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COMMENTS AND ISSUES RELATED TO CHANGED FOREST SERVICE GRAZING REGULATIONS AS PART OF RANGELAND REFORM

By

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The following is a brief summary of some of the major changes in the rules that would govern the use of Forest Service lands by domestic livestock as part of Range Reform. Questions and implications concerning these proposed changes are then raised. These questions and implications need to be addressed by those responsible for the modifications suggested. See [CFR Part 222, Range Management: Subpart A and the proposed rule, Subpart C and the proposed rule]. The bold numbers in the material that follows refer to sections of the USDA, Forest Service proposal.

1. Affiliate (222.1 old and 222.2 new)
   A. Current:
      not specified
   B. Proposed:
      An affiliate is an individual or business that either "...controls, has the power to control, or can influence business decisions made by the permittee concerning authorized grazing use" on Forest Service lands.
   c. Implications
      1. Does the permittee have to have control over the affiliate before the actions of the affiliate are to be weighed in a decision?
      2. What actions of an affiliate can be used in evaluating permittee decisions?

2. Allotment management plan (222.2)
   A. Current
      See original wording
   B. Proposed
      The definition has been shortened considerably.
   C. Implications
      1. Why were the following parts deleted?
         a. prepared in consultation with the permittees involved
         b. prescribes the manner in and extent to which a livestock operation will be conducted in order to meet the multiple use, sustained yield, economic and other needs and objectives as determined for the lands.
         c. describes the type, location, ownership and general specifications for range improvements...meet the livestock grazing and other objectives.

3. Authorized officer (222.2)
   A. Current
      Not included
   B. Proposed
      A Forest Service line officer who has been delegated the authority to make certain actions related to rangeland management....
   C. Implications
      1. Is this intended to increase the authority of staff personnel?
4. Range Improvement (222.2)
   a. Current
   b. Proposed
   c. Implications
      1. Why were the references to forage for livestock and livestock management deleted in the proposed rule?

5. Permittee data for analysis (222.4(2))
   a. Current
      not required or suggested
   b. Proposed
      A permittee may be required as a condition of permit issuance, to collect and submit the Forest Service monitoring, inventory, and resource management information related to the livestock grazing activity.
   c. Implications
      1. This type of data may not be obtainable by permittees unless obtained by using technically trained consultants.
      2. Is this same type of data to be provided by other types of users? If not, why is it being required of livestock permittees?
      3. How is this data to be used by Forest Service personnel? Is this shifting management decision information collection to those who may not be trained to evaluate the information?

6. Resource damage (222.10(b))
   a. Current
      not used
   b. Proposed
      An authorized officer may cancel, suspend, or modify a permit to correct "documented resource damage".
   c. Implications
      1. What is documented resource "damage"? How is the damage to be determined?
      2. What resources are to be included or excluded in the definition?

7. Basis for Grazing for unauthorized use (222.11)
   a. Current
      not specified
   b. Proposed
      If use is wilful and unauthorized rates of 1, 2 or 3 times the private lease rate
   c. Implications
      1. How is the number of AUMs of forage to be determined (e.g., one cow for 30 days, 30 cows for one day, one cow for one day or ???)
8. Maintenance of range improvements (222.13(a)(1))
   a. Current
      not specified
   b. Proposed
      permittees are to maintain range improvements to "specified standards"
   c. Implications
      1. Is the same standard of maintenance to be applied to all improvements regardless of their current status?
      2. Will the standards be such that an improvement will never be "worn out" or become obsolete?
      3. What criteria, if any, are to be used in determining when an improvement is to be replaced instead of maintaining an existing improvement?

9. Grazing fees (222.51)
   a. Current
      
      \[
      \text{Fee} = \frac{\text{FVI} + (\text{BCPI} - \text{PPI})}{100} = \frac{1.23}{100} = 0.0123
      \]
      
      \[
      = 1.23 \left( \frac{265 + (327 - 436)}{100} \right)
      \]
      
      \[
      = 1.23 \left( \frac{265 + 327 - 436}{100} \right) = 1.23 \left( \frac{156}{100} \right) = 1.92/AUM
      \]
   b. Change:
      New Base Value:
      1. WLGS base
         \[
         $1.23 \times 2.64 \quad (1991 \text{ FVI}) = $3.25/AUM
         \]
      2. Appraisal value = $4.68/AUM
      3. Base value
         \[
         ($3.25 + $4.68)/2 = $3.96
         \]
      Fees by year:
      1. 1994 = $1.96/AUM
      2. 1995 = $2.75/AUM
      3. 1996 = $3.50/AUM
      4. 1997 and thereafter
         (new base x FVI) = $3.96 x FVI
   c. Implications:
      1. What is the justification for the new base? What adjustments in the base, if any, will be made over time?
      2. Use of the appraisal study base is fraught with problems because the appraisal study has conceptual, statistical, and analytical problems.
      3. Use of the FVI to update federal fees may cause a circular problem (demand for federal and private forage not independent??)
      4. How are the non fee costs of grazing federal lands accounted for in the proposed fees? What adjustments, if any, will be made for changes in non
fee costs over time?

5. What fees are to be charged other users? Are fees for other users: 1) approximately equal to market values?, 2) account for impacts on communities, 3) recover a reasonable amount of government costs and 4) easy to administer as proposed for grazing fees? If not, why are fees to be unequally administered by user group?

10. Term of permit (222.5(b.1.iii) and 222.5(b.2))
   a. Current
      10 years
   b. Proposed
      10 years unless "in best interest of sound land management" that the permit be available for less than 10 years.
   c. Implications
      1. What criteria are to be used in determining if livestock use is in the "best interest of sound land management"? Are these criteria to be based only on the achievement of the goals outlined in a forest plan?

11. Grazing advisory boards (222.11 {old} and 222.16(d) {new})
   a. Current
      membership of those having grazing permits
   b. Proposed
      Grazing advisory boards eliminated in lieu of other advisory boards
   c. Implications
      1. Why are grazing advisory boards being eliminated?
      2. When may the secretary establish advisory boards suggested in section 222.16?
      3. What is the composition and role of the new boards? Will livestock grazing permittees be represented on these boards?

12. Ownership of range improvements (222.13(b.2))
   a. Current
      May be owned by permittees
   b. Proposed
      Title to permanent structural rangeland improvements are to be held by the United States
   c. Implications
      1. What incentives remain for permittees to invest in structural range improvements?
      2. What impact will this change have on the range improvement expenditures by private users?