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February 19, 2014

The Honorable Robert Bonnie
Under Secretary for Natural Resources and Environment
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Under Secretary Bonnie:

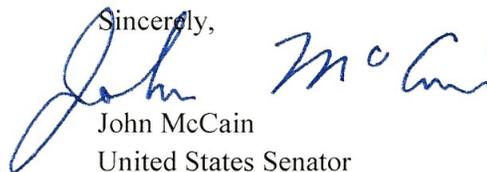
I am writing regarding a recent change in federal regulations concerning the appeal process for Forest Service grazing permits.

On June 5, 2013 the Forest Service published a new appeal regulation titled "Postdecisional Administrative Review Process for Occupancy or Use of National Forest System Lands and Resources" (36 CFR 214). This new regulation prevents a permit holder from appealing the Forest Service annual operating instructions (AOI), which controls the number of cattle allowed on the permit and how cattle will be managed throughout that given year. Prior to 2013, if a permittee did not agree with the AOI, they could follow a structured appeals process which allows for additional third-party oversight.

But, I've heard concerns from several Arizona constituents that this new regulation could limit their ability to ensure the Forest Service is employing fair, efficient, and transparent methods in rangeland management. I respectfully request that you provide me with an explanation of how the AOI appeals process has in fact changed and how those procedural changes have been structured to ensure that aggrieved permit holders and applicants have the appropriate opportunity to request relief from adverse agency decisions. Further, please outline how the new regulation ensures an unbiased third-party review of an AOI, and why other federal entities that operate independently of the agency decision-making process are not being utilized, like the National Appeals Division of the U.S. Department of Agriculture (NAD) or the Office of Hearings and Appeals of the U.S. Department of the Interior (OHA).

I would appreciate your response to this request, but let me emphasize that I am not seeking any action by the Forest Service on behalf of any single interest. I ask that this inquiry be handled in a manner consistent with existing rules and guidelines. I wish only the assurances that fairness is observed in whatever policies are being deemed appropriate by the Forest Service.

Thank you for your attention to this request.

Sincerely,

John McCain
United States Senator