

Chapter 332-20 WAC

GRAZING LANDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 332-20-040 | Regulations for grazing leases and permits. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-060 | Grazing leases—Limitation of leased area. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-070 | Grazing leases—Assignment of. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-080 | Grazing leases—Improvements become property of state upon cancellation of lease. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-090 | Grazing leases—Ownership of improvements to be designated. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-100 | Grazing leases—Re-lease—Application—Application for lease by a third party. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-110 | Grazing leases—Prior lessee informed of third party application. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-120 | Grazing leases—Preference to prior lessee. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-130 | Grazing leases—Cooperation. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), |

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| | filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-140 | Grazing leases—Rental. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-150 | Grazing leases—Terms of leases and rental adjustments. [Rules (part), filed 12/3/63.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-190 | Grazing permits—Special conditions of preference. [Rules (part), filed 12/3/63; Permit Range Regulations § III (part), effective 6/1/59.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-240 | Grazing fees—Exceptions to usual fees. [Rules (part), filed 12/3/63; Permit Range Regulations § IV (part), effective 6/1/59.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-280 | Organization and composition of advisory boards. [Rules (part), filed 12/3/63; Permit Range Regulation § VII (part), effective 6/1/59.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |
| 332-20-310 | Range management. [Rules (part), filed 12/3/63; Permit Range Regulation § VIII, effective 6/1/59.] Repealed by WSR 83-21-018 (Order 402), filed 10/7/83. Statutory Authority: RCW 79.28.050 and 79.28.040. |

WAC 332-20-010 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 conservation measures. Coincident with these general objectives, the department shall, with equal priority, seek to:

- (1) Secure the highest return to the state under good management practices;
- (2) Perpetuate the natural 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; and
- (4) Stabilize that part of the livestock industry which makes use of state land through administrative policy and management practices which conform to the requirements of practical operation.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-010, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations (part), effective 6/1/59.]

WAC 332-20-020 Grazing management. Management of state lands for grazing purposes will be based upon that grazing capacity which permits maximum forage utilization and seeks to maintain or improve to "good" condition range as defined by the soil conservation service. Grazing capacity will be established after consideration of historical stocking rates, forage utilization, range condition, and trend. Pertinent range research findings of Washington State University and the advice of the soil conservation service will be considered in the management of the grazing resources.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-020, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations (part), effective 6/1/59.]

WAC 332-20-030 Definitions. For purposes of this chapter:

(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 condition or soil;

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

(3) "Animal unit" (AU) is equal to one cow and her nursing calf or their equivalent;

(4) "Sheep unit" is equal to one ewe and her nursing lamb or their equivalent;

(5) "Free use permit" is a permit given in exchange for the use of land that is owned or controlled by a permittee and is within a permit range;

(6) "On and off permit" is a permit issued to an owner of range land within a permit range which authorizes the use of an entire range area but establishes no preference right;

(7) "Bonus bid" is a sum of money offered for a grazing permit on state land in addition to regular annual charges and is to be paid once at the time of the execution of the grazing permit;

(8) "Commissioner" means the commissioner of public lands;

(9) "Department" means the department of natural resources as defined in RCW 43.30.030;

(10) "Board" means the board of natural resources as defined in RCW 43.30.040;

(11) "Area" means the field administration unit of the department of natural resources;

(12) "Person" includes any public or private corporation as well as an individual or partnership;

(13) "Base ranch property" means a place on which to hold and feed the permitted units of livestock prior to and after the grazing season;

(14) "Nonuse" means that no livestock will be turned out on the permit range;

(15) "Demit" means that less than ninety percent of the permitted or allowed animal units are turned out on the permit range;

(16) "Crossing permit" is a temporary permit to allow livestock to utilize forage while crossing state-owned or controlled land;

(17) "Operational permit" is a temporary permit to allow horses or pack animals to be on state-owned or controlled land while operating a commercial enterprise.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-030, filed 10/7/83; Rules (part), filed 12/3/63.]

WAC 332-20-050 Grazing permit—Qualifications. No person shall hold a permit on state land until they have attained the age of eighteen. The applicant must have two years of experience in the grazing or handling of livestock or education in range or livestock management and financial resources to carry out the proposed grazing operation.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-050, filed 10/7/83; Rules (part), filed 12/3/63.]

WAC 332-20-160 Permit range allotments. State lands suitable for grazing may be divided into permit range allotments as may be deemed practical by the department. Allotments may include nonstate lands under special arrangements with the owner. For each allotment the department may:

(1) Establish the kind and number of livestock to be permitted thereon;

(2) Establish the period of grazing;

(3) Regulate the entry of livestock; and

(4) Develop and establish the most practical and efficient methods of stock management, forage utilization, and range improvements.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-160, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § I, effective 6/1/59.]

WAC 332-20-170 Special use grazing permits—Issuance. The department may issue special use grazing permits on range allotments under the following conditions:

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

(2) The department may require permittees to give good and sufficient bond to insure payment of all damages sustained by the state through violation of regulations or terms of the permit;

(3) Special use permits may be issued for a term not to exceed five years;

(4) Special use permits shall be validated each year by letter from the department to the permittee;

(5) Special use permits may be issued for the following purposes:

(a) On and off permits may be issued and requirements imposed to herd or handle the livestock to prevent trespassing on range that is not subject to the permit;

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

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

(6) Special use permits may not be assigned or used by any person other than the permittee except by prior written consent of the department.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-170, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § II et seq., effective 6/1/59.]

WAC 332-20-180 Preference grazing permits. A preference establishes eligibility to persons for grazing permits on state range allotments. A permit authorizes the grazing of livestock under specific conditions and expires on a specified date. A preference continues until cancelled or revoked. Preference permits are issued under the following conditions:

(1) A person may acquire such permit by authorized prior use, gift, or by transfer through purchase or inheritance of base ranch property or livestock;

(2) The ownership or control of base ranch property must be maintained;

(3) A permittee must be the owner of the livestock placed on state ranges under his permit. Cattle must carry the brand of the person holding the preference permit;

(4) Preference permits may not be assigned or used by any person other than the permittee except by prior written consent of the department;

(5) No person shall hold a preference permit authorizing grazing in excess of 600 animal units;

(6) Preference permits may be granted to the holders of temporary permits only after such temporary permits have been held for a minimum period of five years;

(7) Nonuse of preference permits not in excess of three years for any seven-year period is permissible, provided approval of the department is first obtained and prescribed nonuse fees are paid; and

(8) Demits may be allowed provided approval of the department is first obtained and demit fees are paid.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-180, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § III (part), effective 6/1/59.]

WAC 332-20-191 Grazing permits—Legal effect.

Grazing permits transfer no right, title, or interest in any lands or resources held by the department except authorized livestock forage.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-191, filed 10/7/83.]

WAC 332-20-200 Grazing preference permits—Established ranges. The department may grant preference permits for use of established livestock ranges upon consideration of the following factors:

- (1) Authorized prior use;
- (2) Base ranch property;
- (3) Capacity of the range; and
- (4) Conversion of a temporary permit.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-200, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § III (part), effective 6/1/59.]

WAC 332-20-210 Temporary grazing permits.

Where new permit range allotments are established or where additional area is added to existing allotments, a temporary grazing permit may be issued for a maximum of five years.

A temporary grazing permit will be issued on the basis of the highest cash bonus offer received by sealed or oral public auction bids from qualified applicants. An applicant must qualify in base ranch property and ownership of livestock.

Before a temporary grazing permit is offered for sealed or oral public auction bidding the carrying capacity, permitted units, and grazing season for the range will be determined and advertised. The bidding will be on a cash bonus over and above the annual grazing fee. Temporary grazing permits will be annually validated and may be conditioned or limited by the department based upon range condition and carrying capacity.

When the increased capacity of a range results from range improvement work performed by the expenditures of a holder of a preference permit when such work is done with the department's written approval, the holder of the preference permit shall have the right to obtain a temporary grazing

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permit by meeting the highest cash bonus offer made by a qualified applicant at auction.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-210, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § III (part), effective 6/1/59.]

WAC 332-20-215 Free use authorization. Free use authorization will be for a specific number of animal units and will be incorporated in department permits. Authorization will be given in exchange for grazing use of lands owned or controlled by a permittee and used within a permit range. Such land will be a part of the total permit and will allow other permittees use of the grazing resource.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-215, filed 10/7/83.]

WAC 332-20-220 Grazing permits—Fees—Annual adjustments. 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 adjustments in the formula may be made by the department as additional information or changing conditions require.

Grazing fee formula:
$$\frac{L \times S \times G \times P + A}{(1 + LHT)} = \text{AUM Fee}$$

AUM Fee x Unit Equivalent x M = AUM Charge

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's selling price of livestock per pound from the reports of the Agricultural Marketing Service of the United States Department of Agriculture.
- LHT - The leasehold tax as established by law and administered by the state department of revenue.
- M - Number of months in permitted grazing season.
- A - Permittee's share of assessments on permit range lands.
- AUM Fee - Fee to be charged per animal unit month of grazing.

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

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| Cattle: | Cow and calf | 1.0 Animal Unit |
| | Cow | 1.0 |
| | Bull | 1.0 |
| | Yearling | .66 |

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| Cattle: | Cow and calf | 1.0 Animal Unit |
| | Fall calf | .5 |
| | Two year old | 1.0 |
| | Horses | 1.5 |
| Sheep: | Ewe and one lamb | 1.0 Sheep Unit |
| | Ewe and twin lambs | 1.2 |
| | Ram | 1.0 |
| | Ewe | 1.0 |

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-220, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § IV (part), effective 6/1/59.]

WAC 332-20-230 Grazing permits—Payment of fees in advance. All grazing permit fees will be paid in advance of the opening date of grazing periods or as otherwise authorized by the department.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-230, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § IV (part), effective 6/1/59.]

WAC 332-20-250 Grazing permit—Termination. The department may cancel or suspend grazing permits or preferences, in whole or in part, for a violation of the terms of the permit or of these regulations.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-250, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § V, effective 6/1/59.]

WAC 332-20-260 Decision review allowed. Any decision by the department on range matters may be reviewed with the area manager of the respective area. If the area manager cannot settle the matter, it will be forwarded to the department supervisor.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-260, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § VI, effective 6/1/59.]

WAC 332-20-270 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 department 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.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-270, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulations § VII (part), effective 6/1/59.]

WAC 332-20-290 Informal recommendations. The department recognizes the public interest in its management of state lands and the multiple use of these lands. The department is directed to give full consideration to the expressions

of the views of any interested person, industry, or organization for the equitable solution of competing public interests.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-290, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulation § VII (part), effective 6/1/59.]

WAC 332-20-300 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 health including:

(1) Compliance with livestock quarantine regulations and such other sanitary measures as may appear necessary to prevent nuisances and ensure 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.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-300, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulation § VII (part), effective 6/1/59.]

WAC 332-20-320 Grazing permits—Range improvement. Agreements must be made with the department in connection with the construction of range improvements on state range lands. Such agreements must address ownership of the improvements and its disposition at the end of the permit term. Grazing permit fees may 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 department.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-320, filed 10/7/83; Rules (part), filed 12/3/63; Permit Range Regulation § IX, effective 6/1/59.]

WAC 332-20-330 Management agreement. The department may enter into a coordinated resource management plan and other agreements with any person for the protection, preservation, and use of grazing areas in multiple ownership.

[Statutory Authority: RCW 79.28.050 and 79.28.040. WSR 83-21-018 (Order 402), § 332-20-330, filed 10/7/83; Rules (part), filed 12/3/63.]

WAC 332-20-340 Sale of grazing and other low priority lands—Objective. It is the objective of the department of natural resources in the management of public lands used primarily for grazing and similar low priority purposes to:

- (1) Obtain the greatest possible monetary return for the trust to which such land is assigned, consistent with good management practices.
- (2) Encourage the development of such lands for their highest and best use.

[Resolution No. 79, § 1, filed 10/5/67.]

WAC 332-20-350 Sale of grazing and other low priority lands—Definitions. The following definitions are applicable to RCW 79.01.301 and these rules shall be used in connection with applications, reports, leases, and other documents issued in connection therewith:

(1) "Department" shall mean the department of natural resources.

(2) "Commissioner" shall mean the commissioner of public lands.

(3) "Board" shall mean the board of natural resources as established by chapter 38, Laws of 1957 (chapter 43.30 RCW).

(4) "Proper office" shall mean the authorized office of the department of natural resources in Olympia, Washington.

(5) "Grazing land" shall mean those granted trust lands which at the present are used primarily for grazing.

(6) "Irrigated agricultural lands" shall mean any lands under irrigation which are used for the production of any agricultural commodities.

(7) "Public land" shall mean those lands conveyed to the state of Washington by the federal government and managed in trust by the department for the support of common schools, university purposes, agricultural college purposes, scientific school purposes, state normal school purposes, the erecting of public buildings at the state capitol, and for state charitable, educational, penal and reformatory institution purposes.

(8) "Low priority land" shall mean that grazing or nonirrigated land which may appear to have its highest potential for maximizing returns when used as irrigated agricultural land.

(9) "Public interest" shall mean the interest of the public in obtaining the greatest possible monetary return from granted lands for the purposes set forth in the Enabling Act of the state Constitution.

[Resolution No. 79, § 2, filed 10/5/67.]

WAC 332-20-360 Sale of grazing and other low priority lands—Applications to purchase. All applications to purchase low priority land for the purpose of development as irrigated agricultural land shall be reviewed by the board.

Applications for the purchase of land for development as irrigated agricultural lands will be received during business hours in the proper office of the department. A deposit of not less than ten dollars per acre must be submitted with the application. Each application shall be accompanied by a complete and general plan of development of the area considered for purchase, including the following:

- (1) Anticipated date of commencement of development.
- (2) Anticipated date of completion of development.
- (3) Type of development.
- (4) Source of water and the total estimated cost of water, including the cost of wells or water diversion.
- (5) Access or right of way available to the area.
- (6) Type of proposed cropping.
- (7) Anticipated production.
- (8) Market for production.
- (9) Anticipated gross return.
- (10) Anticipated value per acre when irrigation development is completed and anticipated tax payment per acre based on present millage levies.
- (11) A plat showing the area or areas to be developed for irrigation on the lands under application to purchase.
- (12) Method of financing development.
- (13) Plans for drainage.
- (14) Any further information the board may require.

[Resolution No. 79, § 3, filed 10/5/67.]

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WAC 332-20-370 Sale of grazing and other low priority lands—Protection. The board shall protect the public interest in the trust in considering applications to purchase. In considering the management of individual tracts of state land, the board shall include in its consideration of the financial benefits that may accrue to the particular beneficiary of such trust land any increased financial benefits that the beneficiary may receive from direct and indirect state and local taxes, including improvement in values resulting from private development and the local taxation benefits therefrom, if the property were to be sold into private ownership.

[Resolution No. 79, § 4, filed 10/5/67.]

WAC 332-20-380 Sale of grazing and other low priority lands—Information furnished the board. The department, in addition to the information provided by the applicant, shall also prepare for the board the following information:

(1) Department plans for development of the tract if retained in state ownership.

(2) A comparison of anticipated rental returns and appreciation in value and rental income to the trust in comparison with the anticipated economic benefits to the locality in classifying such properties for sale.

(3) A written recommendation to the board.

[Resolution No. 79, § 5, filed 10/5/67.]

WAC 332-20-390 Sale of grazing and other low priority lands—Written notice. Written notice shall be given to the applicant at least thirty days prior to the meeting of the board at which consideration will be given to his application. The applicant may appear at the board meeting in support of his application, but is not required to do so.

[Resolution No. 79, § 6, filed 10/5/67.]

WAC 332-20-400 Sale of grazing and other low priority lands—Contracts. When the board determines that a parcel of low priority lands shall be sold into private ownership for conversion to irrigated agricultural lands, the department shall enter into a contract with the purchaser for the conveyance of the lands to him upon such conditions as the board shall determine to be proper in each case. The conditions fixed by the board shall include the following:

(1) Payment to the department by the purchaser of the full purchase price, plus interest if sold on an installment basis, together with applicable fees.

(2) Completion by the purchaser of an irrigation system in conformity with the plan as set forth with the contract posted with notice of sales. The system must be completed within the time period fixed by the board which shall in no event be longer than five years.

(3) Such other conditions as the board may determine to be appropriate.

In the event the purchaser fails to satisfy any of the conditions fixed by the board, the contract for the conveyance of the lands to him shall be forfeited. The value of any improvements, less damages, made by the defaulting purchaser in partial completion of his irrigation system shall be appraised and fixed by the department. The lands shall be offered at public auction and, if leased or sold within three years to

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other than the defaulting purchaser, the successful bidder shall pay to the department the value of such improvements for disbursement to the defaulting purchaser.

[Resolution No. 79, § 7, filed 10/5/67.]