



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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To: District Managers
Attn: Field Managers, Rangeland Management Specialists, Planning and
Environmental Coordinators, National Environmental Policy Act Specialists

From: Acting State Director

Subject: Guidance to Address Crossing Permits

Program Area: Federal Land Policy and Management Act, National Environmental Policy Act (NEPA), and Livestock Grazing

Purpose: To ensure that Idaho Bureau of Land Management's (BLM) crossing permits and decisions are fully supported through adequate NEPA analyses and appropriate consultation (Endangered Species Act (ESA), National Historic Preservation Act (NHPA), etc.).

Policy/Action: The BLM may issue crossing permits to any applicant showing a need to cross the public land with livestock in accordance with 43 CFR §4130.6-3. Crossing permits are temporary authorizations for crossing (trailing) livestock, have no priority for renewal, and cannot be transferred or assigned. To authorize the crossing of livestock in accordance with all laws, regulation, and policy, it is imperative that applicants submit applications for crossing permits well in advance of the crossing event to give the BLM sufficient time to complete NEPA requirements and issue a decision in accordance with ID-IM-2011-045.

Encourage livestock owners who need to cross public lands to submit an application for a crossing permit at least six months prior to the crossing event (or an appropriate amount of time for your field office to adequately complete the process) unless existing NEPA documentation adequately analyzes the crossing event. This time is necessary for the development/completion of NEPA documentation (>2 months) and the development/issuance of proposed (15-day protest period) and final decisions (30-day appeal period). If a NEPA document has already been completed that adequately analyzes the applied-for crossing events, less time may be needed and permittees are encouraged to apply for the crossing permit at least three months prior to the crossing event. This time is necessary for the development/issuance of proposed and final

decisions.¹ In those circumstances where the applicant submits a crossing permit application with a shorter timeframe than encouraged, the BLM shall consider the request as time and resources allow and notify the applicant that crossing may not be authorized by the requested date.

Livestock crossing may only be authorized if adequate NEPA analysis has been completed. NEPA analysis must be site-specific, commensurate to the impacts/crossing event, and disclose impacts to resources caused by crossing events. When possible, incorporate analysis of crossing events into grazing permit renewal NEPA documents.

Proposed and final decisions shall be issued in accordance with 43 CFR 4160² (2005) (as modified by other current authority, such as the 2014 Consolidated Appropriations Act (Public Law 113-76) (outlined in the applicable Washington Office IM – not yet available). The decision may deny crossing, approve the crossing event as applied for, or approve crossing with changes/modifications consistent with the selected alternative described in the NEPA document. Following the issuance of a final decision approving a crossing permit application, a crossing permit shall be offered to the applicant (see “Crossing Permit Template”).

The crossing permit shall include the allotment(s) to be crossed, the number and kind of animals crossing, the date range the livestock are expected to cross, the numbers of days the livestock are authorized to cross, the term of the crossing permit, restrictions on feeding or overnighting on public lands, and the total Animal Unit Months authorized. Other terms and conditions that address or mitigate any potential impacts to resources identified in the analysis, such as number of herders required, or other requirements for coordination with other land users may also be incorporated into the crossing permit.

The following guidelines and considerations should be used for receiving and analyzing crossing permit applications and issuing decisions, permits, and bills:

- The applicant is encouraged to identify a date range for the requested crossing event to provide adequate flexibility. The applicant should also identify whether they expect to cross on a regular basis, or only seek a one-time crossing permit.
- The term of the crossing permit may be for a single year or multiple years (up to ten years). If a multi-year crossing permit is issued, the authorized officer may choose to issue the crossing permit for the remainder of the term on the grazing permit (or state lease, US Forest Service permit, etc.). When determining the appropriate duration for a crossing permit, the Field Office (FO) should consider the following factors:
 - Has the applicant applied to cross for multiple years?
 - Did the NEPA document analyze crossing events for multiple years?
 - Is the applicant in good standing?
 - Are livestock overnighting on public land?

¹ During the effectiveness of the provision for the issuance of crossing permits under Section 125 of Consolidated Appropriations Act, 2014 (Public Law 113-76) and the direction for implementing this provision in the associated Washington Office IM (not yet available), BLM shall not issue proposed decisions and BLM shall not allow a protest and appeal period. “Decisions” shall be issued and are effective upon the issuance of the decision. The current provision expires September 30, 2015. For permits issued after September 30, 2015, refer to future regulatory provisions.

² All regulatory references are to the BLM grazing regulations (43 CFR 4100) published in the 2005 edition of the Code of Federal Regulations.

- Has consultation (ESA, SHPO, etc.) occurred (if necessary)?
- Is there a rational basis for issuing a multiple-year crossing permit (e.g. issuing a crossing permit to coincide with the life of an existing grazing permit or lease)?
- The applied-for range of crossing dates must be analyzed in the NEPA document, and specified on any permit offered. This will provide permittees with adequate flexibility to adjust to annual conditions and the ability to move livestock efficiently following coordination with the BLM.
- The specific day(s) the permittee is authorized to cross livestock may occur any time within the date range identified on the crossing permit, but the permittee is required to notify the FO of the exact day(s) crossing will occur prior to the event. The FO may require additional restrictions if necessary.
- Grazing fees are based on the number of animals authorized multiplied by the time they are authorized to use and occupy public land, with a minimum of a one day charge. If more than one allotment is crossed in a single day, grazing fees for the use are charged for only one day. If a crossing permit authorizes trailing use for one day, but the applicant takes less than a day to cross, grazing fees are still charged for one day.
 - Calculate grazing fees in accordance with 43 CFR 4130.8-1(b), which states “[f]ees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management at a specified rate per animal unit month.” Additionally, 43 CFR 4130.8-1(c) states “[e]xcept as provided in 4130.5, the full fee shall be charged for each animal unit month of authorized grazing use. For the purposes of calculating the fee, an animal unit month is defined as a month’s use and occupancy of range by 1 cow, bull, steer, heifer, horse, mule, 5 sheep, or 5 goats, over the age of 6 months at the time of entering the public lands or other lands administered by the Bureau of Land Management...In calculating the billing the grazing fee is prorated on a daily basis and charges are rounded to reflect the nearest whole number of animal unit months.”
 - **Bills will be generated in the Rangeland Administration System (RAS) as a “Non-permittee Bill.”**
 - **A service charge (currently \$10.00) shall be assessed upon issuance of a crossing permit as per 4130.8-3.**
 - **More than one allotment may be crossed in a single day. If this occurs, the AUM fee is only charged for one day.**

Because the crossing permit is not generated in RAS, all crossing permits will be tracked on the “Crossing Permit Tracking Spreadsheet” by each field office. Crossing permit numbers outlined in the “Crossing Permit Tracking Spreadsheet” will be created for every crossing permit.

Process (See flow chart)

1. An applicant submits a timely “application for crossing permit.”
2. The BLM completes NEPA analysis and a FONSI (when appropriate).
3. The BLM issues a proposed and final decision.
4. The BLM issues the permittee a crossing permit (for a single year or multiple years) (see “Crossing Permit Template”) and a bill for the service charge (currently \$10.00).

5. The permittee submits an “annual application” to the BLM identifying the specific days needing to cross within the date range (outlined on the crossing permit) prior to the crossing event.
6. The BLM issues a bill to the permittee.
7. The permittee pays the bill prior to the crossing event.
8. Steps 5-7 are followed for multi-year crossing permits.
9. The BLM will track crossing permits on the “Crossing Permit Tracking Spreadsheet.”

Timeframe: Effective upon issuance.

Background: This guidance was developed as a result of recent court findings regarding crossing permits, range management, and NEPA compliance. These findings have highlighted specific areas where Idaho BLM can establish a consistent approach and improve analysis and documentation towards the process of issuing crossing permits.

Manual/Handbook Sections Affected: None

Coordination: Statewide coordination to develop this guidance occurred through monthly range and livestock crossing calls and direction from the State Director. Comments regarding the draft policy and discussion during monthly range coordination calls were incorporated into the final release.

Contact: For further information contact Chris Robbins, Idaho BLM Range Program Lead at clrobbins@blm.gov or (208) 373-3804; or Eric Mayes, Idaho BLM NEPA Specialist, at emayes@blm.gov or (208) 373-4050.

Signed by
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Authenticated by
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3 Attachments:

- 1 - [Crossing Permit Template](#) (2 pp)
- 2 - [Crossing Permit Tracking Spreadsheet](#) (1 p)
- 3 - [Crossing Permit Process Flowchart](#) (1 p)