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MEMORANDUM

TO: BOWMAN-SLOPE SOIL AND WATER CONSERVATION
DISTRICT LAND USE PLAN STEERING COMMITTEE

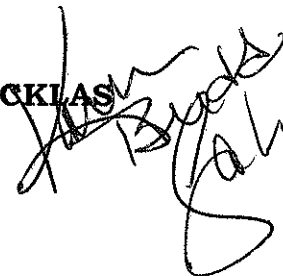
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THROUGH: BRENDA YOUNKIN & ABBY MOORE
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DATE: SEPTEMBER 12, 2017

RE: GRAZING ON WILDFIRE REHABILITATION LAND



I. BACKGROUND

The general policy for the BLM and other agencies is to suspend grazing for two years after a fire to rehabilitate the land.¹ Although the BLM's general policy is a two year suspension, the enabling regulation does not require a two year suspension. 43 C.F.R. § 4110.3-2 (2012); 43 C.F.R. § 4110.3-3. Instead, the regulation grants broad discretion to the agency to suspend activities on a temporary basis when "The soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, or insect infestation." *Id.* So although there is a general policy that grazing is to be suspended for two years after a fire, this policy is not set in

¹ See Bureau of Land Management, *Emergency Stabilization and Rehabilitation Handbook* H-1742-1 (2007) (Note that the BLM has removed this handbook from their website currently); see also Nevada Rangelands and Resources Commission, *Livestock Grazing After Wildland Fire* 1 http://nevadarangelands.org/wp-content/uploads/livestock_grazing_after_wildland_fire.pdf

stone and the BLM has the discretion to shorten or extend a suspension if it determines that such an action would best rehabilitate the land.

For the Forest Service, the authority for modification is even broader. The Forest Service has the authority to “modify the seasons of use, numbers, kind, and class of livestock allowed or the allotment to be used under the permit, because of resource condition, or permittee request. One year's notice will be given of such modification, except in cases of emergency.” 36 C.F.R. § 222.4(a)(8). The Forest Service in its guidance documents states a similarly broad policy saying, “[i]n emergencies where resources are being seriously damaged by livestock use or by such other occurrences as fire, drought, or insect infestation, the Forest Supervisor may withhold validation of a permit or require that livestock be removed from the range without advance notice to the permittee.” FS Manual 2230. So once again, although the general policy for the Forest Service is that grazing is to be suspended for two years after a fire, this policy is not set in stone and the Forest Service has the discretion to shorten or extend that suspension.

II. ISSUES FOR BOWMAN-SLOPE LAND USE PLAN

Given this analysis, I believe that Bowman-Slope land use plan should consider issues regarding grazing after a wildfire. Those issues may include (but are not limited to):

- A.** What is the appropriate length of time for a suspension of grazing to rehabilitate wildfire areas?
- B.** What are the economic impacts of suspending grazing?
- C.** What alternatives are available other than suspending grazing for two years?

Should you have any questions, please do not hesitate to contact us.