



U.S. DEPARTMENT OF THE INTERIOR  
**BUREAU OF LAND  
MANAGEMENT**

## RESOURCE MANAGEMENT DURING DROUGHT

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**IM 2013-094**

Instruction Memorandum

United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Washington, D.C. 20240  
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Expires: 09/30/2014

To: All Field Office Officials  
From: Assistant Director, Renewable Resources and Planning  
Subject: Resource Management During Drought

**Program Area:** Drought Management

**Purpose:** This Instruction Memorandum (IM) provides general guidance regarding Bureau of Land Management (BLM) program management in the face of drought. It also provides specific livestock grazing program guidance. Although this guidance is centered on the biological resource programs that have direct impacts on the long-term health of rangelands, the communication and coordination principles apply to many other resource programs as well.

**Policy/Action:**

A. General Principles

Regardless of weather or climatic variation, the BLM must manage public land resources to achieve and sustain their long-term health and productivity. Lack of water due to drought stresses ecosystem functions and processes. Land uses and activities authorized or managed by the BLM affect the condition of public land resources. The BLM must modify authorized uses or management practices when necessary to lessen their impact to drought-stressed public land resources. This includes but is not limited to activities such as grazing, recreation, lands actions and minerals activities.

When deliberating the appropriate management response to adapt to drought, the BLM must consider the potential impact of that response on public land users. In turn, the BLM will strive to mitigate that impact while still promoting land health and productivity over the long term. Actions available to mitigate the impacts of public land uses and activities in the face of drought vary by program. Mitigation that involves the use of alternative water sources will involve existing water rights and typically will need long lead times, involvement of BLM water rights specialists, pre-planning with other Federal agencies, State agencies (e.g., state water boards), and stakeholders to have agreements/action plans in-place and ready to be used. The BLM will strive to timely modify any authorized uses or activities that could result in long-term damage to ecosystem functions or processes. This can be particularly important where the BLM is mandated to protect the purposes for a Congressional designation and federal reserved water rights are involved (such as on Wild and Scenic Rivers).

Field offices must be aware of whether and to what extent drought conditions exist within their area of jurisdiction. To that end, field offices may use a variety of drought monitoring and assessment tools including those found at the U.S. Drought Portal ([www.drought.gov](http://www.drought.gov)) [1] and the National Drought Mitigation Center (<http://drought.unl.edu/>). Additional useful information may be found at the National Oceanic and Atmospheric Administration's (NOAA) climate portal ([www.climate.gov](http://www.climate.gov)) and NOAA's National Weather Service website ([www.weather.gov](http://www.weather.gov)). When necessary, district and field offices should request assistance in the proper use and interpretation of the information, maps, indices, etc., that may be accessed from these sites from state office specialists, the National Operations Center or specialists at the

various units of the Predictive Services program overseen by the National Interagency Coordination Center (<http://www.predictiveservices.nifc.gov/weather/weather.htm>). The BLM offices are encouraged to share drought information that they compile both internally and externally, as well as to seek out drought information that may have been compiled by other Federal, State or local agencies.

The effects of droughts have no jurisdictional boundaries. State government organizations (e.g., the Western Governors Association/Western States Water Council/Western States Federal Agency Support Team), and State and local governments have a central and crucial role in drought management. Qualification for Federal, State or local emergency or disaster assistance typically hinges on gubernatorial or county findings or declarations. Each Western State has a drought management plan and local and tribal governments may also have plans. When developing drought assessment and response management for public lands, the BLM line managers must be aware of the drought management plans developed by other governmental entities that exist within their jurisdictional area. Field offices will ensure that their drought management efforts are compatible with these plans to the extent consistent with Federal law and policy. Most Western State drought plans as well as some local plans can be found by accessing the "Planning" tab at the National Drought Mitigation Center's website.

The BLM, as part of a landscape approach to management, is now in the process of completing Rapid Ecoregional Assessments (REA's) for several regions in the west. Once completed, REA's will identify where change agents, including climate change, have the potential to impact conservation elements. As it becomes available, the information set forth in REAs should be considered when assessing drought and potential future mitigation.

Early opportunity for input into the BLM's decision-making process is fundamental to well-balanced decisions. When determining needed adjustments to existing public land use authorizations, the preferred approach is to arrive at consensus with both the authorized parties and the interested public. Field office use of local working groups, public meetings and other outreach and input gathering activities is recommended to meet the requirements for consultation, cooperation and coordination under the grazing regulations, and other programs' processes and procedures for involving interested parties or affected users in BLM decision-making.

Offices screen proposed drought mitigation strategies and actions to determine if they trigger the requirement for National Environmental Policy Act (NEPA) compliance documentation and if so, whether existing documentation is adequate or whether additional analysis is needed. Preparing Resource Management Plans, as well as activity plans such as Allotment Management Plans and Habitat Management Plans and their supporting NEPA documents, provides a pro-active mechanism to address potential drought conditions and contingencies. Drought and its effects on resources is a gradual phenomenon. A delay in taking timely action to mitigate the effects, while undeniably urgent, does not rise to the standard for an Emergency Action under NEPA. As appropriate, line managers will use the decision process specific to their programs to implement adjustments of uses or activities to mitigate the effects of those activities on natural resources stressed by drought.

This Instruction Memorandum provides flexibility to line management and staff as they work cooperatively with public land users and other stakeholders to develop and implement drought-responsive actions during drought conditions. Success of this policy hinges on timely communication among BLM field units at all organizational levels and among livestock operators, Resource Advisory Councils, conservation and advocacy organizations, local, State and Tribal governments, other Federal agencies, and the public.

## B. Procedures

The procedures outlined below provide guidelines for line managers regarding their approach to formulating and implementing actions to mitigate the effects of BLM authorized uses on drought-stressed resources. All procedures will not be applicable to all situations and where necessary, these may be adapted or modified to suit local circumstances. This policy is supplemental to standard BLM program procedures and is intended to be used as a tool to help address and mitigate the impacts of drought.

This policy outlines an annual three-phased approach, organized using the annual seasonal cycle of livestock grazing use on public lands, to assessing drought-caused circumstances or resource conditions, and implementing responsive management actions ("assessment and response"): 1) Pre-Season; 2) Early to Mid-Season; and, 3) Late-Season to Post-Season. It is focused primarily on the grazing program and those programs that affect or are affected by the grazing program.

### 1. **Pre-Season – Preferably four or more months before, but any time before livestock turnout (or any time if use is authorized year-round).**

a. Use an interdisciplinary approach (within the confines of scarce skills availability) to: 1) identify natural resources and other applicable public values of highest vulnerability to being adversely impacted by drought; and 2) prioritize emphasis areas to focus monitoring, assessment and allocation of scarce resources and operational resources. Information sets that may be used to assess conditions and to prioritize and support responsive action include but are not limited to:

- Weather information, precipitation indices, snowpack conditions, and soil moisture indices.
- The timing and "type" of precipitation received (e.g., "effective" precipitation or rainfall) with respect to its impact on plant growth and reproduction, soil moisture recharge and surface runoff.
- Surface water flows, spring flow rates and subsurface water levels.
- Vegetation condition and use levels, and soil monitoring data.
- Fish and wildlife habitat condition, with emphasis given to critical habitat for threatened and endangered, or sensitive species.
- Wild horse or burro body condition and population distribution.
- Presence and condition of significant, vulnerable or sensitive resources or values.
- Areas that have been prioritized for assessment and evaluation of land health standards (see Manual Handbook H-4180-1 III.A.3).
- Fuel moisture levels.

- Information acquired from stakeholders, cooperators and partners.
- b. Determine whether currently available data is sufficient to inform and support drought responsive actions. Collect additional data if currently available data are deemed inadequate. Use locally-tailored checklists and “ground truthing” to ensure that critical resources and issues are addressed and to document coordination with all affected, involved or interested parties.
  - c. Maintain a continuing dialogue and timely inform line management regarding the results of drought assessments and the approaches being used to develop and implement responsive actions. When drought is widespread, State and Washington Office line management will coordinate a consistent approach to response development and implementation at the State and multi-state regional levels.
  - d. Use correspondence to: 1) inform grazing permittees and lessees and other stakeholders about current and projected drought conditions; and 2) outline potential responsive management actions that the BLM may take that would affect their use of public lands for grazing in the forthcoming grazing season. Actively engage and encourage operators in early communication and coordination in advance of possible action with a view towards identifying and implementing appropriately responsive grazing management adjustments. Whenever feasible, host or participate in on-the-ground tours to discuss conditions, concerns and possible solutions.
  - e. Adjust grazing use, as necessary, which may include *but is not limited to* reducing livestock numbers, shortening the season of use, altering pasture move dates, changing pasture rotations, authorizing water hauling (after documenting NEPA compliance), closing allotments to grazing use, or allowing use in vacant allotments.
    - Regulatory mechanisms to voluntarily implement grazing use changes include approval of applications for voluntary non-use (43 CFR 4130.2(g)), or approving applications for changes within the terms and conditions of permits and leases (43 CFR 4130.4(b)), or some combination.
    - Line officers also have the option to implement needed changes through a formal agreement between the BLM and grazing operator (which is recommended to be implemented by decision) that specifies the drought-related grazing adjustments (43 CFR 4110.3-3(a)), or by temporarily suspending or otherwise modifying use via a decision that may be put into immediate effect, if necessary (43 CFR 4110.3-2(a) and 3-3(b)).<sup>[2]</sup>
    - If using an agreement or decision, indicate within it the intended duration of the drought-related adjustments and include supporting rationale for the indicated timeframe.
    - Regulation 43 CFR 4130.6-2 provides the mechanism for the BLM to authorize use in vacant allotments. Do not modify permits and leases (43 CFR 4130.3-3) to make drought responsive short-term grazing use adjustments.
  - f. Actively monitor wild horse and burro population distribution and habitat conditions as well as current animal body condition. Whenever it appears that it may be necessary because of drought projections or conditions to take action to ensure wild horse or burro welfare (e.g. emergency gather, water hauling or direct movement of animals to other parts of a Herd Management Area (HMA), engage the State Wild Horse and Burro program lead for guidance and advice, and determine the appropriate course of action. Ensure timely utilization of standard mechanisms for informing higher organizational levels and escalating the action (Early Alerts, Escalating Issues Reports, etc.). Placement and use of temporary (not to exceed one month) portable corrals and water troughs may be required. Utilization of the approved Categorical Exclusion for Wild Horse and Burro’s (H-1790) may be used as needed.
  - g. As appropriate, engage state fish and wildlife agencies to discuss actions they intend or desire to take to address drought impacts on fish and wildlife populations and to what extent the BLM can cooperate with or facilitate these actions.
  - h. Assess and document annual work plan priorities to determine which tasks or projects will be supplanted by focused efforts to address and manage drought impacts. After appropriate communication and consultation with local staff and state program leads, field and district managers should disseminate and justify these changed priorities through line management to the state level to obtain Deputy State Director concurrence or alternate management direction.

## 2. Early to Mid-Season– Within three months after livestock turn-out and/or at the peak plant growth period.

- a. Obtain updated weather records, indices, etc., from sites accessible from the U.S. Drought Portal. Review the most recent relevant precipitation, snow pack and soil moisture records for the winter and early spring period.
- b. Evaluate on-the-ground resource conditions to determine the effects and appropriateness of continued grazing use by all users. Maintain close coordination and consultation with other biological resource program specialists, recognizing that drought will stress wild horses and burros, wildlife and aquatic dependent resources, and will compromise riparian and upland habitats. Maintain communication with local line officers and pertinent state program leads regarding drought effects on resources and actions being taken in response.

Monitor soil moisture levels in areas of concern to help assess the need for immediate or potential action. During this period, measurements in the root zone to determine available water for plants are especially important. If the technical capability of local staff to collect or interpret this information is an issue, consider partnering opportunities with other groups (e.g., the local Natural Resources Conservation Service office, local Conservation Districts).

- c. Review the adequacy of external and internal communications regarding the drought and drought responsive actions. Assess whether the level and efficiency of communication is sufficient and if not, strengthen communications efforts to address the weaknesses.

- d. Continue to interact with affected livestock permittees and lessees to refine livestock grazing management practices using the authorities identified in Section 1(e) of this IM, above. Communicate to permittees or lessees in advance the conditions or circumstances that would prompt further livestock management adjustments or modifications. Consider whether correspondence that updates all affected stakeholders regarding drought impacts and identifying areas of concern is warranted. As needed, maintain or refresh contacts with permittees and lessees, emphasizing that the need to work closely with the BLM and BLM Rangeland Management Specialists is especially important during drought periods. Whenever feasible, meet personally with livestock permittees or lessees to review and discuss drought information and needed management changes within the terms and conditions of the permit/lease. Base the extent of livestock use adjustments on assessment of all factors including past grazing use, rangeland health, residual cover, precipitation, long-term weather forecasts, and the impact of grazing on other resources present within the affected area.
- e. Track drought-related use authorization and other activity (e.g., wild horses and burros) adjustments sufficiently to enable field offices and states to answer the question: "What types and levels of adjustments in uses and activities have you made in response to drought conditions?"
- f. Continue to engage state fish and wildlife agencies to consult about drought impacts to fish and wildlife habitat conditions (e.g., species population levels, species distribution, seasonal mortality, ungulate fawning and calving success, surface water availability, etc.). During multiple-year drought cycles consult with the agency to determine if temporary reductions of ungulate populations are appropriate to provide for healthy long-term habitats.

### 3. Late-Season to Post-Season

- a. Monitor conditions in the previously identified priority drought-affected areas, including effective precipitation, utilization by all herbivores of key plant species in key areas, plant growth and reproduction, and water availability at artificial and natural water sources. Evaluate livestock distribution over the landscape. Plant and water use by livestock should occur in a manner that does not compromise terrestrial and aquatic habitat conditions or other watershed values. Ensure that use authorization compliance occurs in an efficient and systematic manner. Anticipate and promptly resolve noncompliance.
- b. Notify the permit or lease holders that they must move or remove livestock within a designated period of time, if adverse impacts to resources attributable to livestock grazing are occurring despite the drought response actions implemented under previous steps. It is recognized that predicting the severity of a drought's impact on resources is an inexact science. As feasible, consult with and communicate with the interested public. If the livestock are not timely moved or removed as directed, issue a grazing decision requiring that they be moved or removed using the authority in 43 CFR 4110.3-3(b). Field offices that administer year-round grazing should also undertake the procedures identified in the "pre-season" assessment phase before the next peak plant growth period.

### C. Other Considerations

1. The placement of portable water troughs for a period not to exceed one month is categorically excluded from NEPA analysis (516 Departmental Manual 11.9 (D)(2)), if no extraordinary circumstances (see 43 CFR 46.215) apply. (An example of an extraordinary circumstance is where the action would impact a listed and candidate species or where the action would impact cultural resources.) Address placement of portable water troughs for more than one month in a concise, focused environmental assessment. Decisions to authorize the placement of portable water troughs are issued under 43 CFR 4160.
2. If water sources are not available, typical movement of livestock as specified by the grazing permit or lease may no longer be feasible. In those cases, the following implementation options may be feasible:
  - *Enter into agreements with private entities and other agencies to allow access to more reliable water sources.* If this option is considered, the water rights associated with the more reliable sources must be reviewed to ensure that livestock use is authorized, and the proposed agreements must be reviewed to ensure that any investment of dollars by the BLM has a sound legal foundation.
  - *Construct alternative or temporary water sources, such as new wells or temporary pipelines.* These new structures typically require water rights, and often, the lead time needed to get a water right is long.
  - *Authorize additional grazing use in areas with more reliable water sources.* If use of a reliable water source is going to be increased, the water right holder(s) may need to file an application for enlargement of the water right.
  - *Haul water.* Before authorizing water hauling, the BLM must determine that appropriate water rights exist for use of the proposed water source. (For example, using a local creek to fill a water hauling tank may be unauthorized and cause problems with other parties who are relying upon that water under existing water rights.)
3. The regulation 43 CFR 4130.3-2 provides that the BLM may allow permittees or lessees to place feed supplements (e.g., salt, minerals, vitamins, protein cake, etc.) at specified locations on public lands to improve livestock or rangeland management. Such supplements provide livestock essential nutrients that are not provided by rangeland forage or facilitate more efficient digestion of rangeland forage. Regulation 43 CFR 4140.1(a)(1) provides that placing supplemental feed on public lands without authorization is prohibited.
4. Generally, do not authorize "maintenance feeding" (provision of fodder that serve as the bulk dry matter forage requirement for livestock) on public lands regardless of drought. Deny any applications for maintenance feeding on public lands due to poor forage conditions or lack of forage<sup>[3]</sup>. If circumstances are such that the public rangeland does not supply the dry matter diet requirement of livestock, the livestock need to be removed. If approved in advance by the state director, you may make exceptions for emergency

situations to the extent that livestock must be fed in order to be in sufficient condition to be safely removed. District and field managers may make an exception for overnight maintenance feeding of sheep if they are being trailed, this has been the historical practice and it occurs in compliance with state-established certified weed-free hay or forage requirements.

5. Promptly process mid-season applications to modify existing grazing authorizations to request non-use due to drought. When this occurs, line managers are authorized to waive the application fee required by 43 CFR 4130.8-3 (cross-referenced at 43 CFR 4130.4(a)) to process a replacement or supplemental billing. Regulation 43 CFR 4130.8-2(b) authorizes the BLM to refund grazing fees if previously approved grazing use is not made due to drought conditions.
6. During drought, be especially cognizant of the BLM's mandate to manage grazing and other uses in a manner that protects, conserves and restores National Landscape Conservation System values.
7. When considering whether to implement drought responsive management actions in wilderness or wilderness study areas, consult the BLM Wilderness Manual (6440), specifically the Minimum Requirement Decision Guide, and the Wilderness Study Area Manual (6330), specifically the non-impairment standard.
8. Coordinate with state fish and wildlife agencies on drought response actions and potential effects to fish and wildlife pursuant to state-level Memorandums of Understanding with the BLM.
9. Coordinate and consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service on drought response actions and potential effects to federally-listed fish and wildlife pursuant to section 7 of the Endangered Species Act.

#### D. Post Drought

The importance of achieving or maintaining rangeland health cannot be over emphasized when considering the return of grazing or other uses to a "pre-drought" basis. Time is needed to allow plants to regain vigor that was weakened by drought conditions. Residual impacts to resource conditions continue long after "normal" levels of rainfall and snowmelt have recharged soil moisture. Resource recovery from long-term or multi-year drought typically will require several years. When drought conditions ease, complete an assessment of all on-the-ground conditions and take that into account when determining whether and to what extent uses will be authorized. Where RMPs, activity plans, decisions or agreements have described criteria to be met before returning to pre-drought use levels, evaluate on the ground conditions against those criteria. If frequent emergency or nuisance removals or water hauling is required within a specific HMA due to inadequate habitat, managers should reevaluate the area and consider the possibility of removing the area's designation as an HMA through the LUP process.

Managers and staff are to engage grazing permittees and lessees, other stakeholders, the Resource Advisory Councils and the interested public in discussions about these topics. Consider what worked well and what did not work so well in addressing the drought and formalize process improvements in anticipation of the need to address future drought.

**Timeframe:** This IM is effective upon receipt and until superseded.

**Budget Impacts:** Work efforts needed to respond to drought will be budget neutral; however, work programmed prior to the onset of drought will not be accomplished if supplanted by focused efforts to assess resources and modify or carryout activities in response to drought conditions.

**Background:** Multi-year drought conditions may impact vegetative vigor and composition; create conditions suitable for invasion by exotic plants; reduce both surface and subsurface water quantities and qualities; stress fish and wildlife; negatively impact air quality and, create economic hardship for many users of public land. Regional and local-scale drought periodically reoccurs from time to time. National level drought management guidelines and recommendations for BLM-administered lands were last articulated in BLM IM 2003-0074 (January 8, 2003). The principals and recommended practices set forth in that IM are refreshed in this IM.

**Manual/Handbook Sections Affected:** None

**Coordination:** Preparation of this IM was coordinated with the Deputy State Directors, Field Committee members, Division of Decision Support Planning and NEPA (WO-210); Division of Fish, Wildlife, and Plant Conservation (WO-230); Division of Wild Horses and Burros (WO-260); Division of Environmental Quality and Protection (WO-280); Division of Public Affairs (WO-610); and the National Landscape Conservation Division (WO-410).

**Contact:** If there are any questions concerning this IM, please contact Lynda Boody, Division Chief, Division of Forest, Rangeland, Riparian and Plant Conservation (WO-220), 202-912-7222; Robert Bolton, Senior Rangeland Management Specialist, 202-912-7204; or Ken Visser, Rangeland Management Specialist, 503-808-6635.

Signed by:

Edwin L. Roberson  
Assistant Director

Renewable Resources and Planning

Authenticated by:

Ambyr Fowler  
Division of IRM Governance, WO-560

[1] The BLM is one of many government agencies that participate in the *National Integrated Drought Information System* (NIDIS), which was chartered in 2006 by Public Law 109-430. The NIDIS is administered by the National Oceanic and Atmospheric Administration (NOAA). The U.S. Drought Portal is the "public face" of the NIDIS.

[2] Issuing a grazing decision to implement an agreement for changes in use provides for administrative finality of the approval of actions that will occur under the agreement. Issuing a grazing decision where agreement cannot be reached must be preceded by a reasonable attempt at consultation, cooperation and coordination with affected grazing operators, the state having lands or responsible for managing resources in the

affected area and the interested public.

[3] Under specific criteria, the BLM may allow or require the use of providing hay or other fodder on specific sites on public lands if “animal impact” is used as a tool for land treatment. This is not considered to be maintenance feeding.

## FISCAL YEAR

2013