



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

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Cheyenne, Wyoming 82009-1828



IN REPLY REFER TO:

5400 (930) P

July 20, 2011

EMS TRANSMISSION: 07/21/2011

Instruction Memorandum No. WY-2011-037

Expires: 9/30/2012

To: District Managers  
From: State Director  
Subject: Seed Collection and Pricing Policy

**Program Area:** Forestry, Vegetative Contracts, Range, Threatened and Endangered Species, Botany

**Purpose:** This Instruction Memorandum (IM) updates and supersedes IM No. WY-2008-036, Seed Collection and Pricing Policy

**Background:** Current BLM policy allows the sale and collection of plant seed on Bureau managed lands. There has been a steady and continuing demand for seed collection by the public in Wyoming.

**Policy/Action:** BLM Wyoming will allow for the sale and collection of native plant seeds based on compliance with the direction contained in the attachments listed below.

**National Environmental Policy Act (NEPA) Requirements and Collection Protocols:**

See Attachment 1 for the NEPA. Requirements and Collection Protocols for the collection protocols and NEPA requirements for seed collection.

**Seed Pricing and Appraisal Protocols:** See Attachment 2 for the seed pricing and approved product appraisal protocols.

**Permit Forms, Accounting Information and Reporting Requirements:** See Attachment 3 for the required vegetative permits, accounting information and reporting requirements.

**Recommended Special Provisions for All Permits or Contracts issued under this direction:** See Attachment 4 for the recommended minimum special provisions to be included.

**Road Maintenance Fee:** An additional fee may be assessed for road maintenance. Please refer to the direction in IM No. WY-2009-013 for appropriate usage of the 9120 account.

**Timeframe:** This IM is effective upon receipt.

**Budget Impacts:** None are anticipated.

**Manual/Handbook Sections Affected:** None.

**Coordination:** This IM was coordinated among the Forestry, Botany, Range Management, Wilderness, Threatened and Endangered Species (WY-930), Law Enforcement (WY-911), Accounts and Receiving (WY-951), District Resource Advisors, and District Foresters.

**Contact:** For questions concerning this IM please contact Bob Means, Forestry program lead at (307) 775-6287. For collection protocols for T&E species or BLM Wyoming sensitive species contact Chris Keefe, Threatened and Endangered Species program lead at (307) 775-6101. For questions about the Seeds of Success program and collection protocols or species specific collection guidance contact Adrienne Pilmanis, Botany program lead, at (307) 775- 6035.

Signed by:  
Donald A. Simpson  
State Director

Authenticated by:  
Sherry Dixon  
Secretary

4 Attachments:

- 1 - NEPA Requirements and Collection Protocols (1 p)
- 2 - Seed Pricing and Appraisal Protocols (1 p)
- 3 - Appropriate Permit Forms, Accounting Information and TSIS Reporting Requirements (2 pp)
- 4 - Recommended Special Provisions (1 p)

Distribution

Director (270), Room 1025, LS	1 (w/o atch.)
Field Managers	1 (w/at ch.)
CF	2 (w/at ch.)

## **Attachment 1: NEPA Requirements and Collection Protocols**

The appropriate level of National Environmental Policy Act (NEPA) analysis, including the proportion of standing crop permitted for harvest is required prior to issuance of seed collection permits. Mitigation measures, in the form of Special Provisions, may be attached to any Bureau vegetative permit or contract. These stipulations should address and mitigate any issues identified through the NEPA process. If issues cannot be mitigated to an acceptable level through stipulations, then the permit or contract should not be issued.

Collection of seed from Federally listed threatened and endangered species and candidate species must be coordinated with the U.S. Fish and Wildlife Service, Wyoming Ecological Services Office, and the Wyoming State Office Threatened and Endangered Species Program Lead. Plants on the BLM State Sensitive Species List require consultation between the BLM Authorizing Officer and the Wyoming State Office Threatened and Endangered Species Program Lead. Collection of seed from plants on the Wyoming BLM Sensitive Species list will be allowed for scientific or research purposes, with the exception of whitebark and limber pine. For these two species, seeds may be collected for restoration planting purposes as well as for scientific and research needs as per Instruction Memorandum (IM) No. WY-2011-003.

The BLM Seeds of Success (SOS) Program has an established protocol for BLM collection of seeds on Bureau lands. For collections undertaken under this program, the protocols for this program need to be followed and coordinated with the Wyoming State Office Botanist.

No commercial seed harvest or collection will be permitted within designated Wilderness or Wilderness Study Areas (WSAs). The Interim Management Policy states that no commercial harvest of vegetation will be allowed. The Interim Management Policy does make allowances for issuing permits for seed collection for personal use under certain circumstances, including strict adherence to the non-impairment criteria. Please refer to the Interim Management Policy for Lands under Wilderness Review (H-8550-1) for further direction.

Only hand collection of seed will be permitted unless motorized mechanical harvest is analyzed in the supporting NEPA documentation and specified in the Special Provisions section of the permit. Any off-road travel restrictions for the collection area will be complied with. Seed harvest will be permitted for specific areas and acreages with an attached map specifying the area.

One original permittee signed copy of the permit with the species permitted, Special Provisions, and collection area map will be maintained with the BLM Field Office files. The second original copy, with all the required attachments and signatures, must be in the possession of the permittee/collector/harvester while collection is taking place and the seed is being transported.

Permittees are required to keep a seed collection log listing materials collected by species, amounts and location. Minimum information needed is: (1) date of collection, (2) location of collection, (3) specie(s) collected, (4) amount in pounds collected, and (5) permit number.

## **Attachment 2: Seed Appraisal and Pricing Protocols.**

**Pricing Policy:** The following methods will be used to determine “fair market” value of seeds.

1. Commercial or Personal Use permits will be issued in ten (10) pound increments by species (or variety).
2. All seeds will be sold on per pound basis as “dirty” or uncleaned/unprocessed seeds.
3. Minimum pricing for “dirty” seeds is set at 2.5 percent of the current retail sale price for cleaned and processed pound for a particular species.
4. The retail price will be based on the BLM Regional Seed Warehouse in Boise, Idaho, price per pound for clean, certified seed.
5. The local retail price per pound will be used if the BLM Regional Seed Warehouse in Boise, ID price is less than the local price.
6. The local price will also be used if the BLM Regional Seed Warehouse in Boise, Idaho, does not carry the desired seed.
7. A minimum price for “dirty” seed of \$0.15 per pound for grass, \$0.25 per pound for shrubs, and \$0.30 per pound for forbs will be used if there is no local or BLM Regional Seed Warehouse price information for a particular seed.

The BLM Regional Seed Warehouse in Boise, ID link is <http://teamspace/sites-wo/wo200/esr/default.aspx>. Click on Native Plant Seed Collection Pricing Table to bring up the current pricing.

### **Attachment 3: Appropriate Permit Forms, Accounting Information and TSIS Reporting Requirements:**

**Reporting Requirements:** All sales of seeds will be reported in the Timber Sale Information System (TSIS).

**Accounting Information:** The Collection and Billing System, Commodity Code for Native seed is 327. The Federal Financial System Fund code is 750 and the Fund Symbol is 145881. The following information is required pathway for proper entry into the CBS accounting system to ensure monies are deposited correctly:

- Vegetative Materials
- PD Vegetative Materials
- Native Seed – Miscellaneous (750)
- State
- County
- Quantity
- Unit Price
- Total

#### Commercial Sales:

Form 5450-1, Contract for the Sale of Vegetative Resources. The data entry for this form is done in TSIS-Web. It has drop down menus to identify seed and seed cone (tree) and native seed – miscellaneous (grass, forb, and shrub) to identify the type of seed collected. After data entry is done, a hardcopy of the permit must be filled out. If the total purchase price is not paid on or before the date the contract is signed by the Authorizing Official, then the bonding and deposit requirements in this form must be followed. Full cash payment is required for any purchase of less than \$2,500.

Form 5450-5, Negotiated Cash Permit. The data entry for this form is done in TSIS-Web. It has drop down menus to identify seed and seed cone (tree) and native seed – miscellaneous (grass, forb and shrub) to identify the type of seed collected. After data entry is done, a hardcopy of the permit must be filled out. It has drop down menus to identify seed and seed cone (tree) and native seed – miscellaneous (grass, forb, and shrub) drop down menus to identify the type of seed collected. This is only to be used for sales of less than \$2,500. Full cash payment is required prior to issuance of the permit.

#### Personal Use Sales:

Form 5450-24, Vegetative Cash Permit. This is an electronic form found in TSIS-Web. It has drop down menus to identify seed and seed cone (tree) and native seed – miscellaneous (grass, forb, and shrub) to identify the type of seed collected. The actual permit is generated

electronically. Vegetative products purchased under this permit for personal use is defined as “... use other than for sale, barter, trade, or obtaining a profit” (43 CFR Subpart 5400, Definitions). The limit on this permit is \$2,499.

#### Free Use:

Form 5510-1, Free Use Permit. The data entry for this form is done in TSIS-Web. It has drop down menus to identify seed and seed cone (tree) and native seed – miscellaneous (grass, forb, and shrub) to identify the type of seed collected. After data entry is done, a hardcopy of the permit must be filled out.

As defined in CFR 43 Part 5510.0-3(b), applicants must meet certain criteria in order for a free use permit to be issued. They must be a Federal or State Governmental agency, unit or subdivision including municipalities, or any association or corporation not organized for profit [CFR 43 Part 5510.0-3(b)]. The permit is issued at the discretion of the authorizing officer. Free use materials may not be used for commercial or industrial purposes or for resale. Also, a non-profit association or corporation may not receive more than \$100 worth of seed in any one calendar year (CFR 43 Part 5511.3-7).

Free use permits for vegetative materials will be issued to Native Americans for ceremonial purposes when requested. Quantities will be limited to the amount identified in the personal use section above or specified in the local land use plan.

#### Recreational Use:

Recreational use is defined under 43 CFR 8365.1- 5 Property and resources, Sections (b) (1). These sections allow the public to collect, in non-restricted areas, “reasonable amounts” for “non-commercial purposes” of commonly available renewable resources such as flowers, berries, nuts, seeds, cones, and leaves. For clarification, renewable resources (seed) collected for recreational use in Wyoming is determined to be 1,000 seeds or 1 pound of “dirty” weight of seed for grasses, forbs, shrubs, and deciduous trees. For cone bearing conifers, the limit is 200 seeds. No permit is required for this type of seed collection in non-WSA or designated wilderness areas. Any request for Recreational Use collection in these areas requires an appropriate decision by the BLM manager.

## Attachment 4

### Recommended Special Provisions for Seed Collection Permits and Contracts

- The original permit must be in the possession of all collectors/harvesters working for the permit holder while collecting/harvesting on Bureau of Land Management (BLM) administered lands. This original permit must remain with the harvested/collected material at all times. Copies of the permit will not be honored or considered valid without an original signature by the Authorized Officer. This permit must be presented to any law officer or BLM official upon request;
- Only seed specifically listed by species, sub-species, or variety can be legally harvested under this permit. This permit is issued in 10 pound increments based upon “dirty” (uncleaned/unprocessed material) weight. There is no implied similar species collection under this permit, and non-permitted seed in your possession while on public lands will be considered a violation of this permit;
- Harvesting seeds exceeding the proportion of standing crop allowed in the permit will be considered a violation of this permit;
- Vehicles, equipment, and clothing must be cleaned of all noxious weed seed prior to leaving an area where these species are present and prior to entering a new collection area;
- Only hand collection of seed will be permitted unless motorized mechanical harvest is specified in writing within this permit. Motorized mechanical harvest will only be permitted for specific areas and acreages with an attached map specifying the collection area. Any restrictions on off-road travel must be adhered to.
- Cutting of vegetative material for later seed removal is not allowed.
- Vegetative material litter accumulated by the permittee will be scattered sufficiently to not create piles of material;
- All trash and garbage created by the harvesters/collectors will be removed from the public lands and properly disposed of. BLM practices a Leave-No-Trace policy and expects the same from its permittees;
- Seed collection and vehicle parking within the rights-of-ways of Interstates (Freeways), State, or County blacktop roads is prohibited;
- Vehicles are prohibited on all BLM roads, trails, and lands if muddy conditions exist that will cause ruts to be formed greater than two inches deep. Vehicles are not permitted at any time off existing roads and trails;
- All livestock gates will be left as you found them. If they are open, leave them open and if they are closed, close them. No harvest is permitted within one-half mile of livestock watering troughs, springs, and reservoirs.
- Permit execution is subject to all Federal, State, and local laws;
- If permit violations occur or if unforeseen unintended resource impacts occur, it may be canceled by the Authorized Officer prior to the termination date of the permit.
- Violating the stipulations contained within this permit is subject to criminal penalty.

I have read and understand the above permit Stipulations and will abide by these restrictions.

\_\_\_\_\_  
Permit Holder Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Officer

\_\_\_\_\_  
Date