

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

March 6, 2006

In Reply Refer To:
4130 (220) P

EMS TRANSMISSION 03/10/2006
Instruction Memorandum No. 2006-101
Expires: 09/30/2007

To: AFOs

From: Assistant Director, Renewable Resources and Planning

Subject: The 2006 Grazing Fee, Surcharge Rates, and Penalty for Unauthorized Grazing Use

Program Area: Livestock Grazing Administration

Background: Livestock grazing fees are calculated annually and administered in accordance with 43 CFR 4130.8.

Policy /Action:

2005 Grazing Fee

The fee for livestock grazing on lands administered by the Bureau of Land Management (BLM) during the 2006 grazing fee year (March 1, 2006 through February 28, 2007) is \$1.56 per animal unit month (AUM).

Surcharge for Authorized Grazing

In accordance with 43 CFR 4130.8-1(d), BLM adds a surcharge to the grazing fee bill for authorized grazing of livestock owned by persons other than the permittee or lessee except where such use is made by livestock owned by sons and daughters of permittees and lessees as provided in 43 CFR 4130.7(f). 43 CFR 4130.7(d) specifies the requirements that apply to pasturing agreements. When pasturing agreements are in effect, BLM adds the surcharge to the permittee's or lessee's grazing fee billing based on the number of AUMs being billed. The surcharge must be paid before grazing use begins, except where "after the grazing season" billing occurs under the terms of an approved allotment management plan or other activity plan intended to serve as a functional equivalent.

Table 1 lists the grazing fee surcharge rates in effect for the 2006 grazing fee year. They vary by state and equal 35 percent of the difference between the 2006 grazing fee and the 2005 private land lease rate for the state where the pasturing agreement occurs. Surcharge rates are calculated automatically by BLM's Rangeland Administration System (RAS) and the appropriate state rate(s) are assessed based on the state distribution entered in RAS.

Table 1: 2006 Surcharge Rates

State	\$/AUM	State	\$/AUM	State	\$/AUM	State	\$/AUM
AZ	2.25	CA	4.84	CO	4.53	ID	3.83
KS	4.18	MT	5.12	NE	7.33	NV	3.72
NM	2.78	ND	4.25	OK	2.25	OR	4.00
SD	5.89	UT	3.51	WA	2.85	WY	4.63

Penalty for Unauthorized Grazing Use

The value of forage consumed for unauthorized grazing is the average private grazing land lease rate per AUM for the state where the unauthorized grazing occurs. The National Agricultural Statistics Service publishes the state rates annually in January.

In cases where grazing has been approved for livestock that are not owned by the permittee and lessee, but those livestock make unauthorized use of public forage, the regular nonwillful and willful penalty amounts apply.

Where unauthorized grazing occurs in an allotment located in multiple states, RAS automatically calculates the value of forage consumed by calculating the AUMs that were grazed in each state and applying the applicable state unauthorized use rate to that amount.

Nonwillful: The value of forage consumed rates that BLM will use for nonwillful unauthorized grazing during the 2006 grazing fee year are listed in Table 2.

Under 43 CFR 4150.3(a), BLM may approve nonmonetary settlement of nonwillful unauthorized use violations if BLM determines that the unauthorized use occurred through no fault of the livestock operator, the forage use is insignificant, the public lands have not been damaged, and that nonmonetary settlement is in the best interest of the United States.

Table 2: 2006 Rates for Nonwillful Unauthorized Grazing Use

State	\$/AUM	State	\$/AUM	State	\$/AUM	State	\$/AUM
AZ	8.00	CA	15.40	CO	14.50	ID	12.50
KS	13.50	MT	16.20	NE	22.50	NV	12.20
NM	9.50	ND	13.70	OK	8.00	OR	13.00
SD	18.40	UT	11.60	WA	9.70	WY	14.80

Willful Unauthorized Grazing Use: As per 43 CFR 4150.3(b), the rates BLM uses for the value of forage consumed for willful unauthorized use is twice the nonwillful rate as shown in Table 2.

Repeated Willful Unauthorized Grazing Use: As per 43 CFR 4150.3(c), the rate BLM uses for the value of forage consumed is three times the nonwillful rate as shown in Table 2.

43 CFR 4150.3 requires that settlement for willful and repeated willful violations include the value of the forage consumed, the value for damages to the public lands and other property of the United States, and all reasonable expenses in detecting, investigating, resolving violations, and livestock impoundment costs. BLM determines the latter two amounts on a case by case basis.

Penalty for Subleasing Violations:

Any person found to have violated the subleasing prohibition under 43 CFR 4140.1 (a)(6) shall be required under 43 CFR 4170.1-1(d) to pay twice the respective State amount listed in Table 2 and may be subject to other appropriate penalties under these regulations.

Contact: If you have any questions regarding these matters, please contact Ken Visser, WO 220, 775-861-6492, Leon Pack, NS&TC 140, 303-236-0156, or Wendy Favinger, ISO 931, 208-373-3822.

Signed by:
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