

# INDIAN AFFAIRS MANUAL

Part 54

Agricultural Resources

Chapter 4

Grazing Permit Issuance, Administration, and Monitoring

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- 1.1 Purpose.** This chapter documents Indian Affairs (IA) policy regarding the issuance, administration, and monitoring of grazing permits on Indian rangelands and grazed forestlands (together referred to as grazing lands).
- 1.2 Scope.** This policy applies to all Tribally and individually held grazing lands under Bureau of Indian Affairs (BIA) jurisdiction, and to all IA programs and staff charged with the management of these lands. This policy may also apply to entities carrying out activities on behalf of IA under contracts or other agreements if expressly agreed to in the contracts or agreements, or if the requirement to abide by such policy is otherwise required by law. These entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638. Compacted Tribes may not be required to abide by the policies contained in this chapter (depending on individual compact language), but are encouraged to use IA policy as guidance.
- 1.3 Policy.** It is IA's policy to protect, conserve, utilize, and maintain the highest productive potential on Indian grazing lands through the application of sound multiple-resource conservation planning and practices for the development, inventory, classification, management, and administration of grazing resources.
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) P.L. 93-638, Indian Self-Determination and Educational Assistance Act (ISDEAA) of 1975, as amended
  - 2) 25 U.S.C. § 5109, Indian forestry units; rules and regulations
  - 3) 25 U.S.C. § 3702, Purposes
  - 4) 25 U.S.C. § 3703 (12)(D), Definitions
  - 5) 25 CFR 166, Grazing Permits [General Grazing Regulations]
- 1.5 Responsibilities.**
- A. Director, BIA** is responsible for overseeing IA programs to ensure compliance with all applicable statutes, regulations, and Department of the Interior (DOI) policy.

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- B. Deputy Bureau Director (DBD), Office of Trust Services (OTS), BIA** is responsible for maintaining the Trust Asset Accounting Management System (TAAMS) support for grazing permitting, trust income collection and disbursement, reporting, and records management.
- C. Regional Director (RD)** is responsible for:
- 1) providing regional guidance for programs that support grazing permitting;
  - 2) addressing appeals from decisions issued by BIA Agency Superintendents; and
  - 3) concurring with or remanding a Superintendent's determination of grazing capacity, season(s) of use, and grazing rental rates.
- D. Agency Superintendent** is responsible for:
- 1) organizing and assigning BIA agency staff and resources to issue grazing permits, and coordinating grazing permitting activities with other BIA agency responsibilities;
  - 2) establishing grazing capacity by range unit, and establishing the season(s) of use on Indian grazing lands;
  - 3) establishing grazing rental rate(s) for individually owned Indian lands; providing information relating to the value of grazing on Tribal lands to the Tribe for their action under 25 CFR 166.400(a); and establishing grazing rental rate(s) for Tribes that have not established a rate under 25 CFR 166.400(a);
  - 4) contacting Tribes 120 days prior to the expiration of grazing permits to request a Tribal resolution establishing a general policy for permitting of Indian agricultural land; acting on behalf of the Tribe under 25 CFR 166.205(a)(6)(i) when the Tribe fails to act in response to the 120-day notice and such action is determined to be appropriate;
  - 5) contacting individual Indian landowners seeking authority to grant grazing privileges on individually held Indian lands when an allotment is added to a designated range unit or when ownership of individually held land changes; and
  - 6) acting to remove individually held Indian lands from a range unit description when the land is removed from trust status or when an existing authority to grant grazing privileges is revoked.

### 1.6 Standards, Requirements, and Procedures.

The following standards, requirements, and procedures must be followed in order to authorize and account for grazing permits on Indian rangelands and grazing lands.

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- A.** Assist trust and restricted Indian landowners in permitting their grazing lands for a reasonable annual return consistent with prudent management and conservation practices as well as community goals as expressed by landowners and in applicable Tribal management plans and ordinances. This is done by:
- 1) establishing grazing capacity by range unit, and establishing the season(s) of use on Indian grazing lands;
  - 2) establishing grazing rental rate(s) for individually owned Indian lands; providing information relating to the value of grazing on Tribal lands to the Tribe for their action under 25 CFR 166.400(a); and establishing grazing rental rate(s) for Tribes that have not established a rate under 25 CFR 166.400(a);
  - 3) contacting Tribes 120 days prior to the expiration of grazing permits to request a Tribal resolution establishing a general policy for permitting of Indian agricultural land;
  - 4) acting on behalf of the Tribe under 25 CFR 166.205(a)(6)(i) when the Tribe fails to act in response to the 120-day notice and such action is determined to be appropriate; and
  - 5) acting on behalf of individual Indian landowners under 25 CFR 166.205 when such action is determined to be appropriate.
- B.** Monitor permittee adherence to the provisions of their grazing permit including compliance with requirements described in conservation plans. This is done by:
- 1) fully documenting decisions to act on behalf of Indian landowners under the regulations at 25 CFR 166.205;
  - 2) maintaining records in TAAMS to solicit authority to grant grazing privileges from individual Indian landowners, issue grazing permits, collect and disburse trust grazing income, and maintain agency grazing permit records;
  - 3) organizing and assigning BIA agency staff and resources to monitor grazing permits for adherence to permit stipulations, including user compliance with responsibilities stated in conservation plans; and
  - 4) taking action to correct permit violations.

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- C. Monitor the results of management and administrative decisions against projected outcomes in order to strengthen future decisions.

### Approval



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Bryan K. Mercier

Date

Director, Bureau of Indian Affairs