliance with the Endangered Species Act.

93.4 - National Historic Preservation Act

See FSM 2364.11 for direction on compliance with the National Historic Preservation Act and the National Programmatic Agreement between the Forest Service and the Advisory Council on Historic Preservation.

93.5 - Clean Water Act

Compliance with the Clean Water Act (CWA) of 1972 is achieved through the proper site-specific design, implementation, and monitoring of Best Management Practices (BMPs). BMPs are State and nationally approved practices that are intended to result in compliance with State water quality standards. Some States have issued BMPs for grazing, some have not, and some are voluntary.

The Forest Service National Core BMP Technical Guide describes BMPs for water quality as methods, measures, or practices selected by an agency to meet its nonpoint source control needs. BMPs include but are not limited to structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters (see 36 CFR 219.19).

As approved practices they are typically elements of each environmental analysis and AMP. A key concept of BMPs is that if monitoring identifies any circumstance of noncompliance with State water quality standards, then the Forest Service is obligated to respond to the situation to move toward or restore compliance.

When an allotment contains streams or lakes included on a State's 303(d) list of impaired waters (these waters are also included in the State's bi-annual 305(b) report), it means that a State-led Total Maximum Daily Load (TMDL) process for restoration will be developed. The process is the responsibility of the State to design the TMDLs, in cooperation with the Forest Service and other affected parties. The Forest Service is responsible for implementing specific restoration and monitoring requirements on NFS lands and ensuring that any management actions that are taken, and/or are occurring on NFS lands, are in compliance with the CWA and NEPA.

93.6 - Wilderness Act

See FSM 2320 for direction on compliance with the wilderness act, including guidance on how to apply the Congressional Grazing Guidelines.

94 - Project-level Decision Implementation

The project-level decision to authorize grazing on one or more allotments and any associated rangeland management activities (for example rangeland improvement construction) is made by the authorized officer upon completion of a site-specific environmental analyses or review. The following documents are used to communicate and/or implement actions included in the respective analysis and authorized in the project-level decision.

94.1 - Allotment Management Plans

An Allotment Management Plan (AMP) summarizes the pertinent direction and information needed to implement a project-level or programmatic decision. AMPs should not contain any direction that is outside of what was analyzed in the project-level analysis and authorized by the project-level decision. AMPs should be developed in coordination with the grazing permittee following the completion of the project-level analysis and project-level decision. It is the decision and not the issuance of an AMP that is seen as the final Federal agency action.

The project-level decision, including the design features and monitoring elements may be directly incorporated into a new AMP or constitute the components needed to update an existing AMP. This decision may require a modification of the term grazing permit if changes are identified in the decision. The new or updated AMP is attached to and becomes a part of the term grazing permit. Issuing a new term grazing permit and its accompanying new or updated AMP are administrative actions that implement the project-level decision to authorize grazing.

The requirement to conduct an updated project-level analysis and decision does not always require a new or updated AMP or grazing permit modification. Consider the reasons for completing a new project-level analysis and if any new management requirements will be applied to the allotment that would need to be reflected in an updated AMP and/or in the terms and conditions of the grazing permit. If no new management requirements will be applied, then it is likely that a change to the AMP and/or a grazing permit modification would not be warranted.

94.2 - Grazing Permits

A grazing permit is any document authorizing livestock to use NFS or other lands under Forest Service control for the purpose of livestock production, including temporary grazing permits, and term grazing permits (see 36 CFR §222.1(b)).

The terms and conditions of a term grazing permit must be supported by the project level analysis and authorized by a project-level decision. The analysis and decision can provide flexibility in how a term grazing permit may be written (see sec. 92.12h).

Term permits written with variable numbers and/or variable seasons can provide for considerable management flexibility. However, they must be consistent with the scope and range of analysis within the applicable environmental analysis and still need to be written in a manner that makes it clear that the level and period of use authorized in a given year must be within those boundaries.

The provision codified at 43 U.S.C. §1752(c)(2) that requires the terms and conditions of an expired or waived grazing permit to continue until a new environmental analysis under NEPA is completed does not exempt or exclude grazing permits from the requirements of NEPA; it merely allows for a limited grace period for the agency to conduct the required environmental analysis. Where a permit is issued in accordance with the cited provision and a site-specific analysis and project-level decision are completed prior to the end of the grazing permit's term, the permit may need to be modified or a new permit issued to incorporate any new terms and conditions detailed in the project-level decision.

94.3 - Annual Operating Instructions (AOIs) or Other Similar Documents

The annual operating instructions (AOIs) or other similar documents specify those annual actions that are needed to implement the management direction set forth in the decision and summarized in the AMP which are needed to carry out the applicable direction for the respective grazing season. The AOI is not a decision, any actions in the AOI must be consistent with the project-level decision. The AOI does not need to reiterate the terms and conditions from the respective grazing permit.

AOIs are not required by the Forest Service grazing regulations; issuance of AOIs or other similar documents is recommended, but optional. Issuance of an AOI does not constitute a permit modification and is not an appealable decision (see 36 CFR §214.4(a)(1)).

The AOI is normally developed with the permittee during the annual winter or spring coordination meetings. When used, AOIs can help communicate such things as:

1. The grazing use authorized on the allotment for the current grazing season and specifies numbers, class, type of livestock, and timing and duration of use.
2. The planned pasture rotation on the allotment, including *estimated* move dates between pastures, and adaptive management prescriptions and monitoring that will be used to make any needed changes.
3. Structural improvements to be constructed, reconstructed, or maintained and who is responsible for these activities.
4. Allowable use or other guidelines to be applied and followed by the permittee to properly manage livestock.
5. Monitoring for the current season such as documentation demonstrating compliance with the terms and conditions in the grazing permit, AMP, and AOI. When an adaptive management strategy is in place, the AOI can also be used to communicate what monitoring information will be used to implement the adaptive management strategy, including determining if a change is needed and, if so, what adaptive management actions, adjustments and/or tools may be employed to address the need.
6. Requests for the permittee to provide information such as actual use, livestock distribution, forage utilization, or the condition of improvements, etc.

Although AOIs are not required, annual permittee meetings and AOIs help to maintain open communications between the Forest Service and the grazing permittee and document required annual allotment management actions/operations.

94.31 - Participation and Attendance in Annual Meetings by Outside Parties

AOI meetings are held for the purposes of discussing grazing operations in prior seasons as well as the up-coming season, and certain business matters that concern the permit holder's eligibility to participate in the grazing program, such as: financing, business organization, and livestock ownership. This meeting could also potentially include a discussion of confidential information that may be protected from disclosure by the Privacy Act. For these reasons, the AOI meetings are *not* open to the public.

Permittees might invite individuals to participate in the AOI meetings such as their ranch manager, consultant, as well as other parties such as elected officials and so forth. The following are important aspects to consider when the permittee invites outside parties to participate in AOI meetings:

1. The AOI meeting is not a forum for discussing Forest Service grazing management policy or for soliciting public participation in decision making. Input and suggestions for these purposes need to occur in public meetings or by other means as appropriate and consistent with the NEPA and Federal Advisory Committee Act (FACA).
2. If the nature of the AOI meeting changes from a discussion on implementing annual grazing management direction to addressing general Forest Service grazing policy issues, the authorized officer should reiterate the purpose of the meeting and refocus the discussion on annual grazing management or, if needed, may end the AOI meeting and schedule a different meeting for this unrelated discussion.
3. If individuals not previously identified by the permittee(s) or other uninvited parties arrive with the intent of participating in the AOI meeting, the authorized officer may exclude their attendance and participation or could reschedule the AOI meeting.

95 - Monitoring

Any required monitoring (such as monitoring included as part of an adaptive management strategy) should be described within the project-level decision. Implementation and effectiveness monitoring are both important in determining if management approaches are effective and/or if adaptive management changes are needed. Monitoring is also critical in tracking movement toward achieving resource management objectives. Attributes to be monitored and protocols for monitoring may be described during the formulation of desired conditions and resource management objectives. It is important to be thoughtful when developing monitoring requirements. Be realistic relative to what may be accomplished with current and future budget and staff capacity to ensure that required monitoring can be implemented.

Monitoring required by the project-level decision may be described in further detail within a monitoring plan as part of the AMP. A monitoring plan should include the following five key components:

1. Purpose for monitoring.
2. Attributes or indicators to be monitored.
3. Method(s) selected to monitor those attributes.

4. Frequency and timing that monitoring will be conducted.
5. The location where monitoring will take place.
6. Who will be responsible and how monitoring quality control will be done.
7. When and how the monitoring results will be evaluated and communicated.

Attributes to be monitored should be tied to the resource management objectives documented in the project-level decision. Monitoring methods that are appropriate for attributes associated with resource management objectives or a desired condition should be selected. Determine the frequency of monitoring based on the potential for detectable changes in the attributes to be monitored, and available staffing and budgets.

Allotment monitoring should be an open, cooperative, and inclusive process. Invite participation from permittees and other cooperative entities to conduct independent monitoring and in conjunction with District Rangeland Management Specialists. After being properly trained in the monitoring method(s), permittees and other cooperative entities may be able to assist in independently conducting allotment monitoring. Refer to the cooperative monitoring section (sec. 95.3) for more guidance of cooperative monitoring with permittees and other cooperative entities.

95.1 - Types of Monitoring

Monitoring helps the manager 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 in a timely manner (effectiveness monitoring).

Implementation monitoring may include but is not limited to such items as:

1. Actual use;
2. Condition of range improvements;
3. Forage utilization or stubble heights; or
4. Other annual monitoring methods such as the Landscape Appearance Method, the Grazing Response Index, or photographs.

Effective monitoring should include attributes, locations and methods that are capable of detecting movement toward resource management objectives or a desired condition. Long term quantitative monitoring, such as rereading Parker 3-steps, cover frequency transects, or repeat photography at an identified permanent location can depict changes over time.

Monitoring is critical in tracking movement toward achieving resource management objectives. Implementation and effectiveness monitoring are both utilized to determine when or if adaptive management changes should be made and to guide the direction that those changes take.

95.2 - Monitoring and Evaluation

The monitoring plan should be flexible, consistent with forest-wide and grassland-wide monitoring goals and conducted at planned locations or times. Interagency Monitoring Technical References provide common monitoring methodologies (*see* FSM 2206). National and regional rangeland assessment and monitoring handbooks are used in addition to technical references and technical publications (*see* FSM 2209).

A key area is a relatively small portion of a range selected because of its location, use or grazing value as a monitoring point for grazing use. It is assumed that key areas, if properly selected, will reflect the current grazing management of the larger management unit. Key areas should be located at sites that are representative of the overall management of an area (for example, portions or all of a pasture/allotment) as well as the overall ecological potential of the area. It is important to locate key areas that are representative of larger management areas, and away from sites with special considerations such as areas near fences, salt locations, water sources, ridges, roads, or unused areas.

A critical area is an area which must be treated with special consideration because of inherent site factors, size, location, condition, values, or significant potential conflicts among uses. In some cases, critical areas will be monitored because of their significance. But critical areas should not be designated as key areas because they are not representative of the overall grazing use on a pasture or allotment.

Monitoring must be conducted at locations and with methods that assure credible connections can be made between annual management and its effects on achieving desired conditions. Once long term transects are established, do not remove stakes and other markers identifying transect locations. Even though they may not continue to be read (for example, when the associated monitoring method which relied on the stakes/markers stops being used), all the legacy data gathered over decades retains its value for evaluating rangeland trend and condition. See FSH 2209.16, Allotment Management Handbook, for more detailed information.

Monitoring for trend towards achievement of resource management objectives is the foundation for any project level decision.

95.3 - Cooperative Monitoring

Cooperative monitoring is of high importance with many states, livestock industry groups and other cooperative entities interested in assisting with monitoring. For example, the Public Lands Council (PLC) and the Forest Service continue to work together to emphasize voluntary

cooperative permittee monitoring and have documented those efforts in a Memorandum of Understanding (MOU) for voluntary cooperative permittee monitoring. Several states not only emphasize but help fund permittee monitoring efforts on private, State, and Federal lands. Some states have MOUs to conduct third-party monitoring with cooperative entities. Some forests/grasslands work with trained third-party interests to conduct vegetation monitoring, following Forest Service protocol. In all cases, monitoring must be verified by the agency and conducted according to standardized methods. The monitoring methods to be used, who will conduct the monitoring, as well as where and when monitoring actions are to be conducted, will be documented. Monitoring data that is not collected in the agreed upon manner or that cannot be verified by the Agency, may not be accepted, or used in allotment planning and adaptive management decisions.

An authorized officer may require the permittee to monitor livestock numbers and movements and report information on compliance with the grazing permit, AMP, and AOI, as terms and conditions of the term or temporary grazing permit, including parts 2 and 3. Such monitoring could include actual use, condition and maintenance of improvements, and other relevant information related to the permitted livestock grazing activity. Some permittees are trained and want to assist in conducting long-term condition and trend monitoring. Permittees should not be required to monitor activities unrelated to the permitted grazing activity or activities in which they have no background, training, or specialized expertise. These monitoring and reporting requirements and voluntary cooperative efforts should be detailed in the AMP and/or AOIs.

The final responsibility for conducting adequate and appropriate monitoring, managing quality and accuracy of collected data, and interpreting monitoring results rests with the Forest Service.

96 - Review Of Decisions and Needed Modifications to Grazing and Allotment Management

See FSH 1909.15, section 18 for direction on correction, supplementation, or revision of environmental documents and reconsideration of decisions to take action. The process described in FSH 1909.15, section 18, allows the responsible official to determine if existing environmental analysis and decision documents remain valid in support of the ongoing authorization of permitted livestock grazing. Under this process, an interdisciplinary team reviews and considers new information within the context of the project and the responsible official determines if livestock grazing, as currently permitted and administered, is consistent with the scope and extent of effects disclosed under the most recent environmental analysis and decision authorizing the grazing activity.

96.1 - Determining If a Review of the Existing Project Level Decision is Needed

Project-level decisions may be reviewed periodically to determine if the effects analysis and documentation remain valid or if new information and/or changed circumstances requires further analysis and potential modification of the decision. See FSH 1909.15, sections 11.23 and

18 for additional guidance on reviewing existing decisions and environmental analysis documentation.

The occasion of a permit waiver and a change in ownership in base property or livestock does not automatically require a review of the site-specific analysis and decision unless the new permit application proposes a significant change from the waived permit.

If a new or supplemental environmental analysis is determined necessary, implementation of the existing decision should continue until the new analysis is completed. Alternatively, when the current analysis is determined to be sufficient, the findings of this sufficiency review (also known as a supplemental information report (SIR)), should be documented in the project file, and implementation of the existing decision can continue. See FSH 1909.15, section 18, for further direction on this review and analysis of existing project level decisions.