

State of Washington
DEPARTMENT OF NATURAL RESOURCES

Board of Natural Resources

COPY

Resolution No. 47

A RESOLUTION Relating to the management of the grazing lands
owned by the State of Washington.

BE IT RESOLVED BY THE BOARD OF NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES, STATE OF WASHINGTON:

Section 1. Range management objectives. The general
objectives of the department in its management of state-owned range
lands is to provide for the maximum utilization of the range resource
consistent with the principles of multiple use and proper land con-
servation measures applicable thereto. Coincident with this general
objective, the department shall seek to:

- (1) Secure the highest return to the state under good
management practices;
- (2) Perpetuate the organic resources on both state and
related lands through wise use, protection, and development;
- (3) Provide the best practical, social, and economic
correlation of the use of state lands with adjacent lands;
- (4) Stabilize that part of the livestock industry which
makes use of state land through administrative policy and manage-
ment practices which conform to the requirements of practical operation;
- (5) Cooperate with land users on a district level through
a decentralized administration organized and authorized to settle
local problems in accordance with local conditions.

Sec. 2. Grazing management. Management of state lands
for grazing purposes will be based upon that grazing capacity which
permits maximum forage utilization. Grazing capacity will be
established after consideration of historical stocking rates,
forage utilization, range condition, and trend.

Sec. 3. Definition of terms. The following definitions are applicable to this resolution and shall be used in applications, reports, and grazing leases and permits issued in connection therewith:

(1) Carrying capacity is the acreage required to adequately provide forage for an animal unit (AU) for a specified period without inducing deterioration of vegetation or soil;

(2) Stocking rate is the number of livestock allowed to graze on a given area for a prescribed period of time;

(3) Forage utilization is the degree of use made of the range plants by foraging animals;

(4) Current production is the total annual growth of the range plants;

(5) Usable forage is forage that is within reach of animals and would be consumed under proper grazing;

(6) Range condition is the relation between current and potential condition of the range site;

(7) A cattle unit is equal to one cow and calf;

(8) A sheep unit is equal to one ewe and one lamb;

(9) A free use permit is a permit given in exchange for the use of land within a permit range;

(10) An on and off permit is a permit issued by an owner of range land which authorizes the use of an entire range area that is owned by more than one owner, but is subject to joint operation and management; and

(11) A bonus bid is a sum of money offered for a lease of state land in addition to regular annual rental and is to be paid once at the time of the execution of the lease contract.

Sec. 4. Regulations for grazing leases and permits.

Sections 5 through 15 of this resolution shall apply to lands leased through the department for grazing purposes. Sections 16 through 34 shall apply to lands used for grazing purposes under permits issued by the department. All other sections are applicable to land subject either to grazing leases or grazing permits.

Sec. 5. Grazing leases - Legal age of lessee. No person shall hold a lease on state land until he or she has attained his or her legal age or unless his or her signature is countersigned by his or her parent or legal guardian.

Sec. 6. Limitation of leased area. Not more than one section of state land may be leased to any one person, partnership, company, or corporation except that:

(1) Indemnity lieu lands selected and clear listed since March 7, 1957, may be leased without regard to this limitation provided that the person, partnership, company, or corporation held the last valid lease for the specified area from the Bureau of Land Management at the time of transfer of title to the State of Washington, or

(2) More than one section may be leased where the inclusion of additional land best serves the interest of the state by permitting a single unit of management.

Sec. 7. Assignment of leases. Grazing leases may not be assigned, sublet, or used by any person other than the lessee except by prior written consent of the Commissioner.

Sec. 8. Improvements - Become property of state upon cancellation of lease. All improvements upon state lands shall become the property of the state upon cancellation of any lease.

Sec. 9. Ownership of improvements to be designated. All leases shall clearly designate all authorized improvements upon the state land and shall fix a maximum improvement value beyond which such improvements may never be appraised.

Sec. 10. Re-lease - Application - Application for lease by a third party. In the event a person other than the prior lessee files an application to lease state land within thirty days after expiration of a prior lease, such application shall be accompanied by a cash deposit equal in amount to any sum offered by such applicant as a bonus bid for the issuance of the lease. Such cash deposit shall be returned to the applicant in the event the lands are not thereafter offered for public auction leasing, or is so offered, a higher and better bid shall then be made. In all other cases, said deposit may be forfeited to the state as liquidated damages.

Sec. 11. Prior lessee informed of third party application.

Where a prior lessee has made an application for a renewal lease under RCW 79.01.276, he shall promptly be notified of any third party application for public auction leasing.

Sec. 12. Preference to prior lessee. No lease shall be offered at public auction under any third party application filed within thirty days after expiration of a prior lease unless the department shall have first offered to re-lease such lands to the prior lessee who shall have made an application for a renewal lease under the provisions of RCW 79.01.276. It is the intention of the department to accord a preference to the prior lessee who is willing to meet the offer of a third party applicant.

Sec. 13. Cooperation. The Commissioner and any lessee of state land shall cooperate with soil conservation districts and county extension services to improve lands under lease.

Sec. 14. Rental. In normal use the rental value of state grazing lands shall be computed on grazing capacity. Special grazing areas may be appraised according to use rather than grazing capacity.

Sec. 15. Terms of leases and rental adjustments. Ordinarily grazing leases will be written for an eight year period. Four years after the lease has been issued, the Commissioner of Public Lands and the lessee may review the rental and make adjustments if they are in the best interest of the state. A letter of validation will be prepared stating the adjusted rental.

Sec. 16. Range allotments. State lands will be divided into permit range allotments as may be deemed practical by the Commissioner. Allotments may include non-state lands under special arrangements with the owner. For each allotment the Commissioner shall:

- (1) Establish the kind and number of livestock to be permitted thereon;
 - (2) Establish the period of grazing;
 - (3) Regulate the entry of livestock;
 - (4) Allocate the range among permittees;
 - (5) Develop and establish the most practical and efficient methods of stock management, forage utilization, and range improvements;
- and

(6) Prescribe any special conditions and requirements under which grazing permits may be issued or terminated.

Sec. 17. Grazing permits - When authorized. The Commissioner may issue grazing permits on range allotments under the following conditions and such other special requirements that may be prescribed in the best interests of the state;

(1) Every person must submit an application in writing to the department to obtain a grazing permit on state lands or other lands administered in connection therewith;

(2) The regulations set forth in this resolution and those regulations adopted by the Commissioner in accordance with this resolution shall be considered a part of every permit;

(3) The Commissioner may require that the owners of transient livestock or non-residents of the state or persons who have violated the regulations of the department to give good and sufficient bond to insure payment of all damages sustained by the state through violation or regulations or terms of the permit;

(4) The Commissioner may authorize the issuance of permits for the grazing of livestock for a period not exceeding five years;

(5) Permits may be renewed as authorized by law;

(6) Permits shall be validated each year by letter from the department to the permittee;

(7) Free use permits will be given in exchange for lands used within a permit range;

(8) On and off permits may be issued to persons as the circumstances appear to justify;

(9) Persons granted on and off permits shall be required to herd or handle the livestock to prevent trespassing on range that is not subject to the permit;

(10) Crossing permits may be issued to those persons wishing to drive livestock across any portion of state lands or range allotments;

(11) Operational permits may be issued to persons conducting permitted or commercial operations on state lands or range allotments for livestock actually needed in connection with such operations;

(12) All existing permits for grazing on state lands and other lands administered in connection therewith, which are continued in force following the adoption of this resolution, shall be treated as having been issued under authority and subject to the conditions and restrictions of this resolution; and

(13) Permits may not be assigned or used by any person other than the permittee except by prior written consent of the Commissioner.

Sec. 18. Preferences. A preference is a method of establishing eligible individuals for grazing permits on state range allotments. The terms preference and permit are not synonymous. A permit authorizes the grazing of livestock under specific conditions and expires on a specified date. A preference continues until cancelled or revoked. Preferences are granted under the following general conditions:

(1) A preference permit for use of state lands may be acquired by authorized prior use, grant, or by transfer through purchase or inheritance of ranch property or livestock;

(2) The ownership or control of base ranch property and improvements is required to secure or hold a preference permit;

(3) A permittee must be the owner of the livestock placed on state ranges under his permit;

(4) A preference may be cancelled, revoked, or suspended by the Commissioner, when, in the best judgment of the Commissioner, the interests of the state would thereby be served;

(5) No person, company, corporation, partnership, marital community, or combination thereof shall hold a preference permit authorizing grazing in excess of 600 animal units; and

(6) New and additional preferences will be drafted to the holders of temporary permits only after such temporary permits have been held for a minimum period of two years.

Sec. 19. Special conditions of preference. The Commissioner will prescribe the special conditions under which grazing preference and use of state lands may be established. He shall recognize the following factors:

- (1) Uniformity in base property and livestock ownership;
- (2) Transferability and assignability of preference permits in connection with the change of ownership of base property or permitted livestock;
- (3) Non-use of preference permits for specified periods not in excess of three years for any seven year period, provided approval of the Commissioner is first obtained and prescribed non-use fees are paid; and
- (4) Establishment of upper limits for each administrative district governing the number of preferences, provided that local conditions, economic units, and range users' recommendations must be fully considered.

Sec. 20. Preference on established ranges. The Commissioner may grant preference permits for use of established livestock ranges upon consideration of the following factors:

- (1) Authorized prior use;
- (2) Commensurability;
- (3) Capacity of the range; and
- (4) Increased capacity of the range resulting from range improvement work performed at the permittee's expense and with the Commissioner's written approval, in which event preference will be granted to the permittee responsible for the range improvement work.

Sec. 21. Temporary permits. (1) Where either the permittee or the range does not qualify for a preference permit under Sections 18, 19, and 20, a temporary permit will be issued for a maximum of five years.

- (2) In those instances where new permit range allotments are established or where additional area is added to existing allotments a temporary permit may be issued.

(3) A temporary permit will be issued on the basis of the highest cash bonus offer received by sealed bid from qualified applicants. An applicant must qualify in commensurability and ownership of livestock.

(4) Before a temporary permit is offered for sealed bidding the carrying capacity and annual grazing fee for the range will be determined and advertised. The bidding will be on a cash bonus over and above the established annual grazing fee. Temporary permits will be issued on an annual basis under sub-sections (2), (3), and (4), subject to range condition and carrying capacity.

Sec. 22. Grazing fees. A fee will be charged for the grazing of all livestock on state lands. The grazing fee will be determined by use of a formula indicated below. The fees so established shall be adjusted annually by relation to market prices of livestock for the previous year. Further periodic adjustments shall be made by the Commissioner as more accurate information or changing conditions require.

Grazing Fee Formula:
$$\frac{L \times S \times G \times P}{M} - \text{AUM Fee}$$

Symbol explanation:

L - Proportion of average stockman's investment assigned to land.

S - Landlord's fair share of land income.

G - Average pound gain in livestock weight for permitted grazing season, cattle and sheep to be separately computed.

P - Average past year selling price of livestock per pound from the reports of the Agricultural Marketing Service of the U. S. Department of Agriculture.

M - Number of months in permitted grazing season.

AUM Fee - Fee to be charged per animal unit month of grazing.

For purposes of unit equivalent per animal, the following ratios will apply:

Cattle:	Cow and calf	1.0 Animal Unit
	Bull	1.0
	Yearling	.66
	Two year old	1.0
Sheep:	Ewe and one lamb	1.0
	Ram	1.0
	Ewe	1.0
Horses:		1.5

Sec. 23. Payment of fees in advance. All grazing fees will be paid in advance of the opening date of grazing periods unless otherwise authorized by the Commissioner.

Sec. 24. Exceptions to usual fees. The Commissioner may make exceptions to Sections 22 and 23 in the following cases:

- (1) Pack and saddle animals used for commercial purposes;
- (2) Animals under six months of age which are the natural increase of livestock on which fees are paid.

Sec. 25. Violation. The Commissioner of Public Lands may revoke grazing permits or preferences, in whole or in part, for a clearly established violation of the terms of the permit, the regulations upon which it is based, or the written instructions of the department issued thereunder.

Sec. 26. Appeal. Appeal from any action by the department on range matters shall be made to the district administrator of the respective district. In case the district administrator cannot settle the matter, the complaint will be forwarded by him to the field supervisor. If satisfactory results are not accomplished thereby, the complaint may be referred in turn to the Commissioner for decision after notice and opportunity for a hearing in accordance with the contested case provisions of the Administrative Procedure Act, Chapter 34.04 RCW.

Sec. 27. Associations and Boards. In order to obtain a collective expression of views and recommendations of the state grazing permittees concerning the management and administration of state lands and to encourage maximum participation by permittees in actual management of the range where not provided for by other regulations, the Commissioner shall provide for recognition of and cooperation with the various groups of permittees as follows:

(1) Livestock associations with advisory boards representing the range users of state lands; and

(2) Advisory boards without associations representing the range users of state land.

Sec. 28. Organization and composition of advisory boards. Advisory boards shall consist of not less than three members. Where the board represents state lands in an entire county, the State Game Commission may appoint a wildlife representative to advise on wildlife problems. The board must represent the majority of the grazing permittees of the area represented and the members must be elected by a majority of the voting grazing permittees. Advisory boards will meet upon call of their chairman or upon call of the local district administrator for the department. The department shall obtain and carefully consider the suggestions and recommendations submitted by these boards regarding current grazing programs and proposed policy changes.

Sec. 29. Informal recommendations. The department recognizes the public interest in ownership of state lands and in the problems that may arise over multiple use of these lands. The Commissioner is directed to give full consideration to the expressions of the views of any interested persons, industry, or organization for the equitable solution of competing public interest.

Sec. 30. Laws and regulations relating to livestock. The department will cooperate with the state, county, and federal officers in the enforcement of all the laws and regulations relating to livestock including:

- (1) Compliance with livestock quarantine regulations and such other sanitary measures as may appear necessary to prevent nuisances and insure proper sanitary conditions on state range lands; and
- (2) Requiring owners of all livestock which are allowed to cross any state range lands to comply with local livestock laws of the State of Washington and the county where the state land is located.

Sec. 31. Range management. As rapidly as circumstances and facilities allow, the Commissioner will prepare written plans for management of state range resources. Such plans will include specific procedures and programs to provide for the following:

- (1) An inventory of range lands to determine existing conditions and to provide guidelines for improvement of range lands;
- (2) General range plans and policies to set forth departmental policy and programs of range management activity in relation to other departmental activity and to integrate and coordinate range use with other multiple uses of state land and to standardize procedures on a district and statewide basis; and
- (3) Range allotment plans consisting of a detailed plan of action on individual range allotments after adequate consideration of grass and forage management practices, livestock control practices, and range improvement practices.

Sec. 32. Range improvement. Special use permits must be obtained or cooperative agreements made with the department in connection with the construction of range improvements on state range lands by individuals or agencies other than the department itself. In each case a clause in the permit will clearly state whether the title to the improvements will vest in the state or be retained by the permittee. Title to structural improvements, water tanks, troughs, cattle guards, fences, etc., built under special use permits may be retained by the permittee; however, where such improvements are constructed under a cooperative arrangement in which the state bears a part of the cost, title thereto will vest in the state. The construction

of nonstructural improvements - such as driveways, trails, roads, etc., - for performance of range improvement practices, reseeding, eradication of poisonous plants, etc., on state lands, shall not confer on the permittee the exclusive right to use the improvement or the land on which such practices are carried on. Grazing fees shall be adjusted to compensate permittees for the construction of range improvements or performance of range conservation practices where prior written approval has been given by the Commissioner.

Sec. 33. Management agreement. The Commissioner is authorized to enter into agreements with individuals, companies, corporations, partnerships, federal agencies, or state agencies and legal subdivisions for the protection, preservation, and use of range units made up of multiple ownership.

Sec. 34. Repeals. Regulations concerning permit range land, effective June 1, 1959, heretofore adopted by the Board of Natural Resources are repealed.

Sec. 35. Section headings as used in this resolution are for information only and are not to be used to change the meaning of the section itself.

APPROVED AND ADOPTED this 3rd day of Dec, 1963.

BERT L. COLE
Commissioner of Public Lands
and Secretary of the Board
of Natural Resources