

PROCEDURE FOR THE IMPLEMENTATION OF
SECTION 8, PUBLIC RANGELANDS IMPROVEMENT ACT OF 1978

Section 8 of the Public Rangelands Improvement Act of 1978 (P.L. 95-514) requires consultation, coordination, and cooperation in the development and execution of allotment management incorporated into grazing permits and leases issued by the Bureau of Land Management (BLM). The Commissioner of Agriculture, on behalf of the Department of Agriculture (CDA), State of Colorado, has entered into agreement with the BLM to carry out the provision of Section 8 of the federal law.

Under the provisions of the agreement, the Commissioner of Agriculture or designee, will act as the facilitator for consultation when it is determined that a dispute pertaining to an allotment management plan cannot be resolved at the local level. At that time, a request for Section 8 consultation may be issued by the BLM office preparing the allotment management plan or by the affected permittees, lessees, and involved landowners. The request must be issued in writing to the local office of the BLM or directly to the CDA, Office of the Commissioner.

It is the stated intent of the signatories to the above mentioned agreement that the best method to resolve problems and disputes regarding allotment management plans is at the local level. It is the intent to foster and encourage dialogue among the BLM, permittees, lessees, and involved landowners. Dialogue and communication is also encouraged with Resource Advisory Councils (RAC), Colorado Cattlemen's Association (CCA) and Colorado Wool Growers Association (CWGA) - Liaison Committees, state sanctioned District Board of Grazing Advisors, local Coordinated Resource Management Planning (CRMP), Ecosystem Partnership, and Habitat Partnership Program (HPP) committees and groups that commit to an honest attempt in working positively towards solutions to conflicts and problems. Furthermore, both parties agree that on-going communication among permittees, lessees, and involved landowners, and the BLM will eliminate many disagreements and misunderstandings involving not only the contents of allotment management plans, but all Federal actions regarding grazing management as well.

HOW TO BEGIN THE PROCESS

1. There should be a preliminary effort to resolve the dispute at the local level. Before seeking action by the Commissioner of Agriculture or designee through the Section 8 process, the permittee, lessee, or involved landowner is requested to:
 - a. consult with the local BLM range conservationist, the Resource Area Manager, and the District Manager;
 - b. consult with a member on the appropriate BLM Resource Advisory Council;
 - c. consult with the local District Board of Grazing Advisors (commissioned by the Colorado Commissioner of Agriculture under the Murphy Act);

d. consult with the appropriate liaison committee established by the CCA or CWGA, and other locally formed and recognized collaborative planning groups such as CRMP, Ecosystem Partnership, Habitat Partnership Program committees;

2. If the dispute has not been resolved through consultations identified in 1 a, b, and c above, the permittee, lessee, or involved landowner is entitled to contact the State Director of BLM, however such action is voluntary.

If it is determined that the dispute cannot be resolved at the local level through consultation with the appropriate BLM staff and managers, or through the local resource management collaboration councils, committees and organizations, the party to the dispute (permittee, lessee, involved landowner or federal agency) has the right to request a formal consultation and recommendation from an objective review team through the Section 8 process. The Section 8 process follows these steps:

a. either the federal agency administering the allotment management plan or the affected party may submit a Section 8 consultation request in writing to either of the following locations: local or state office of the BLM, or the CDA, Office of the Commissioner. The request must ultimately be received by the Office of the Commissioner of Agriculture;

b. the Commissioner of Agriculture will evaluate the request to determine the necessary resources and technical experts to facilitate an on-site visit by an objective review team;

c. an on-site consultation will occur, with an attempt to resolve the dispute at this point; (NOTE: expenses resulting from a Section 8 consultation will be handled on a case-by-case basis. Signatories to the MOU are not obligated to stand costs for the consultation);

d. if the dispute cannot be resolved during the on-site visit, the review team will draft a report and recommendation, forwarding it to the Commissioner of Agriculture, the permittee/lessee/involved landowner, the authorized officer of the local BLM office, and the BLM State Director; the authorized officer of the local office involved with the dispute will review the recommendation and make the final decision.

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