

Frequently Asked Questions
Grazing Management on BLM-Managed Public Lands
HQ200 4/2/2020

The Bureau of Land Management (BLM) remains focused on the safety and well-being of our employees and the public we serve across the United States. To support President Trump's call for action aimed at slowing the spread of the disease and be a good neighbor to the West, the BLM is working within rapidly evolving guidance from the White House, Centers for Disease Control and Prevention (CDC), and state and local health authorities to minimize the risk of COVID-19 transmission while delivering our services to the greatest extent practicable. This includes exercising our technological capabilities where possible to ensure connection and service to the public while limiting the exposure of our employees.

At this time, we encourage permittees/lessees to contact their local state, district, or field office for the latest office hours and availability, which may change as the situation evolves. We remind the public to review current recommendations from the CDC and focus on using their public lands safely.

Note: While this guidance is anticipated to remain in place for calendar year 2020, this guidance may be updated or rescinded at any time.

Health and Safety

1. How can the BLM reduce exposure to COVID -19 and still meet the needs of the grazing program?

A majority of BLM work in the grazing program can be accomplished remotely through telework. Utilization of telework in this context is a public health strategy to slow the spread of COVID-19 by minimizing person-to-person contact. Most BLM employees are currently teleworking.

Some BLM work, particularly field work, cannot be adequately performed through telework. Prior to undertaking any field work, an updated Job Hazard Analysis (JHA) should be completed that considers risk of COVID-19 infection, as well as risks associated with field work (especially solitary field work). If the BLM finds that the risks cannot be adequately mitigated, it will adjust or postpone field activities that it determines are not mission critical or essential. If the BLM determines that work is essential or critical and that in-person meetings are necessary, employees should follow CDC, state, and local-recommended steps to protect themselves and others from COVID-19.

2. How will permittees/lessees contact BLM while staff are teleworking?

When BLM staff are teleworking for extended periods, ensure voicemail messages on office phones are updated and direct people to alternate contact methods. In addition, BLM staff should reach out to permittees/lessees to share email addresses and discuss alternate ways to communicate. We are also encouraging permittees/lessees to reach out to BLM and share alternative ways to communicate (cell phones, email, etc.).

3. *If my community has a “shelter-in-place” order, how does that affect grazing operations?*

The BLM does not expect state or local orders to shelter in place to significantly impede grazing operations due to the nature of the business and isolation of most operations. In many cases, grazing operations may be exempt from these orders, though permittees/lessees should make themselves aware of, and are responsible for, compliance with applicable orders. The BLM has identified aspects of grazing management as mission critical and, as noted above, many aspects of BLM grazing management can be performed via telework. Individual BLM State Directors may issue additional guidance addressing conditions in their respective states.

Grazing Bills/Annual Authorizations

4. *In cases where staffing directives impact or otherwise prevent agency employees from conducting annual meetings with permittees/lessees, will the BLM still be coordinating with permittees/lessees for the 2020 grazing season?*

While the BLM generally conducts annual in-person meetings with permittees/lessees prior to turnout, these in-person meetings are not required by law or regulation, and the BLM can complete any necessary communications by phone, in writing, or by email. As soon as possible, offices should contact permittees/lessees explaining how grazing meetings will be conducted this year and how operations (e.g., turnout dates, range conditions) will be communicated. The BLM remains open to alternative ways to communicate with permittees/lessees during these challenging circumstances.

5. *Are issuing grazing authorizations and bills considered mission critical functions?*

Yes. Grazing on public lands contributes to the security of the nation’s food supply and supports families and local economies in many rural areas. The BLM has identified aspects of grazing management as mission critical and, as noted above, many aspects of BLM grazing management can be performed via telework. Individual BLM State Directors may issue additional guidance addressing conditions in their respective states.

6. *When teleworking remotely, may grazing bills be sent to permittees/lessees via e-mail?*

Yes, bills can be sent as a portable document format (PDF) to permittees/lessees electronically. While the information contained on a grazing bill (name, address, authorization number) is not sensitive, it is personally identifiable information (PII) and must still be safeguarded. Employees should send an initial email to permittees/lessees offering that, during this time, they can opt-in to receive their bills via email and confirm that they consent. Before sending a bill, confirm the appropriate email address with the permittee/lessee and let them know you will be sending an electronic bill. When possible, we suggest following up with a hard “courtesy” copy of the bill.

7. *Can BLM waive late fees for grazing bills?*

Yes, the authorized officer can approve waivers of late fees in instances where the late fee is generated as a result of a BLM error or delay, such as sending out bills or posting payments late due to office closures or implementing social distancing measures. However, grazing bills must be paid prior to turnout.

8. Will the BLM allow permittees/lessees the flexibility to increase sheep band numbers for this grazing season where permittees/lessees are going to be short on herders (i.e., more ewes under fewer herders)?

Yes, the authorized officer, for those permits/leases where the terms and conditions provide flexibility, may authorize grazing a greater number of livestock for a shorter period of time, not to exceed the permitted use for the current grazing year.

Grazing Permit/Leases

9. Will the BLM have the flexibility to issue or renew grazing permits when staff are teleworking?

The BLM does not expect significant disruptions that would delay grazing turnout for the 2020 grazing season, in part because the BLM can utilize phone calls, postal services, and email for grazing permitting communications. In cases where BLM offices are closed to the general public, our specialists are available by appointment to meet with permittees/lessees and the interested public, including by coordinating with them via phone and email.

The Federal Land Policy and Management Act (FLPMA) also provides that the terms and conditions of an expired permit or lease shall continue until the BLM completes any additional environmental analysis and issues a new decision relating to issuing a new permitting/leasing authorization. BLM Instruction Memorandum (IM) 2015-122 explains the BLM's process for implementing this provision of FLPMA.

Records Management

10. Can Range Management staff take files home (even files with personally identifiable information, PII) with them when teleworking?

Yes. BLM IM 2017-005 *Required Approval for Removing Official Records from Bureau of Land Management (BLM) Offices* establishes policy for obtaining approval to remove records from a BLM office for a legitimate reason (e.g., to facilitate telework, employees assigned to multiple offices, scanning projects, or other permitted purposes). Attachments to the IM include BLM Form 1270-6 *Authorization to Remove Official Records from a BLM Office*, and Form DI-3455 for *Chain of Custody*. Both forms must be completed by the employee and their supervisor to authorize records removal for telework purposes. Consult *BLM Records Guidance for Teleworking* for additional considerations.

Performing Field Work

11. Will BLM staff be going to the field to conduct monitoring, compliance inspections, range readiness, land health evaluations (LHE), etc.?

Some aspects of administering grazing permits/leases are inherently field-based activities. Therefore, in instances where monitoring, compliance inspections, range readiness, or LHEs are necessary to authorize permitted grazing, employees should be supported to complete that work in safe manner. See response to Question #1 for recommended actions before undertaking any field work.

12. Will BLM staff be able to check on existing contractors, such as fence contractors who are cleared to work?

Employees serving as project inspectors and contracting officer's representatives are able to perform their duties (e.g., pre-work site visits, confirming access and project locations) to ensure that the contractor is adhering to the contract's terms. See response to Question #1 for recommended actions before undertaking any field work.

Service of Decisions & Protests/Appeals

13. Is the BLM able to serve proposed and final grazing decisions by means other than certified mail or personal delivery?

The BLM, in coordination with the Solicitor's Office, is actively exploring alternate means of serving proposed and final decisions, while maintaining the ability to confirm receipt.

14. Will the BLM accept grazing protests and appeals by email in response to COVID-19, especially in light of the Office of Hearings and Appeals' order that all parties practicing before Interior Board of Land Appeals may file any and all pleadings by email when those pleadings become due?

The BLM, in coordination with the Solicitor's Office, is actively exploring alternate means of accepting protests and appeals.