



## Solicitation for Imlay West Allotment Term Grazing Permit Applications Nebraska National Forests and Grasslands Wall Ranger District

**General Information:** The Wall Ranger District of the Buffalo Gap National Grassland has a vacant livestock grazing allotment, Imlay West, available for allocation. This is the official solicitation for applicants to be considered for a term grazing permit for livestock grazing on the Imlay West allotment. Term grazing permits are issued for a term of 10 years and may be issued to individuals or entities that meet the eligibility and qualifications requirements.

**Eligibility Qualifications:** Applicants must be a citizen of the United States or a citizen of a foreign country who has filed a petition for naturalization in the United States. The applicant needs to have reached the age of majority as defined by the State. The applicant can be a minor if a parent, guardian or trustee cosigns the permit and agrees to assume the responsibilities and obligations for the minor. Established corporations, partnerships, trusts, estates, or other legal entities that are authorized to conduct business in the State of South Dakota are eligible to apply as are tribal entities.

All documents provided as proof of qualification must be in the name of the same precise legal entity. The term grazing permit will be issued in the name of the documents showing ownership of base property and the state brand registration certificate. **These documents must be in the exact same name.**

The qualification requirements apply both at the time of the application and throughout the term of the permit. It is the ongoing obligation of the permit holder to timely notify the authorized officer of any changes in ownership and submit an amended application to the authorized officer. Failure to notify the authorized officer of such changes can result in cancellation or suspension of the permit.

**Base Property Requirements:** Base property includes the land and basic livestock management facilities, structures, and improvements owned and used by the permittee that comprise a farm or ranch operation. As a minimum, this will include water and corrals for the handling and sorting of livestock. It may include headquarters and other structures, but these are not required.

**Allotment Information:** The Imlay West allotment is located in southeastern Pennington County approximately 25 miles southwest of Wall, SD. The allotment consists of one pasture that is 718 acres with 66 Head Months available for grazing. The Badlands National Park borders the allotment to the west, Pine Ridge Reservation borders it to the south, and the Bombing Range road serves as the east boundary. The allotment falls predominately

within a badlands ecological site where the vegetation is sparse but consists of mostly native grasses. However, the southwestern corner of the allotment is dominated by crested wheatgrass. There are portions of the allotment where loamy and clayey soils are present which produces a little more forage.

There are no interior fences within this allotment. The boundary fences need to be repaired or reconstructed, which will need to be coordinated with adjacent agencies. There is approximately 5.9 miles of fence that will be assigned to the permit holder for maintenance responsibilities throughout the term of the permit. There are two livestock watering reservoirs distributed within the allotment but they are silting in and do not provide reliable water. They need excavation to function properly and the material removed should be used to reinforce the face of the dam. This maintenance will also be assigned to the permit holder. Construction activities would not be allowed between March 1 through August 31 so grazing may be limited in 2025. The selected applicant will be given 12 months to complete the required maintenance and all work completed will be required to meet Forest Service specifications. Contact the Wall Ranger District for more information regarding the condition of these range improvements and maintenance specifications.

#### **Terms and Conditions of the Permit:**

1. **Validation of Permit.** The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.
2. **Bill for Collection.** Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.
3. **Payment of Fees.** The permittee will not allow owned or controlled livestock to be on Forest Service administered lands unless the fees specified in the Bill for Collection are paid.
4. **Administrative Offset and Credit Reporting.** Any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's

responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or credit reporting agencies.

5. Interest, Penalty, and Administrative Costs. Interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.
6. Term of Permit. This permit will be effective for ten years from date of issuance, unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service. In order to update terms and conditions, this permit may be cancelled at any time provided a new permit is issued to the existing permit holder for a new term of 10 years following this update.
7. Ownership Requirement
  - (a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.
  - (b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.
8. Range and Livestock Management
  - (a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.

- (b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).
- (c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.
- (d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.
- (e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.
- (f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.

- (g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.
  - (h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.
  - (i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.
9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.
10. Protection. The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forests System.
11. General
- (a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the

permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

- (b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.
- (c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.
- (d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.
- (e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.

**Application Instructions:** If you are interested in applying for this permit and you meet all of the qualifications listed in the solicitation, please complete the permit application and questionnaire and return them to the Wall Ranger District by **June 20, 2025**. Information contained in the permit application will be used to determine qualified applicants. Answers from the questionnaire will be used to evaluate applicants and select a preferred candidate, so please provide detailed responses.

The permit application and questionnaire, along with a map of the allotment, can be obtained by visiting the Wall Ranger District office at 710 Main Street, Wall, SD. They are also posted on the Nebraska National Forests and Grasslands website ([www.fs.usda.gov/r02/nebraska/natural-resources/range](http://www.fs.usda.gov/r02/nebraska/natural-resources/range)).

If you have any questions or need additional information, please contact Jacob Rohrer at the Wall Ranger District, (605) 279-2126.