

## **Commercial Livestock Grazing**

The Wilderness Act of 1964 states:

“Within wilderness areas in the national forests designated by this Act, ... the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.”

The 1980 Colorado Wilderness Act contains Congressional Grazing Guidelines which are applicable to all commercial livestock grazing operations in all National Forest wilderness areas (see references below).

### Code of Federal Regulations

Title 36 –Parks, Forests, and Public Property, Chapter II, Forest Service  
Part 293 – Wilderness and Primitive Areas

Sec. 293.7 Grazing of livestock.

(a) The grazing of livestock, where such use was established before the date of legislation which includes an area in the National Wilderness Preservation System, shall be permitted to continue under the general regulations covering grazing of livestock on the National Forests and in accordance with special provisions covering grazing use in units of National Forest Wilderness which the Chief of the Forest Service may prescribe for general application in such units or may arrange to have prescribed for individual units.

(b) The Chief, Forest Service, may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction, or relocation of those livestock management improvements and structures which existed within a Wilderness when it was incorporated into the National Wilderness Preservation System. Additional improvements or structures may be built when necessary to protect wilderness value.

### Forest Service Policy

#### 2323.2 - Management of Range

2323.21 - Objective. Manage wilderness range in a manner that utilizes the forage resource in accordance with established wilderness objectives (36 CFR 293.7).

2323.22 - Policy. Apply congressional guidelines and policies regarding grazing in National Forest Wilderness Areas (sec. 108, P.L. 96-560, H.R. Report 96-617 dated 11/14/79) (ex. 1), in a practical, reasonable, and uniform manner in all National Forest wildernesses. These guidelines and policies are applicable only to livestock grazing operations (FSM 2320.5).

The complete text of the Congressional Grazing Guidelines can be found in FSM 2323.22 Exhibit 01. The following summarizes key provisions of the Congressional Grazing Guidelines and FS Policy found in FSM 2323:

Where previously established, grazing is permitted to continue in wilderness. Permittees may be allowed to maintain range improvements necessary to the livestock operation or for the protection of the range, such as fences and watering facilities.

The use of motorized equipment may be permitted, on a case by case basis, where it occurred prior to the establishment of wilderness utilizing the following criteria stated in the Congressional Grazing Guidelines:

“Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.”

2323.23 - Grazing Management. Use the direction in the forest plan (FSM 1920), the allotment management plan (FSM 2210), and the Grazing Guidelines to manage livestock grazing operations in designated wilderness.

2323.24 - Permits. Authorize livestock grazing operations on grazing allotments within wilderness areas by grazing permit (FSM 2230). Issue permits for livestock operations only in areas where grazing was established as defined below:

1. Grazing may be continued on any allotment where a grazing permit was in existence at the time of designation and where there is recent history of grazing use immediately prior to wilderness designation. This includes permits that were in non-use status for either personal convenience or range protection. It also includes situations where there were no actual permits in existence on the designation date because permit waivers were in process or because the expiration date of term permits happened to have coincided with the designation date.

At any time after designation, new term permits and livestock use permits may be issued, in the event of waiver, because of sale of base property or permitted livestock.

At any time after designation, new term or temporary permits and livestock-use permits may be issued to other applicants if an existing permit is terminated voluntarily by the holder, or canceled for cause by the Forest Service, or if surplus forage otherwise becomes available.

2. Grazing may be authorized on an allotment which, although vacant on date of wilderness designation, previously included grazing that was only temporarily discontinued and that was clearly documented for such purposes as range restoration.

2323.25 - Range Analysis. Follow the standards in FSM 2210 for range analysis in wilderness. Where an approved allotment management plan exists at the time an area is designated as wilderness, review it in context with the congressional guidelines and policy. Document necessary modifications in the Forest or allotment management plan.

2323.26 - Range Improvements. See FSM 2240 for a definition of range improvements. Follow the grazing guidelines and direction in FSH 2309.19 for the construction and maintenance of range improvements. Criteria for the use of motorized equipment in constructing, maintaining, or applying improvements and practices is in FSH 2309.19.

Conduct an environmental analysis for range improvement construction and/or maintenance and the use of motor vehicles, motorized equipment, and mechanical transport (FSM 1950 and FSH 1909.15). List all range improvements in the allotment management plan along with the maintenance schedule.

2323.26a - Structural Range Improvements. Modify permits for the construction of new range improvements or for the replacement of existing range improvements in accordance with FSM 2241.31. Consider the wilderness resource when preparing range improvement construction standards and techniques.

1. Maintenance. Allow permittees to continue to maintain existing necessary range improvements. On a schedule agreed to by the permittee, phase out and remove those improvements determined to be unnecessary. Review existing use and requests for new use of motor vehicles, motorized equipment, or other forms of mechanical transport, including emergency use, and apply Congressional Grazing Guidelines (sec. 2323.22, ex. 1). Permit the occasional use of motor vehicles, motorized equipment, or mechanical transport where practical alternatives are not available (FSM 2326 and FSH 2309.19).

2. New Improvements. Construction of new range improvements may be approved if they are necessary for resource protection (range and/or wilderness) and for the effective management of these resources. Do not approve construction solely to accommodate increased grazing.

3. Types of Materials. When permitted, ensure that new improvements are constructed of materials that harmonize with the wilderness character of the area. Use natural (native) materials for improvements unless costs are prohibitive or they do not harmonize with the wilderness.

4. Replacement of Existing Improvements. Use the following procedures when considering replacement of an existing range improvement:

a. Examine whether the range improvement is necessary for livestock grazing operations, resource protection, or protection of wilderness values. Explore other alternatives for meeting these needs.

b. Ensure that the design, location, and type of materials needed harmonize with natural features of the wilderness.

c. Consult with permittees in determining what is reasonable for the permittee's livestock grazing operation. Balance the particular wilderness values involved and the cost of material and labor.

2323.26b - Nonstructural Range Improvements. Nonstructural range improvement practices may be approved in cases where they were part of the management of the

area at the time the wilderness was established and where their continued use is necessary to maintain livestock grazing operations (FSM 2240).

Use the following specific criteria in addition to the procedures in section 2323.26 and section 2323.26a in approving nonstructural range improvements.

1. Seeding. Seed only species that are indigenous or naturalized to the area. Use broadcast seeding methods.

Approve seeding only for:

- a. Areas where human activities have caused the loss or threaten the existence of indigenous plant species.
- b. Areas where human activities, including their livestock, have denuded or caused loss of soil, providing that the actions or activities responsible for the deterioration no longer exist and that natural revegetation is insufficient and/or ineffective.
- c. Maintenance of livestock grazing operations where seeding was practiced before the area was designated as wilderness.

2. Plant Control. Approve plant control only for:

- a. Indigenous plants when needed to maintain livestock grazing operations that were in effect before the area was designated as wilderness.
- b. Noxious farm weeds by grubbing or with chemicals when they threaten lands outside wilderness or when they are spreading within the wilderness, provided that it is possible to effect control without causing serious adverse impacts on wilderness values.

3. Irrigation. Use irrigation or water spreading only to maintain livestock grazing operations and only where practiced before the designation of wilderness.

4. Fertilizing. Use fertilization only as an aid to revegetation of the areas provided in item 1 or to maintain livestock grazing operations where practiced before the designation of wilderness. Liming is considered a fertilization practice in this context.

5. Prescribed Fire. Use management ignited prescribed fire only where:

- a. It is necessary to maintain livestock grazing operations; and
- b. It was practiced before the designation of wilderness; and
- c. Lightning caused prescribed fire does not meet the livestock management purpose (FSM 2324.2).

FSM 2200 Rangeland Management contains policy for management of commercial grazing on all national forest system lands.

## Management Practices

Grazing allotments in wilderness are managed using the allotment management process prescribed for all national forest lands for conservation of the range resource and mitigation of other resource issues such as threatened and endangered species, non-native invasive species, etc. Additional mitigation or monitoring may sometimes be necessary to insure protection of natural conditions, preservation of wilderness character, and use of structures, installations, or motorized equipment only if they are the minimum necessary. Unless there are other, over-riding resource concerns, commercial livestock grazing in wilderness, where it occurred prior to designation of the area as wilderness, is continued. Permits are not suspended or terminated solely because the allotment is within wilderness and use is not re-established where it had been discontinued prior to designation of the area as wilderness.

Range improvements, such as fences and watering holes, may be made when necessary to protect wilderness values and manage the range resource. Prescribed burning, noxious weed control, seeding, irrigation, fertilization, and liming may be allowed where each activity was practiced prior to wilderness designation, when absolutely necessary for the grazing operation, and where there would be no serious adverse impacts on wilderness values.

Horses and pack stock used by commercial outfitters and guides and private individuals may be grazed under permit. When forage is inadequate, wilderness managers may require that weed-free feed be packed in and each wilderness may set regulations on tethering of horses, party size limits, and the use of native feed and pellets. Wild horses and burros are considered part of the natural system where established at the time of designation.

(TWA Section 4 (d) (4) (2), FSM 2323.2 and Congressional Grazing Guidelines)