

# Roles of Agencies in Non-outbreak and Foot-and-Mouth Disease (FMD) Outbreak Situations: Permitting Sheep and Cattle Grazing Public Lands

February 2024

## Purpose

This summary aims to describe the roles of agencies that are involved in non-outbreak and foot-and-mouth disease (FMD) outbreak situations involving permit issuance for sheep and cattle grazing federal public lands in the United States. The information described herein was obtained through a series of interviews with state and federal agency representatives, published regulations (Code of Federal Regulation), publicly available agency jurisdictional documents, and a seminar (November 2022) and workshop (August 2023) with advisory group members (seven Western States sheep and cattle producers, the Public Lands Council, three state animal health officials, U.S. Department of the Interior (DOI) Bureau of Land Management (BLM), U.S. Department of Agriculture (USDA) Forest Service (USFS), U.S. Fish and Wildlife Service (USFWS), USDA Wildlife Services (WS), USDA Animal and Plant Health Inspection Service (APHIS), the American Sheep Industry Association (ASI), and the National Cattlemen’s Beef Association (NCBA). This summary provides additional details to support the guidance document, *Movement Decision Criteria for Industry and Regulatory Officials Managing Cattle and Sheep Grazing Federal Public Lands during a Foot-and-Mouth Disease (FMD) Outbreak, 2024* available at <https://seuresheepwool.org/Assets/Grazing-Fed-Public-Lands-Movement-Decision-Criteria-Guidance-FMD.pdf>. This summary complements the guidance available in the Secure Sheep and Wool Supply (SSWS) Plan ([www.seuresheepwool.org](http://www.seuresheepwool.org)) and Secure Beef Supply (SBS) Plan for Continuity of Business ([www.securebeef.org](http://www.securebeef.org)).

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## Introduction

The United States has 23,500 public land grazing allotments permitted for livestock grazing in any given year.<sup>1</sup> It is estimated that half of the U.S. ewe inventory (approximately 1.4 to 1.5 million ewes) are in the western U.S. and seasonally graze on permitted federal grazing lands. (Source: ASI, 2024). Over 40 percent of western cattle herds spend time on the 250 million acres of permitted federal grazing lands.<sup>2</sup>

Interagency coordination will be needed during an FMD outbreak between those managing the response, the agencies that oversee permitted use of federal public lands, and the agencies that oversee wildlife.

The Department of the Interior (DOI) Bureau of Land Management (BLM) and the USDA Forest Service (USFS) are two federal land management agencies that issue public land grazing permits to producers in advance of the season in which they are to move animals onto the allotments (non-outbreak situations). Together they administer 441.3 million (M) acres (BLM: 248.3M, USFS: 193M). A portion of these are available for grazing (BLM: 139M in use; USFS: 77M in use)<sup>3</sup>. These agencies also have the authority to close public access to federal public lands which may be needed in an FMD outbreak due to the fomite risk (spreading FMD virus on tires, equipment, footwear) posed by other land users.

The USDA APHIS is the federal agency that has jurisdiction over the management of foreign animal disease (FAD) outbreaks, like FMD. State Animal Health Officials (SAHO) have quarantine authority for infected or at-risk livestock premises, lead the state FAD response, and determine outbreak movement permit criteria. The USDA APHIS and States will work under a Unified Command creating policies, executing them, and coordinating FAD response activities.

Some wildlife are susceptible to FMD and the DOI U.S. Fish and Wildlife Service (USFWS), the USDA APHIS Wildlife Services (WS), and state wildlife agencies have expertise at the wildlife-livestock interface. These agencies support USDA APHIS and State officials in response efforts when requested. Their roles are described in the 2024 *Movement Decision Criteria* document.

This document does not address animals grazing on Tribal Lands. Animals moving off Tribal Lands to a location impacted by regulatory control areas will need to meet USDA APHIS and State requirements for movement.

## Roles of U.S. Forest Service (USFS) in Permitted Grazing

The U.S. Forest Service is USDA's federal land management agency that manages habitat for livestock, wildlife, and other uses beyond the scope of this document. The content in this section will focus on the topics that overlap with activities that may be impacted by an animal disease emergency (FMD outbreak).

For fiscal year 2020, the USFS reported administering nearly 5,500 permits for authorized use for approximately 2 million head of grazing livestock (primarily cattle and sheep, but also some horses, burros, and goats).<sup>1</sup>

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<sup>1</sup> USDA Grazing Statistical Summary, USFS, June 2020 at: <https://www.fs.usda.gov/rangeland-management/documents/grazing-stats/2020s/GrazingStatisticalSummaryFY2020.pdf> and DOI BLM Public Land Statistics 2022 at: [https://www.blm.gov/sites/default/files/docs/2023-07/Public\\_Lands\\_Statistics\\_2022.pdf](https://www.blm.gov/sites/default/files/docs/2023-07/Public_Lands_Statistics_2022.pdf)

<sup>2</sup> Public Lands Council, 2021 at: <http://publiclandscouncil.org/wp-content/uploads/2021/03/3-22-Informational.pdf>

<sup>3</sup> Congressional Research Service, Statistics on Livestock Grazing on Federal Lands: FY2002 to FY2016, Aug 2017, available at: <https://crsreports.congress.gov/product/pdf/R/R44932/3>

USFS works with ranchers who have term grazing permits (lasting up to 10-years) to determine the Annual Operating Instructions<sup>4</sup> (AOI) needed to graze for the coming season. This includes the start and end dates for the allotment(s) and any time on driveways/crossings to access the USFS National Forest Service land. The annual authorization paperwork is done at the local level at the Ranger District. There are Rangeland Management Specialists that work directly with permittees. This local point of contact provides a critical link in communicating changes that may need to occur in an FMD outbreak. Many more details pertaining to grazing permits with term status can be found in the USFS Handbook, Section [2209.13 Chapter 10](#).

The type of information associated with the term grazing permit includes:

- Number, kind, and class of livestock,
- Period of use, and
- Allotment(s) where grazing is permitted.

The number of livestock is either a range of livestock numbers or animal unit months<sup>5</sup> (AUMs) or the max of either of those to account for adaptive management grazing. This number also should include any management animals that will graze on the same land (saddle and pack stock). Infrastructure maintenance (fences, water troughs) is the responsibility of the grazing permittee. USFS requires fence maintenance prior to turn out.

Grazing permits are numbered based on the USFS National Forest/Ranger District ID and another number assigned by the National Forest or Grassland Supervisor. All permittees also have a number assigned to them. USDA APHIS and States will use a different numbering system for managing the FMD response and issuing outbreak movement permits. See [Appendix A](#) for USFS and BLM Organization and Responsibilities.

During the AOI meeting with permittees, the range readiness conditions are discussed that determines the “on date”. Short-term changes (delay to “on date”) can be determined at this meeting. The end date does not usually change but can be discussed at the end of the season if an extension is requested (up to 2 weeks). The extension is dependent on an environmental assessment (adequate forage, water, soil conditions, etc.). Dates on the “Temporary Grazing or Livestock Use Permit” are “generalized” dates. Situations that may delay a start date include restoration projects, weather (excessive soil moisture, inadequate vegetative growth), wildfire the previous year, or drought. If livestock cannot return to an area, USFS is not required to but will try to accommodate with an alternate vacant pasture if available for displaced permittees. This may be needed in an FMD outbreak impacting public lands. This would be an example of non-use although not specifically stated in the USFS Handbook.

USFS defers authority to state wildlife agencies for wildlife oversight. They work with state and other federal agencies to protect wildlife or mitigate livestock-wildlife conflicts.

USFS personnel help ensure compliance with state and federal animal identification and disease testing regulations for permittees grazing public lands.

## **Roles of Bureau of Land Management (BLM) in Permitted Grazing**

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<sup>4</sup> Annual Operating Instructions (AOI): Detailed USDA Forest Service approved instructions for livestock grazing administration to be implemented on a given year on a given allotment. This annual implementation document (or similar document) is based on and is consistent with terms and conditions in the term grazing permit, Allotment Management Plan, other applicable documents, and current resource conditions based on monitoring. Source: USDA Forest Service Representative, personal communication

<sup>5</sup> Animal Unit Month (AUM): Amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. The amount of oven-dry forage required by one animal unit for one month based on a forage allowance of 26 pounds per day. Not synonymous with animal-month. The term “AUM” is commonly used in three ways: a) stocking rate, as in “X acres per AUM”, b) forage allocations, as in “X AUMs in Allotment A”, or c) utilization, as in “X AUMs taken from Pasture B.” Source: U.S. Forest Service Representative, personal communication

The BLM is the Department of the Interior's federal land management agency that manages habitat for livestock, wildlife, and other uses beyond the scope of this document. The content in this section will focus on the topics that overlap with activities that may be impacted by an animal disease emergency (FMD outbreak). The regulations pertaining to BLMs jurisdiction and permit process are described in [43 CFR Subchapter 3, Part 4100](#) as well as a series of internal policies and instruction memoranda (IM).

In 2022, the BLM reports issuing almost 18,000 permits and leases on more than 21,000 allotments.<sup>6</sup> BLM reports authorized use by AUM. For fiscal year 2021, there were approximately 8.3 million AUMs of primarily cattle and sheep grazing, but also some bison, horses, burros, and goats.

BLM works with ranchers who have term grazing permits (lasting up to 10 years). Most have an Allotment Management Plan (AMP) that describes what pastures and when they will be grazed, although this is not required. Annual adjustments are made when the BLM local personnel meet with permittees to learn their grazing plans for the coming season. This is a voluntary meeting to discuss the numbers on the allotment, which pastures might be rested, and any other changes.

BLM can issue a decision to close an allotment to grazing due to fire (which could last several years), or decrease numbers because of drought, or delay the start date due to late spring (grass not ready), or wet spring (special plant status).

BLM has jurisdiction to ensure livestock are grazing in accordance with the terms and conditions of the permit or lease. BLM has CFR guidance for livestock as it pertains to following State health and sanitation requirements:

- 43 CFR 4130.7(b), authorized users shall comply with the requirements of the State in which the public lands are located relating to branding of livestock, breed, grade, and number of bulls, health and sanitation.
- 43 CFR 4140.1(c)(3), violation of State livestock laws or regulations relating to the branding of livestock; breed, grade, and number of bulls; health and sanitation requirements while grazing on public lands is a prohibited act that may affect their grazing permit or lease.

BLM defers to state wildlife agencies to manage wildlife populations. BLM often coordinates with state wildlife agencies and USFWS to manage wildlife habitat on public lands and works with grazing permittees to avoid or minimize livestock-wildlife conflicts.

## **Roles of USDA APHIS and State Agencies During Foreign Animal Disease Outbreaks**

The USDA APHIS is the lead federal agency for foreign animal disease (FAD) outbreaks. The State Animal Health Official (SAHO) leads the state FAD response. The USDA APHIS and States will work under a Unified Command creating policies, executing them, and coordinating FAD response activities.

Following an FMD diagnosis, USDA will recommend a 72-hour national movement standstill of live susceptible cloven-hooved animals (cattle, sheep, goats, pigs), semen, and embryos (germplasm). More information is available in the USDA FMD Response Plan<sup>7</sup> and the FMD Response Chronology and State Checklist<sup>8</sup>. However, without a Federal Order from the U.S. Secretary of Agriculture, a movement standstill is up to the States to implement through their quarantine authority. No new movements of susceptible

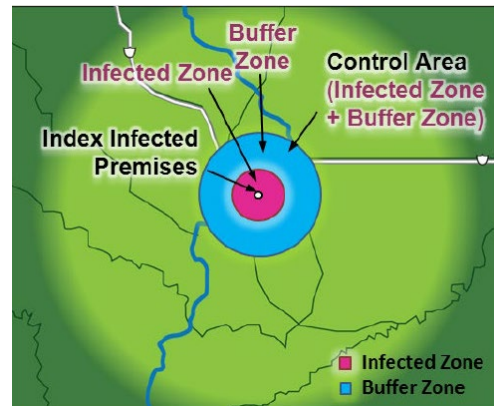
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<sup>6</sup> DOI BLM Public Land Statistics 2022 at: [https://www.blm.gov/sites/default/files/docs/2023-07/Public\\_Lands\\_Statistics\\_2022.pdf](https://www.blm.gov/sites/default/files/docs/2023-07/Public_Lands_Statistics_2022.pdf)

<sup>7</sup> USDA FMD Response Plan, October 2020 at: [https://www.aphis.usda.gov/animal\\_health/emergency\\_management/downloads/fmd\\_responseplan.pdf](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/fmd_responseplan.pdf)

<sup>8</sup> USDA FMD Response: Chronology and State Checklist, January 29, 2021 at: [https://www.aphis.usda.gov/animal\\_health/emergency\\_management/downloads/fmd-state-checklist.pdf](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/fmd-state-checklist.pdf)

livestock, semen, or embryos should occur during the standstill as an effort to limit disease spread. This would include movement of cattle or sheep to/from public grazing lands. During the 72 hours, regulatory Control Areas will be set up around Infected Premises. This is referred to as “Phase 1” of an outbreak in the USDA FAD PReP Strategy Document: “*Classification of Phases and Types of a Foot-and-Mouth Disease Outbreak and Response*”.<sup>9</sup> A Control Area should be at least 10 kilometers (6.21 miles) beyond the perimeter of the closest Infected Premises. This encompasses approximately 77,538 acres (121 square miles). This does not include the Surveillance Zone which is outside the Buffer Zone. Testing may be required in this area but permitted movements will not.



USDA FMD Response Plan 2020, Figure F-1

Infected, Suspect and Contact Premises will be managed by USDA APHIS and States under the guidance in the USDA FMD Response Plan and state plans. APHIS authorizes funding for indemnity, depopulation, disposal, virus elimination procedures, cooperative agreements, and direct contracts for response and recovery activities. States have the authority to quarantine all premises with susceptible livestock in their States’ Control Area and beyond (Suspect and Contact Premises) on public and private lands. Movement in the Control Areas will be by permit only, based on risk.

States vary in their legal ability to publicly share premises level details for Infected Premises and Control Area locations. When possible, States’ websites will provide information with the level of detail allowed by their state code. This applies to private lands. USDA APHIS can provide situation reports and infected premises information by county level on their website (does not identify specific premises information). In other FAD outbreaks in the U.S., the States hold daily or weekly calls with industry to provide outbreak updates and expectations for permits, testing, etc. APHIS holds daily calls with all State Animal Health Officials, periodic calls with industry, as well as informational webinars. Having BLM and USFS representatives on these calls if public lands are involved is one option for information sharing.

## Controlling Public Access to Control Areas

FMD is not a public health concern; it is a highly contagious animal disease. Recreationalists and other multiple users in a Control Area could pose a fomite risk (spreading FMD virus on tires, equipment, footwear). The States and USDA APHIS will need help educating, informing, and limiting access to Control Areas for people not involved in the direct care and management of livestock or wildlife.

Both BLM and USFS have procedures to follow to close or restrict public access to public lands in their respective jurisdiction.

- USFS can issue an Emergency Closure to prevent access to the affected area which includes road closures. This notice is posted publicly in all local places, on social media, the Federal Register, and coordinated with local law enforcement.
- BLM can issue a closure or restriction order, including off-highway vehicle access, under the authorities in [43 CFR 8364.1](https://www.ecfr.gov/current/title-43/chapter-I/subchapter-D/part-8364) and IM 2016-128, Requirements for Processing and Approving Temporary Public Land Closure and Restriction Orders for up to 24 months (2016). The closure must be posted in the Federal Register, on site, and at the local BLM Office. They work with counties and law enforcement.

<sup>9</sup> USDA FAD PReP Strategy Document: Classification of Phases and Types of a Foot-and-Mouth Disease Outbreak and Response, 2013 at: [https://www.aphis.usda.gov/animal\\_health/emergency\\_management/downloads/phases-and-types-of-an-fmd-outbreak\\_2013.pdf](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/phases-and-types-of-an-fmd-outbreak_2013.pdf)



These can take time to implement which may contribute to potential disease spread. The Forest Service Special Orders and Emergency Closure Orders directive describes the steps, documentation, and enforcement criteria under the regulations in [36 CFR 261.53](#) (2011) as it applies to all National Forests. It is available at: [https://www.fs.usda.gov/im/directives/fsh/1909.15/wo\\_1909.15\\_30-Amend%202023-2.docx](https://www.fs.usda.gov/im/directives/fsh/1909.15/wo_1909.15_30-Amend%202023-2.docx)

## **Restarting Movement**

Depending on the scope of the outbreak, the standstill may be lifted at hour 73 for those outside the Control Areas. Movement in the Control Areas will be by permit only, based on risk. The States have the authority to determine the permit requirements that need to be met to protect livestock in their state from disease exposure. Permits serve as a verification of safe movement for the animal/product as well as traceability records. States will communicate their permit criteria expectations to APHIS. APHIS will communicate this information with other federal agencies (USFS, BLM).

If the state does not have a Control Area after the initial 72-hour standstill, it may not have any movement restrictions or permit requirements.

### ***Movements Requiring a Permit***

In an FMD outbreak, movement permits will be required for susceptible livestock and germplasm leaving, going into, or traveling within a Control Area. People are not subject to quarantine and therefore do not need a movement permit. Items used by people that could be a fomite (contaminated object) and spread FMD may require a permit and biosecurity steps to decrease the risk. For instance, vehicles (trucks, motorcycles, ATVs), equipment that contacts animals or their areas (shearing, campers), and wool in/out of a quarantined allotment/pasture in a Control Area. Horses and other pack animals do not get FMD but can carry it on their hooves and tack and would require a movement permit. Carcass movement requires a movement permit. Working dogs that travel to/from the Control Area would also require a movement permit. Producers should be prepared to describe the biosecurity steps they will take for these movements when applying for a permit. The State and USDA may have additional requirements based on the risk.

### ***Permit Process***

Permits need to be requested/filled out by the person signing the permit who can attest to statements about the cattle, sheep or their products, health status, and biosecurity protocols. States use a variety of permit issuing/tracking systems (commercially developed and state-built). The USDA Emergency Response Management System (EMRS) is the USDA APHIS official system of record for all animal health incidents. Ranchers may or may not work directly with EMRS pending their state permitting system.

## **Acknowledgements**

The creation of this guidance document was sponsored by USDA NADPRP, American Sheep Industry Association (ASI), and National Cattlemen's Beef Association (NCBA). The *Developing movement decision criteria and exercising movement plans for livestock grazing public land allotments in and around FAD control areas through collaboration with industry, state, and federal partners* project was funded, in part, by USDA NADPRP #AP22VSSP0000C012. This guidance was developed by Danelle Bickett-Weddle, Preventalytics, consultant to the ASI and reviewed by representatives from the sheep and beef cattle industry, ASI, NCBA, Public Lands Council, and state and federal agencies including California Department of Food and Agriculture, Colorado Department of Agriculture, Nevada Department of Agriculture, USDA APHIS Veterinary Services, US Forest Service, Bureau of Land Management, US Fish and Wildlife Service, USDA Wildlife Services. It does not necessarily represent policy or positions of the USDA, or the other agencies and organizations listed.

# Appendix A: USFS and BLM Organization and Responsibilities

## USDA Forest Service (USFS)

<https://www.fs.usda.gov/about-agency/organization>

- **Headquarters** (Washington Office)
  - **Regional Foresters** (9 geographic regions) – Regional office staff coordinates activities between national forests and grasslands, monitors activities on those lands to ensure quality operations, provides guidance for forest plans, and allocates budgets to the forests.
    - **Forest and Grassland Supervisors** – Coordinates activities between districts, allocates the budget, and provides technical support to each district. There are 154 national forests and 20 grasslands, each with several ranger districts.
      - **District Rangers** – Carries out trail construction and maintenance, operation of campgrounds, and management of vegetation and wildlife habitat. There are more than 600 ranger districts, each with a staff of 10 to 100 people.
- USFS Contact Information: <https://hrm.gdcii.com/directory/>

The term “line officer” is an individual with decision making authority for USFS. It is not an official USFS title with specific responsibilities within the agency. The type of decision that needs to be made will determine which level of authority can make the call.

## Bureau of Land Management (BLM)

Source: Personal communication with BLM representative

- **Headquarters** – Provides national-level direction, oversight, policy, and support to the field across all the BLM’s programs.
  - **State Directors** (12 state offices) – State offices generally align with the respective state’s boundaries; however, a few state offices cover multiple geographic states. BLM Oregon/Washington is self-explanatory; BLM Montana/Dakotas includes Montana, North Dakota, and South Dakota; and BLM New Mexico includes New Mexico, Texas, Oklahoma, and Kansas. State offices provide state-level direction, oversight, policy, and support to the BLM’s programs on BLM-managed public lands within their state. Contact info for state offices is available at: <https://www.blm.gov/office/national-office>
    - **District Managers** (50 districts) – District managers ensure consistency across their district and supervise employees who provide support to multiple field offices. They may also make decisions for actions that span multiple field offices within their district.
      - **Field Managers** (122 field offices, 14 national monuments) – There are typically two to four field offices per district. Field managers make decisions for BLM-managed public lands within their field office and supervise the employees who implement programs on the ground and work most directly with public lands users.