Mr. Chairman and Members of the Subcommittee:
Thank you for the opportunity to appear before you today to discuss the proposed amendments to the US Forest Service Directives for Rangeland Management. I have with me today Janette Kaiser, National Director of Rangeland Management and Dave Pieper, the Grassland Supervisor, Dakota Prairie National Grasslands.

BACKGROUND

The last major update to the Forest Service Rangeland Manual and Handbook occurred in 1985. Since 1985 new legislation (Rescissions Act of 1995, Omnibus Appropriations Act of 2003 and Consolidated Appropriations Act of 2005), case law (Anchustegui v. USDA), changing needs on the ground, the need for consistency between all Forest Service Regions, and the need to address local practices and customs have shaped the need to update and clarify existing policy. Over the years, the Forest Service has listened to stakeholders, including livestock industry representatives, across the country regarding policy issues and we believe the proposed revisions
to the directives address many of their expressed concerns. Our goal is to assure our policies are up-to-date and meet both agency and stakeholder needs.

The Forest Service released amendments to its Rangeland Management Manual (FSM 2200) and to its Grazing Permit Administration Handbook (FSH 2209.13) on July 19, 2005. Concurrently, the agency issued Interim Directives to FSH 2209.13 for Chapters 10 and 20 which contained both clarifications to existing policy and some new direction which became immediately effective for up to 18 months. In response to public concerns about the implementation of the new directions, this part of the Interim Directives was withdrawn. On August 19, 2005, the Forest Service released for public comment those parts of Chapters 10 and 20 in FSH 2209.13 that contained new direction as proposed directives. Those portions of Chapters 10 and 20 of FSH 2209.13 that were not new direction were reissued as Interim Directives on August 16, 2005. The regulations governing rangeland management at 36 CFR 222 are not being changed. All clarifications and proposed new direction deal only with agency policy.

FSH 2209.13, Chapters 10 and 20 address the issuance and administration of term grazing permits and grazing agreements respectively. Chapter 10 describes the procedures to issue, modify, suspend and cancel term grazing permits. A term grazing permit may be obtained through prior permit use, acquisition of base property and/or permitted livestock, or grant authority. Chapter 20 describes procedures specifically for grazing agreements. A grazing agreement is issued to grazing associations similar to how a term grazing permit is issued to an individual.

Sections 24.11 and 24.12 of FSH 2209.13 deal with base property requirements and share livestock provisions which are applicable to national grasslands. It is the intention of the Forest Service to retain share livestock and lease base property options to allow permittees to qualify and to develop provisions to improve their effectiveness on the ground. These practices provide a valuable tool to keep ranchers on the land and encourage ranch ownership. Keeping ranchers on the land is an important objective consistent through all the agency’s grazing policies.

To that end, the National Grasslands are managed as part of the National Forest System and permanently held by the Department of Agriculture for administration under the provisions and purposes of Title III of the Bankhead-Jones Farm Tenant Act (BJFTA). However, it is important to note that Congress has not exempted the national grasslands from other legislation such as the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) and the National Forest Management Act (NFMA). The RPA specifically includes the National Grasslands and land utilization projects administered under Title III of the BJFTA as part of the National Forest System.

The Dakota Prairie Grasslands, created as a separate National Forest System unit in 1998, administers the day-to-day activities of the National Grasslands in North Dakota and northwestern South Dakota. Of the roughly 100 permanent employees assigned to the unit to meet its mandated multiple use mission, there are over 25 natural resource management specialists and technicians administering the range program. Collectively, they have 200 plus years of grassland management experience. Of these employees, 18 have been educated in
natural resource management programs at in-state institutions of higher learning, including North Dakota State University (NDSU) and Dickinson State University. Four previously held positions with NDSU’s Agricultural Experiment Station.

The notice published in the Federal Register on August 19, 2005, allows for a 120-day public comment period on the Interim Directives and the proposed new direction. All of the directives, as well as the proposed new direction, are available to the public at http://www.fs.fed.us/rangelands.

**PROPOSED NEW DIRECTION**

Eight items have been identified as proposed new direction and are largely contained in Chapter 10, Term Grazing Permits and Chapter 20, Grazing Agreements referenced at FSH 2209.13. The items are as follows:

Term Grazing Permits, FSH 2209.13, Chapter 10, Section 16.3
This proposed provision explains the contents of a notice of non-compliance letter and when it should be issued. This direction was the result of a Ninth Circuit court order which was implemented several years ago. It was initially implemented through a letter of direction to the regions and forests with the anticipation of inclusion in the national handbook.

Term Grazing Permits, FSH 2209.13, Chapter 10, Section 16.4
This proposed provision would establish uniform guidelines for the suspension and cancellation of term grazing permits. These proposed guidelines are designed to provide consistency on administrative actions for non-compliance with the terms and conditions of the term grazing permit, promote compliance with the terms and conditions of the permit, and provide a fair approach to managing non-compliance. Currently, there is variation among Forest Service units in applying administrative actions in similar situations. These guidelines provide for the authorized officer to use discretion to address the varied conditions and circumstances that might be encountered in administering term grazing permits. The guidelines are a starting point for a Forest Service line officer to determine an appropriate course of action to resolve violations of a term grazing permit based on the facts and circumstances of the specific situation.

Term Grazing Permits, FSH 2209.13, Chapter 10, Section 17.1
This proposed provision would expand the maximum period of nonuse for personal convenience from three to four years and sets timeframes for the use of the personal convenience nonuse. Personal convenience nonuse may be used for up to three consecutive years and for no more than four years within a ten-year period. The Forest Service also provides for nonuse for resource protection. Nonuse for resource protection is not counted against nonuse for personal convenience.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 21.1
This proposed provision would establish a consistent process to waive a Forest Service term grazing permit in favor of a grazing association-issued term grazing permit. If a holder of a Forest Service-issued term grazing permit wants to join a grazing association and convert the
Forest Service-issued permit to an association-issued term grazing permit, this section would provide a consistent process by which the action can occur.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 21.2
This proposed provision would establish a consistent process to waive a grazing association-issued term grazing permit in favor of a Forest Service-issued term grazing permit. If a member of a grazing association wants to leave a grazing association and convert the grazing association-issued term grazing permit to a Forest Service issued term grazing permit, this section would provide a consistent process.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 22
This proposed provision would establish a standard form for all grazing agreements on both National Grasslands (Exhibit 01) and National Forests (Exhibit 02). Grazing agreements are a type of term grazing permit. As such, the language in the grazing agreement needs to be standardized to allow for consistent administration.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 24.11
This proposed provision would establish a seven-year limit on leasing of property to satisfy base property ownership qualification requirements for association-issued term grazing permits on national grasslands. We propose that seven years is a sufficient time to acquire ownership of necessary base property.

Grazing Agreements, FSH 2209.13, Chapter 20, Section 24.12
This proposed provision would establish a seven-year limit on share livestock agreements to satisfy livestock ownership qualification requirements for association-issued term grazing permits on national grasslands. We propose that seven years is sufficient time for the permittee to acquire full individual livestock ownership.

Proposed Sections 24.11 and 24.12 propose a seven-year limit on share livestock and leasing of base property. This limit is intended to ensure fair and consistent policy to all who qualify.

CONCLUSION

The Forest Service recognizes and values the benefits livestock grazing permittees contribute to the management of National Forests and Grasslands. We believe the proposed amendments to the Forest Service Rangeland Manual and Handbook meet both management and permittee needs. However it is our intent to make every effort to engage the public by providing information on the proposed directives and seeking comments from ranchers, grazing associations, state and local officials, Tribal governments and other stakeholders.

Mr. Chairman, this concludes my prepared statement. We would be happy to answer any questions you or other members of the Subcommittee may have.