MEMORANDUM OF UNDERSTANDING

Between:
U. S. Department of the Interior - Bureau of Land Management
and
the Public Lands Council

This agreement is entered into between the Public Lands Council (PLC) and the Department of the Interior (DOI), Bureau of Land Management (BLM).

STATEMENT OF PURPOSE

The signatories to this Memorandum of Understanding (MOU) believe that cooperative rangeland monitoring is an important tool to help stabilize livestock grazing on lands administered by the BLM and to achieve desired range conditions in the future. Such a monitoring program involving the exchange of information benefits the collection, analysis and interpretation of monitoring information through the cooperation of public and private interests.

The signatories also believe that interpretation of data and conclusions about resource condition at the allotment level should be principally based on facts and data collected on the ground, using the latest scientific techniques. At times, there is a need to utilize the professional judgments of rangeland resource professionals. To evaluate and interpret all of the information available to accomplish allotment/lease objectives, the current and historic knowledge and practical experience of the permittees/lessees is also necessary.

This MOU is intended to provide a framework for the facts and data to be collected, analyzed, shared with the public, and used by the BLM to make land management decisions.

AUTHORITY

Section 307(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1737(b), authorizes the Secretary, subject to the provisions of applicable law, to enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.

RESPONSIBILITIES AND PROCEDURES

The PLC and the BLM will jointly:

1. Develop a letter, to be signed by national level representatives of both parties to inform public land permittees/lessees and BLM employees of the purpose of this MOU.

2. Encourage respective local members and employees to participate in joint, cooperative monitoring.

The Public Lands Council will, as appropriate:

1. Publicize and otherwise support joint, cooperative monitoring among its members, including emphasis of implementation of monitoring on a watershed basis where practical.

2. Encourage livestock permittees and lessees to work cooperatively with the BLM to develop a monitoring plan which, at a minimum, addresses those items outlined in Appendix A (attached) or public land.

3. Encourage grazing permittees and lessees to include private or leased land to the extent such inclusion is consistent with the scope of Federal jurisdiction, and only with written permission from the owner/lessee.

4. Provide a written report by February 28 of each year to the BLM's Rangeland, Soil, Water, and Air (WO 220) Group Manager on the status of activities pertinent to this MOU over the preceding year.

5. Work cooperatively with BLM to implement and stress the importance of consistent use of monitoring protocols or methodologies by Federal land management agencies.

The Bureau of Land Management will:

1. Continue working with livestock permittees and lessees who have actively participated with BLM in collecting and/or analyzing monitoring data within the past 5 years. Confirm they still have interest in conducting joint, cooperative monitoring.

2. Work with additional livestock permittees and lessees to jointly monitor to the maximum extent feasible within limits of available funds and BLM priorities.

3. Provide an annual status the report to PLC at its Spring Conference on BLM's activities in the rangeland monitoring program during the preceding year. The annual report may address such matters as the number of permittee/lessee participants in the preceding year, a summary of the resources used in the previous fiscal year, and the number of participants projected for the upcoming year.

4. Work cooperatively with the livestock permittees and lessees to develop a monitoring plan. At a minimum it should address those items outlined in the attached Appendix A for the public land portion of their operation. Parties will comply with the Federal Advisory Committee Act to the extent it applies.

5. Involve permittees and lessees in data collection and evaluation processes, and provide copies of evaluation(s) to these permittees and lessees.

6. Coordinate with the Natural Resources Conservation Service to perform soil surveys and develop Ecological Site Descriptions where joint, cooperative monitoring occurs.

7. Maintain the final decision authority concerning the planning, collection and interpretation of the monitoring data collected under this MOU. The BLM retains its responsibility to make decisions relating to public land management, including livestock grazing, and compliance with public involvement requirements in the grazing regulations.

ADMINISTRATIVE PROVISIONS

A. Public - Private Partnership: The planning, collection and interpretation of monitoring data will be jointly conducted between the permittee or lessee and BLM pursuant to the agency's applicable protocols. Permittees or lessees may seek assistance from other individuals or institutions (i.e., the extension service and/or consultants) when taking part in this joint venture. The BLM shall accept for consideration monitoring data collected using BLM-approved techniques when the data meets BLM standards as determined by the authorized officer. The BLM may check data and conduct random quality control reviews of data presented by the permittee/lessee or their representative prior to using the data. Monitoring data not collected as referenced above or found not to accurately reflect on-the-ground conditions may not be used.

   When, at the request of the permittee/lessee, assistance is provided by consultants, institutions, other agencies or individuals, the permittee(s) or lessee(s) shall designate one individual to work with the BLM.

B. Prior to implementing joint cooperative monitoring both parties shall agree to the methods for collecting data as specified in BLM-approved protocols. This includes but not limited to Technical Reference 1730-1, Measuring and Monitoring Plant Populations, 1734-3, Utilization Studies and Residual Measurements, 1734-4, Sampling Vegetation Attributes, 1734-7, and Ecological Site Inventory.

C. Nothing in this agreement may be construed to obligate either the DOI or the United States to any current or future expenditure of resources in advance of the availability of appropriations from Congress. This agreement does not obligate the DOI or the United States to expend funds, property or services.

D. While recognizing that the BLM has a responsibility to coordinate, consult, and communicate with many different entities concerning management of the public lands, this MOU addresses interaction between the BLM and PLC who represents members of the livestock industry

operating on public lands. This MOU in no way precludes or restricts the involvement of other public land users, interested public, or other public or private agencies, organizations or individuals from participating in this joint, cooperative monitoring.

E. Nothing in this agreement shall be construed to conflict with any existing statutes, regulation or policy of the United States or any policy or procedures of the BLM or the DOI.

F. This agreement shall be effective on the date of the last signature for a period of five years, at and that time it may be reaffirmed.

G. This agreement may be re-negotiated, amended, extended, or modified by a written amendment through an exchange of correspondence between authorized officials of PLC and BLM.

H. Either party may terminate this agreement by written notice to the other party.

I. Each party will obtain prior approval from the other of all press releases, published advertisements, or other statements intended for the public that refer to this agreement or to the parties, the Department, the name or title of any employee of the Department, or other cooperating individuals in connection with this MOU.

J. Nothing in this MOU may be interpreted to imply that the United States, the DOI, or the BLM endorses any product, service, or policy of PLC. The PLC will not take any action or make any statement that suggests or implies such an endorsement.

APPROVED:

Kathleen Clarke
Director, Bureau of Land Management

1-30-04
Date

K. L. Bliss
President, Public Lands Council

1-30-04
Date

Appendix A

Allotment Monitoring Plan

The following items should be considered when developing a monitoring plan with the grazing permittee or lessee. It is not intended for this list to be all-inclusive or absolute. Local considerations need to be factored in when jointly preparing the monitoring plan. The monitoring plan should be considered a dynamic document, which is reviewed and modified as necessary when new information becomes available. If an Allotment Management Plan (AMP) exists, it is suggested that the monitoring plan become part of the AMP after compliance with all applicable statutory and regulatory requirements.

A. Management Objectives

State clearly the land use plan and/or other management plan watershed or landscape management objectives and desired plant community objectives that will serve as the basis for selecting the attributes to be monitored and the interpretations to be made of monitoring data. Allotments may be used or aggregated if size approximates a watershed level. Objectives may be identified by reviewing and consulting relevant BLM documents.

B. Existing Monitoring Information

1. All available information from prior inventories, monitoring data, climatic records, actual stocking records, utilization surveys, photographs, or other pertinent information shall be compiled, analyzed and summarized for the public lands portion of the ranching operation.

2. Additional data needs may be identified to meet management objectives, desired plant community objectives, and other considerations (such as water quality, endangered species, etc).

C. Future Monitoring Attributes & Protocols

1. Describe and agree upon the locations, timing, attributes to be measured, and protocols to be used for both annual event monitoring and periodic long-term resource-trend assessment.

2. Where available, Ecological Site Descriptions should be the basis for interpreting and extrapolating monitoring results and for conducting rangeland inventories.

3. Monitoring data shall include the measurement or assessment of indicators or attributes appropriate for evaluating the allotment management objectives, which may include ground cover, vegetative species composition, long-term trend transects, and repeat

photographs. Additional monitoring data, such as actual use, utilization or residual measurement (stubble height), vegetation structure (height, pattern), age class distribution of plant species, vegetation production, erosion indicators, and other relevant indicators may be included as needed on a case-by-case basis.

4. Monitoring data should be collected in a manner that is repeatable and as quantitative as practical.