

The Livestock Grazing  
Record of Decision  
for DAKOTA PRAIRIE GRASSLANDS  
FINAL ENVIRONMENTAL IMPACT STATEMENT  
AND  
LAND AND RESOURCE MANAGEMENT PLAN

**Lead Agency:**

U.S. Department of Agriculture  
Forest Service  
Northern Region

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**Recommending Official:**

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LITTLE MISSOURI, GRAND RIVER,  
CEDAR RIVER AND SHEYENNE  
National Grasslands

DENBIGH AND SOURIS Experimental Forests

Located within the North Dakota counties of  
Billings, Golden Valley, Grant, McHenry, McKenzie, Ransom,  
Richland, Sioux and Slope, and  
the South Dakota counties of  
Corson, Perkins and Ziebach

SEPTEMBER 2006

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# Table of Contents

<i>Preface</i>	<i>1</i>
<i>Planning Process Overview</i>	<i>2</i>
<i>The Scientific Review Team Results</i>	<i>2</i>
<i>The Demonstration Project</i>	<i>7</i>
<i>My Decision</i>	<i>9</i>
<i>Appeal Procedures and Implementation</i>	<i>13</i>
<i>Other Factors Considered In This Decision</i>	<i>14</i>
<i>Appendix A</i>	<i>15</i>
<i>Appendix B</i>	<i>19</i>

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## **Preface**

On July 31, 2002, my predecessor, Brad Powell, signed the Record of Decision (ROD) approving the Revised Land and Resource Management Plan (LRMP) for the Dakota Prairie Grasslands (DPG). This is commonly referred to as the “Grasslands Plan” or the LRMP.

Due to uncertainty and considerable controversy regarding the assumptions, standards and guidelines, and projected effects of the LRMP, the 2002 ROD established a “phased in” or “interim” approach to implementing the Plan’s livestock grazing direction and guidance.

Concerns were expressed that: 1) the grazing portion of the Grasslands Plan could not be implemented; and 2) that if implemented, the Plan would result in much higher reductions in livestock numbers than was predicted by the Forest Service. The Forest Service estimated a 9 percent reduction in livestock grazing levels while other interests estimated reductions of 29 to 55 percent from the previous 20-year average and 43 to 69 percent from livestock grazing association preference numbers.

As part of his decision, Regional Forester Powell chose to delay the livestock grazing decision and “test drive” the grazing portion of the Plan through the development of sample Allotment Management Plans (AMPs), which would be evaluated by an independent “Scientific Review Team” (SRT). The eight member team was selected based on recommendations from the North Dakota

governor’s office, conservation and industry groups, state and federal natural resource agencies, and county representatives. By design, no Forest Service scientists were to be members of the SRT.

After completion of the “test drive”, a final decision to either adopt the grazing portion of the Grasslands Plan or make needed adjustments or changes was to occur. The SRT completed their assigned task on November 31, 2005, and the DPG sent the results with the agency’s response to the public for comment during the month of February 2006. The public’s comments have been evaluated and the agency has completed its final response to the SRT’s Report (available on-line at <http://www.fs.fed.us/r1/dakotaprairie/>).

It has been close to four years since the initial Record of Decision was signed and 11 years since the beginning of the Northern Great Plains planning process. It is now time to move forward to implement a livestock grazing decision. Our common goal is having sustainable, healthy grasslands for current and future generations.

Before describing the key elements of my decision, I want to first provide an overview of the planning process. I will then discuss: 1) the key findings, and implications of the SRT’s Report; 2) a Demonstration Project proposal; and 3) my decision.

## **Planning Process Overview**

Public outreach and involvement for the Northern Great Plains Environmental Impact Statement (EIS) to revise three Forest/Grasslands Plans (DPG, Nebraska National Forest, and Thunder Basin National Grasslands) started in October 1995. Public meetings and workshops continued through 1996.

On July 16, 1999, the Draft EIS (DEIS) and proposed Revised Plans were released for public comment. This comment period, extended on request, closed February 3, 2000. Meetings were held with North Dakota Governor's staff from February through November of 2000 on the Grasslands Plan in an effort to utilize public comments and to clarify the standards and guidelines needed to meet the goals and objectives identified in the Draft Plan. The Final EIS (FEIS) and proposed revised

plans were released in July 2001 for a second public review and comment period, which closed January 22, 2002.

More than 74,000 letters and postcards were received on the draft and final plans, and the EISs for the Northern Great Plains planning area.

As described in the preface, the DPG LRMP was signed on July 31, 2002, with a phased decision for the livestock grazing. All other parts of the plan, including the livestock grazing portions for those associations who "opted out", continue to be implemented.

After the SRT report was released, more public review and comment was requested and received during the SRT response considerations (see below).

With the signing of this ROD, the "Planning Process" for this LRMP will be complete. Implementation and monitoring of the LRMP can fully move forward. This means all decisions from here forward will be consistent with this finalized Grasslands Plan.

## **The Scientific Review Team Results**

An independent group of scientists was assembled to review the livestock portion of the Grasslands Plan. This group, known as the Scientific Review Team (SRT), consisted of eight members: Dr. Rod Heitschmidt, Dr. Harvey Peterson, Dr. Douglas Johnson, Mr. Jeff Printz, Dr. Don Kirby, Dr. Kevin Sedivec, Mr. Kent Luttschwager, and Ms. Karen Smith. The SRT members are to be commended for their work on this process and report. Their individual backgrounds and specialties are summarized in their report available on-line at

<http://www.fs.fed.us/r1/dakotaprairie/> or by request from the Supervisor's office.

The SRT conducted 14 meetings between February of 2003 and May of 2005. During these meetings, the DPG staff presented details on 69 AMPs. These were grouped in eight study areas. Presentations were supplemented with field trips to these study areas. Representatives of the grazing associations and conservation groups also provided presentations to the SRT. Questions and

comments from the public were taken during meetings, breaks, and field trips.

It should be noted that 58 of the AMPs presented to the SRT were “mock-ups” to demonstrate how the Grasslands Plan could be applied to on-the-ground situations. These were done with limited site-specific data, and have not been through any part of the National Environmental Policy Act (NEPA) process.

However, eleven AMPs for the Cedar River National Grassland had gone through the NEPA analysis process at the time of the SRT review and are now being implemented. The Cedar River Grazing Association had requested these revised AMPs to proceed, as allowed for in the 2002 ROD, page 8.

At a public meeting on May 20, 2005, the SRT released the “Report of the Scientific Review Team.” The Team broke their evaluation into nine different sections. Based on the information and AMPs they examined, the Team was asked to provide answers to the following three questions:

***1) Can the Grasslands Plan be implemented?***

**SRT Response:** Yes, but we are uncertain of the outcome, whether the objectives and goals will be met and when.

***2) Are grazing levels in the sample AMPs similar to those projected in the FEIS?***

**SRT Response:** The proposed stocking rates in the sample AMPs are comparable to those projected in the FEIS. However, it is impossible to determine whether the projected stocking rates are appropriate to meet management goals and objectives.

***3) Was the baseline data used to develop the sample AMPs adequate?***

**SRT Response:** The answer to the question of using “appropriate” baseline data for sample AMP development is, “No.” The answer to the

question of using “available” baseline data for sample AMP development is, “Yes.” The gap between “appropriate” and “available” baseline data for developing management plans for allotments on the DPG is immense.

However, at the May 2005 presentation, Dr. Rod Heitschmidt stated the available data was appropriate for broadscale planning and analysis (Minutes of May 20, 2005). The Grasslands LRMP would be considered broadscale planning.

After the SRT Report was published and released for public review, additional questions continued to be asked by some groups. Grasslands Supervisor Dave Pieper agreed to ask the SRT to clarify their position on these questions.

Additional questions were submitted by the Heritage Alliance of North Dakota (HAND)<sup>1</sup> on June 21, 2005, and the Sheyenne Valley Grazing Association on June 17, 2005. The SRT consented to consider these additional questions and responded to these inquiries in a November 30, 2005, letter to Supervisor Pieper.

These questions and SRT responses follow:

***HAND Question 1:*** What relevance do the above statements (Note: this referred to a list of quotes from the SRT report listed in the HAND letter to the SRT) have on interpreting the new Grasslands Plan status of carrying capacity, plant community descriptions and seral stages? What are the implications of the SRT’s findings on our position that the FEIS should be rewritten on the basis of inadequate data?

**SRT Response:** The SRT report identifies an array of shortcomings relative to the ecological data needed to clearly define what management

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<sup>1</sup> The SRT response of November 30, 2005, refers to questions submitted by the McKenzie Grazing Association. In fact, the questions were submitted by HAND. The same person is president of both organizations.

tactics would most likely be required to meet landscape-level goals and objectives. The report also provides numerous recommendations to address these shortcomings.... [T]he SRT found it difficult and imprecise to fully define relationships between the new Grasslands Land and Resource Management Plan (LRMP) and carrying capacity, plant community descriptions, and seral stages. However, it is the SRT's position that an FEIS revision is not warranted because it would not significantly diminish any misgivings about the current FEIS or LRMP. It is the opinion of the SRT that the perceived problems associated with the current FEIS and LRMP stem largely from differences among affected parties in value systems rather than scientific shortcomings.

**HAND Question 2:** In general, what were the SRT's conclusions regarding the functional status of ecological processes (nutrient cycle, water cycle, and energy flow) within the Little Missouri National Grassland (LMNG)? More specifically, how do you classify (in your professional opinion) the ecological status and trends on the LMNG?

**SRT Response:** As noted in the MCGA's (Note: McKenzie County Grazing Association) original question, the SRT was not charged with determining the ecological status and trend of the LMNG, and thus, our answer is strictly our combined professional opinions. As to the functional status of ecological processes, that is an impossible question to answer and of little if any relevance unless ecological conditions are poor, which is not the general case for the LMNG. The SRT simply did not find evidence that the general ecological condition and health of the LMNG was being seriously damaged or compromised, as few if any areas appeared to be approaching an ecological threshold that would alter ecological processes substantially and permanently. A notable exception to this generalization would be the expansion of woody plants (i.e. cedar, juniper, and western

snowberry), the cause of which is attributed more to a general absence of fire as opposed to improper grazing management.

As to ecological trend, no data were provided to the SRT that would lead us to scientifically conclude ecological conditions were either dramatically increasing or decreasing. Our sense was that overall ecological conditions were relatively stable and sustainable, but significant management changes on some areas are warranted to meet established goals and objectives.

**HAND Question 3:** The SRT did not comment on the resource management goals, objectives, standards and guidelines in the Dakota Prairie Grasslands Plan (except briefly on page 33). Were these resource management criteria outside the scope and directions from the Forest Service and do the baseline data and analysis procedures (i.e. good science) adequately support the resource management goals in the FEIS?

**SRT Response:** Yes. The evaluation of the resource management goals, objectives, standards and guidelines was outside the scope of the SRT's charter. In terms of the second part of the question, we encourage members of the MCGA to re-read our report Conclusion section (Pages 32 -34) as we do not believe we can clarify our conclusions and thoughts any better today than we did when we completed the report.

**HAND Question 4:** In general what is the scientific explanation for the apparent contradiction between SRT's official response that data was inadequate to evaluate grazing strategies, yet the Forest Service was able to utilize past monitoring data to justify the transformation of the 1987 Forest Plan into the 2001 LRMP? Specifically, in your professional opinion, are monitoring data available to justify the proposed changes in resource use?



**SRT Response:** In the opinion of the SRT, the monitoring data available neither justify nor refute the need for the proposed management changes in LMNG resource use. This opinion emphasizes the continual need for ecological monitoring data to provide critical information concerning changes in and appropriateness of management strategies on the rangeland resources of the LMNG. It is also critical that all affected parties understand that proposed changes in resource use cannot be solely driven by available ecological monitoring data. Rather, public land management goals and objectives must include, by law, public driven, multiple use goals and objectives, many of which are driven by factors other than ecological condition. Livestock production is still the dominant feature of the new Plan, but the Plan must and does include other goals and objectives that reflect public land use desires.

**Sheyenne Valley Grazing Association (SVGA) Question 1:** The SVGA provides and maintains fairly detailed stocking rate and rotational information with the US Forest Service (USFS) on an annual basis. Did this information not get to the SRT?

**SRT Response:** As far as we know, the SRT was provided copies of all available SVGA historical stocking rate data, etc. However, the data provided were of marginal value to the SRT in their attempt to understand the potential impacts of previous grazing regimens on the current ecological conditions of the SNG [NOTE: Sheyenne National Grasslands]. This is because the records lacked details relative to the long-term (i.e., >1-2 years) management scheme applied to each and every pasture, including both size and number of grazing animals and grazing dates (i.e., how many animals were in pasture, what was their average weight, when did they go in and when did they come out of the pasture, etc.). The SRT does not know if better, more detailed, records were available.

**SVGA Question 2:** Water developments and cross-fencing are listed as tools to aid livestock distribution. Will the aggressive use of these and other tools adequately address the issue of ecological restoration and eliminate some herd reductions?

**SRT Response:** No. Although water development, etc. may provide significant opportunities to retain more animal units (i.e. forage demand) than currently proposed, the SRT believes SNG stocking rates will still have to be reduced substantially if any appreciable ecological recovery of these grasslands is to occur. This is largely because we believe the majority of the SNG is substantially overstocked because of insufficient number of pastures to optimize graze/rest rotational schedules, extended grazing seasons, and too many and/or too large of animals. Utilizing tools such as combining allotments, cross fencing, water developments, prescribed burning, etc. will be required to lessen, but not eliminate, the need for stocking rate reductions on the SNG. Likewise, stocking rate reductions alone will not accomplish ecological restoration.

**SVGA Question 3:** Does Recommendation IX-4b in the SRT's final report contradict findings in a study by Sieg and King (1995) concluding that precipitation is the primary influence on growing and flowering habits of the western prairie fringed orchid (WPFO)?

**SRT Response:** The recommendation statements concerning the WPFO in the final SRT report are not contradictory. In addition to favorable precipitation conditions, the WPFO requires: 1) suitable germination sites, and 2) maximized flowering and seed set opportunities for recovery efforts. Since the WPFO occurs both in small groupings (non-core areas) over thousands of acres, and also in concentrated populations (core areas) of 100 acres or less, management strategies are needed for both population distributions to maintain or enhance the WPFO. The Team recommended rotational

grazing and prescribed burning in late spring and/or fall throughout the orchid habitat (core and non-core areas) to prevent litter buildup and decrease competition for germination sites from species such as Kentucky bluegrass or other increaser/exotic species. In core orchid areas, more intensive management is warranted. Core orchid areas should be deferred from grazing in summer/early fall between the flowering through seed set phenological stages of the orchid in most if not all years. The SRT recommends a combination of deferment of a grazing unit containing a core orchid population by implementing a rotation grazing system, and/or temporary exclusion of the core orchid area using electric fencing.

**SVGA Question 4:** Are recommendations IX-2b and 2c feasible when it appears that the DPG management team finds new water development undesirable?

**SRT Response:** We are unable to answer this question based upon the information provided. The SRT is confident that these issues can be resolved at the AMP level by the Forest Service and permittees working together.

### **Forest Service Final Response**

The SRT has provided the Forest Service with very useful information to review and consider as the agency moves forward with site specific planning and implementation processes.

The Forest Service also provided the public the opportunity to review and comment on the agency's response to the SRT's Final Report.

Seven responses from the public were received and evaluated. No new issues or scientific data were presented to cause the Forest Service to change the Draft Response to the Scientific Review Team's report.

It is Forest Service intent to implement the SRT's recommendations consistent with our final response. Note, however, that as science and technology evolve, implementation of the recommendations may change over time to take advantage of new information.

There are four basic ways the Forest Service could work with the SRT's recommendations: 1) change or reinforce local policy, protocols and agreements, 2) change or reinforce monitoring practices at the Grasslands Plan or the project level, 3) change the Grasslands Plan, or 4) change or reinforce analysis techniques and practices for on-the-ground project implementation.

Because the recommendations deal with concerns such as site-specific activities, methodologies, and landscape and site-specific monitoring analyses, I have determined no changes to the Grasslands Plan are needed to implement the SRT's recommendations.

For example, consistent with Recommendation V-1 - Maintain and share detailed, pasture-specific grazing records by Grazing Association and Forest Service personnel - the Forest Service is accounting for the increase in cow and calf size in its latest round of AMPs. The implementation of this recommendation does not require a LRMP amendment but only needs to be addressed in the site-specific analysis for the allotment.

The entire Final Response to the Scientific Review Team Report is available at <http://www.fs.fed.us/r1/dakotaprairie/>.

# The Demonstration Project

Based on the continuing controversy over the livestock grazing portion of the DPG Plan, and the national grassland mandate to demonstrate sound and practical principles of multiple use management that includes grassland agriculture, a Demonstration Project is authorized by this decision.

The Demonstration Project acknowledges the unique and long working relationship between the associations and federal government while providing a template for a cooperative working relationship.

The Demonstration Project was developed cooperatively with the grazing associations and other livestock grazing interests as a vehicle to implement the livestock portion of the Grassland Plan and develop integrated AMPs while meeting all applicable laws and regulations.

## **A Long Relationship**

Among all the users of lands administered by the Forest Service, perhaps none has a more intricate and lengthy relationship with the agency than livestock grazers. The relationship began before the actual inception of the agency and continues today. Over many decades numerous laws and regulations have been promulgated to address a multitude of issues.

The relationship with livestock grazers, on what is now known as the national grasslands, started with the U.S. Department of Agriculture in the 1930s. Since the early 1950s, Forest Service regulations and policies have addressed the Bankhead-Jones Farm Tenant Act and the unique relationship with livestock grazing associations permitted to use these lands.

Gifford Pinchot, the first Chief of the Forest Service, said grazing “is primarily a local issue and should always be dealt with on local

grounds.” This maxim, I believe, is as true today as when Pinchot first spoke these words over a hundred years ago.

Although a good part of range management is based on science, frequently the day-to-day activity of managing the range is honed with local experience and knowledge.

Livestock grazers on the DPG have repeatedly expressed concerns over prescriptive measures, such as the Grasslands Plan’s standards and objectives, as being too inflexible or possibly used to eliminate or overly restrict their use of the grasslands.

They have also expressed concerns over natural disturbances such as fire and drought and how they might influence management decisions and the attainment of LRMP goals.

The Forest Service recognizes that precipitation fluctuations and other natural events influence annual production, habitat, and plant response. Desired conditions or favorable trends can be negatively affected by prolonged drought or a severe disturbance such as an intense wildfire. To maintain habitat and graze livestock during periods of disturbance takes close coordination and consultation, especially at the local or field level.

The underlying intent of the Demonstration Project is to fuse local knowledge with agency expertise to meet Plan goals while maintaining sustainable grazing operations. I believe this can be achieved through the development of state-of-the-art AMPs with livestock grazers and the interested public through a variety of collaborative processes.

## **Cooperation in Management**

Grazing agreements between state approved grazing associations and the Forest Service

make National Forest System lands and improvements on the DPG available to the associations' members for grazing in accordance with provisions of the agreements and Forest Service policies.

Although livestock grazing has continued through the 11 year LRMP planning process, few on-the-ground management changes have taken place. Many AMPs are outdated and needed management tools and grazing regime changes have not been implemented due to policy and legal constraints, and the lengthy planning process. Cooperatively developed AMPs will allow both livestock grazers and the agency to plan for the future while meeting LRMP goals and objectives.

### **Demonstration Project Rationale**

The commitment to panel a SRT to answer some key questions and to evaluate the science supporting the LRMP was a step to address livestock grazers' concerns. While the agency's view is that the Team's Final Report generally supports agency actions and processes, underlying concerns and questions are still evident.

To the question, "Can the grazing portion (standards, guidelines, objectives, and desired conditions) of the Grasslands Plan be implemented?" the Team stated, "Yes, but we are uncertain of the outcome, whether the objectives and goals will be met and when." When asked, "Did the Forest Service use the appropriate baseline data and analysis procedures (i.e. "good science") for sample AMP development?" the answer to the question of using "appropriate" baseline data for sample AMP development is, "No." The answer to the question of using "available" baseline data for sample AMP development is, "Yes."

So, while the Report is extremely valuable for both livestock grazers and the Forest Service alike, it's not a panacea. There is still uncertainty, unanswered questions, and doubt.

While the "test drive" of the grazing decision surfaced numerous issues and recommendations, actual on-the-ground implementation of the Plan, except for some allotments on the Cedar and Grand River Grazing Associations' allotments, did not occur. This Demonstration Project will take the LRMP to the ground, and implement, monitor, validate, and where necessary, change it. It moves the argument away from the hypothetical and esoteric, to practical field application.

The focus is on the collection of the "appropriate" baseline data to support key decisions and on increased monitoring and evaluation to determine: 1) how the Plan is being implemented; 2) whether Plan implementation is achieving desired outcomes; and 3) whether assumptions made in the planning process are valid.

In summary, the "test drive" for the LRMP is over. The "mock up" AMPs were an attempt to demonstrate the LRMP could be implemented. And even though the SRT members said, "Yes, the LRMP can be implemented," they qualified their statement by saying, "But the outcome is uncertain." The next logical course of action is to implement this finalized Grasslands Plan on the ground. In the end, its validity and relevancy will be measured by monitoring the health and diversity of the grasslands while meeting the public's expectations through site-specific decisions.

### **Demonstration Project Purpose**

The purpose of the Demonstration Project is to: 1) develop and implement integrated AMPs collaboratively with the respective grazing associations that share in the management of grazing on the National Grasslands; 2) to determine if LRMP Goals and Objectives are achievable or need modification; and 3) monitor progress towards meeting resource objectives.

One key goal of the Demonstration Project is to maintain or improve current on-the-ground conditions while maintaining, to the maximum extent possible, a grazing program at current AUM levels and providing sufficient habitat for grassland species.

The complete Demonstration Project, which contains more information on site-specific analysis and how we will work with the Grazing Associations, is included as Appendix A of this ROD.

The culmination of the Demonstration Project will be new AMPs for close to 600 livestock grazers who rely on the national grasslands for livestock grazing opportunities. Not only will

they be able to plan for the future, but grassland managers and the public will have firm plans that will guide management direction and identify desired conditions for grassland landscapes.

While how we do business with the grazing associations, and to some degree the public, is detailed in the Demonstration Project, the main effect to the DPG LRMP is the change of some standards to guidelines. Those changes are listed in the next section. I believe these changes will allow local Forest Service managers, the grazing associations, and interested publics more flexibility in designing a sustainable livestock grazing program while maintaining or improving grasslands health.

## **My Decision**

It is important to note this decision only applies to the livestock grazing portion of the LRMP as detailed further in this section. All other aspects of the LRMP, approved in July 2002, have already been through the decision and appeal process and are unchanged and remain in effect.

I select “Modified Alternative 3 Final” with the changes detailed below for livestock grazing. The modifications to Modified Alternative 3 Final as defined for livestock grazing in this ROD includes the following:

1. This decision authorizes grazing on the Dakota Prairie Grasslands through the issuance of grazing agreements and/or grazing permits, which will comply with the provisions of the Dakota Prairie Grasslands Plan as finalized by this ROD. This decision to authorize grazing satisfies the requirements of the Rescission Bill (Section 504 of Public Law 104-19, 7/27/95).

A no grazing alternative was considered but eliminated at the FEIS level because the Great Plains (including the DPG) evolved with several natural ecological disturbance processes, including herbivory (grazing). Grazing is an important process in achieving desired vegetation and habitat conditions to address rangeland and forest health and other issues.

Consistent with the Bankhead-Jones Farm Tenant Act, the LRMP, and Northern Great Plains FEIS, the livestock grazing authorization will provide goods and services to people while sustaining ecosystem functions. Annual adjustments in grazing numbers (AUMs) will be based on this finalized Grasslands Plan guidelines and resource conditions, and documented in Annual Operating Instructions (AOIs).

Plan direction will be specifically implemented on individual grazing allotments through the development of AMPs through the Demonstration Project. Monitoring and

evaluation of allotments will determine if the Plan’s desired conditions are being met.

As existing grazing agreements expire, they may be modified cooperatively to reflect the accomplishments of the Demonstration Project, to be consistent with Forest Service policy, the finalized Grasslands Plan, and to update changes to the Rules of Management.

While the Demonstration Project was developed cooperatively with the grazing associations and other livestock grazing interests, as it is implemented all NEPA and other legal requirements such as the Endangered Species Act and the Clean Water Act shall be met.

The effects of this decision were disclosed in the original Northern Great Plains FEIS, which accompanied the initial ROD. The effects described in the FEIS were confirmed through the review of the SRT.

2. The Final Forest Service response to the SRT report is hereby attached to the finalized Grasslands Plan as Appendix M.
3. I am adopting the Demonstration Project. This will apply to all new allotment management planning processes that start the NEPA process after this decision.

To implement portions of the Demonstration Project, changes are needed to the Grasslands Plan. I am therefore changing the standards listed in Table 1 to guidelines.

As defined in the 2002 ROD, standards are defined as actions that must be followed or are required limits to activities in order to achieve grassland goals and objectives. Guidelines are advisable actions that should be followed. The standards that implement laws, such as the National Forest Management Act (NFMA) as it relates to grazing management and species viability, for example, will remain standards. The intent of changing standards to guidelines

is to allow local decision makers flexibility to implement a viable livestock grazing program while maintaining or improving grassland resources.

It is important to note that the NFMA requires that all projects be consistent with LRMPs such as the Grasslands Plan.

If a project is not consistent with the finalized Grasslands Plan guidelines, the deciding official has three options: 1) modify the project to be consistent; 2) develop an administrative record, to Administrative Procedure Act (APA) standards, explaining why deviation from the guideline(s) is a better way of achieving desired conditions and objectives of the plan; or 3) amend the plan (see Forest Service Handbook 1909.12 and 36 CFR 219.7(a)(2)(iii)).

Options 2 and 3 require analysis and public disclosure through a NEPA process.

Those standards and guidelines from the Grasslands Plan described by the 2002 decision not listed in Table 1 remain in effect.

**Table 1: Standards Changed to Guidelines**

Plan Page #	Guidelines
1-13	1. Modify livestock grazing practices as needed to reduce adverse impacts of drought to food and cover for prairie grouse and other wildlife.
1-13	2. When installing new livestock water tanks, install durable and effective escape ramps for birds and small mammals. During maintenance of existing tanks, replace ramps that are ineffective or missing.
1-14	18. Manage for late seral condition sagebrush in selected sagebrush stands to provide quality wintering habitat for sage grouse (see Appendix H).

Plan Page #	Guidelines
1-14	19. Manage wet and sub-irrigated meadows, seeps, riparian habitats, and other wetland areas that occur in or adjacent to sage grouse habitat as key foraging areas during the spring, summer, and fall.
1-15	32. Design timing, intensity, and frequency of mowing, burning and livestock grazing to maintain or increase sensitive plant species populations and the health of rare plant communities.
1-15	33. Do not authorize vegetation management and construction projects that would further isolate or prevent recolonization of sensitive plant and animal populations from adjacent populations. <sup>2</sup>
1-15	35. Manage for natural disturbance processes when necessary to maintain early seral habitat for species such as smooth goosefoot, sandgrass, and beach heather. Do not initiate stabilization measures for habitats occupied by these species. <sup>3</sup>
1-16	43. Do not authorize uses that would deplete instream flows below levels needed to protect the aquatic habitats of sturgeon chub and other sensitive native fish species. <sup>4</sup>
1-16	49. Use livestock grazing and prescribed fire to enhance habitat suitability for prairie dogs where prairie dog expansion is desired. These areas are identified at the project level.

Plan Page #	Guidelines
1-16	50. Manage for low vegetative structure in areas where prairie dog expansion is desired. Emphasize areas adjacent to existing prairie dog colonies as well as at abandoned colony sites.
1-16	51. Manage for high vegetative structure around prairie dog towns where prairie dog expansion is not desired. Emphasize maintaining high structure between existing prairie dog colonies and private land.
1-19	2. Cooperate with states in ensuring healthy livestock (including bison), such as testing for diseases (e.g., Brucellosis) and vaccinating for other diseases prior to placement on public lands.
1-20	11. Design and implement range management strategies for meeting desired vegetation objectives using existing monitoring information and stocking rate guidelines for livestock grazing (see Appendix I).
3-4	1. Allow livestock facilities that do not detract from the character of the area.
3-5	new. Allow construction of livestock grazing related facilities and structures that are subordinate to the landscape or in keeping with the semi-primitive/primitive character of the area.
3-7	new. Allow construction of livestock grazing related facilities and structures that are subordinate to the landscape or in keeping with the semi-primitive/primitive character of the area.

<sup>2</sup> This will only be a guideline if provided species viability (a requirement under National Forest Management Act) is maintained. Otherwise it will be a standard.

<sup>3</sup> See footnote 2. Same laws apply.

<sup>4</sup> See footnote 2. Same laws apply.

Plan Page #	Guidelines
3-10	Prohibit livestock grazing in the following Special Interest areas: The Bog, Grand River Sand Dunes, White Butte, Black Cottonwood, and Burning Coal Vein/Columnar Junipers.
3-30	3. Maintain disturbance processes (fire, grazing) if required for habitat enhancement, restoration or species viability. <sup>5</sup>
3-30	5. Conflicts that cannot be mitigated are resolved in favor of specific plant and wildlife species and communities.
3-37	1. Use livestock grazing strategies that maintain or improve the vegetative composition and structure associated with the scenic qualities of the area.

See Appendix B for list of standards considered for change and rationale why some were not changed.

The project files for the Northern Great Plains FEIS and this project contain analyses that display that the effects of this decision are the same as those described for Modified Alternative 3 Final (see 2002 ROD). Provisions to ensure viable plant and animal populations, including prairie dogs and bighorn sheep, were also approved in the 2002 ROD. That part of the record has already been upheld through the administrative appeal and Secretary of Agriculture’s discretionary review process.

For these reasons, I determined a supplemental EIS is not required to support this decision.

Through the Northern Great Plains Plan Revision process, the Forest Service has estimated the effects of implementing Modified Alternative 3 Final. With regard to livestock grazing, the Forest Service has estimated an

average DPG wide nine percent reduction<sup>6</sup> in grazing levels based on the 20-year average authorized use. As noted by the SRT report, the reductions outlined in the FEIS appear to be correct, but may not be sufficient to meet Grasslands Plan goals and objectives.

Proposed changes to livestock grazing, either reductions or increases, will be monitored on-the-ground over the life of the finalized Grasslands Plan. This will ensure actions are moving resource conditions to meet, or towards meeting, resource goals, objectives and desired conditions.

This grazing decision is not a significant change from Alternative 3 Final Modified, and would not change the biological determination of effects given in the Northern Great Plains FEIS Appendix H.

This grazing decision does not substantially or significantly change our analysis or determinations of compliance with NEPA, NFMA, and the Endangered Species Act (ESA) discussed as part of Alternative 3 Final and the Modified Alternative 3 Final in the FEIS and project file.

There are three decisions in the 2002 ROD that pertain to livestock grazing: Decision 2 – Establishing grassland-wide and geographic area standards and guidelines (2002 ROD page 16), Decision 4 – Designating lands suitable for grazing and browsing (2002 ROD page 20), and Decision 6 – Develop monitoring and evaluation methods (2002 ROD page 21).

This decision does modify Decision 2, which sets grasslands-wide and geographic area standards and guidelines, by changing some standards to guidelines. Otherwise, this decision point remains the same.

<sup>6</sup> The FEIS also explains the estimated AUMs were for alternative effects comparisons. Actual stocking levels will be determined in the site-specific allotment management planning process. (See FEIS, page 3-90 through 3-91).

<sup>5</sup> See footnote 2. Same laws apply.



Decision 4 states that part of the decision authorizes the continuation of grazing on the DPG through the Forest Service permitting process. This decision affirms that point, and strengthens it by clarifying that this is the decision to re-issue the grazing permits/agreements, which authorizes grazing on the DPG, and meets the intent of the 1995 Rescission Act.

Decision 6 discusses the monitoring and evaluation methods. This portion of the 2002 ROD is not modified by this decision. Many of the SRT points are for site-specific monitoring needs. Grasslands Plan monitoring and evaluation methods will continue to be modified and strengthened.

## **Appeal Procedures and Implementation**

Under the 2005 Planning Rule I may elect to use either the administrative appeal and review procedures at 36 CFR part 217 or the objection procedures of the 2005 rule (36 CFR 219.14 e, 2). I chose to use the 36 CFR 217 appeal procedures.

In accordance with 36 CFR 217, this decision is subject to administrative review. A written appeal of this decision must be filed in duplicate within 90 days of the date of the published legal notice. Appeals must be filed with:

USDA Forest Service  
Attention: Ecosystem Management Staff  
(vice Steve Segovia)  
1400 Independence Ave. SW  
Mail Stop 1104  
Washington, DC 20250-0003

It is the responsibility of those who appeal a decision to provide sufficient written evidence and rationale to show why my decision should be changed or reversed. Appeals must meet the content requirements of 36 CFR 217.9, which include:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR Part 217.
- The name, address, and telephone number of the appellant.
- Identification of the decision to which the objection is being made.
- Identification of the document in which the decision is contained, by title and subject, date of the decision, and name and title of the Responsible Official.
- Identification of the specific portion of the decision to which objection is made.
- The reasons for appeal, including issues of fact, law, regulation, or policy and, if applicable, specifically how the decision violates law, regulation, or policy.
- Identification of the specific change(s) in the decision that the appellant seeks.

Final decisions on proposed projects, including AMPs, will be made after site-specific analysis and documentation in compliance with NEPA and are subject to appeal at that time. For questions concerning the appeal process, contact the Washington Office at the same address listed above.

For questions concerning this finalized Grasslands Plan, contact:

Dave Pieper  
Grasslands Supervisor

or

Brenda Quale  
NEPA/Appeals/Litigation/FOIA  
Coordinator  
Dakota Prairie Grasslands  
240 West Century Avenue  
Bismarck, ND 58503  
701.250.4443, extension 105

Reviewers are encouraged to contact the Grasslands Supervisor before submitting appeals to determine if misunderstandings or concerns can be clarified or resolved.

Implementation of this ROD will occur seven (7) calendar days after the legal notice of this decision is published in the newspaper of record (the *Missoulian* in Missoula, Montana).

Refer to the implementation section of the 2002 ROD for further implementation details.

## Other Factors Considered In This Decision

The change from standards to guidelines outlined above is the only change to the Grasslands Plan from the 2002 ROD. This

change does not alter the findings required by other laws considered and disclosed in the 2002 ROD.

  
ABIGAIL R. KIMBELL  
Regional Forester

  
Date

# Appendix A

## DAKOTA PRAIRIE GRASSLANDS DEMONSTRATION PROJECT

**Background:** The Record of Decision (ROD) implementing the Dakota Prairie Grassland (DPG) Land and Resource Management Plan (LRMP) was signed on July 31, 2002. Due to uncertainty and considerable controversy, regarding the assumptions, standards and guidelines, and projected effects of the LRMP, the ROD established a “phased in” approach for the livestock grazing program and the creation of an independent Scientific Review Team (SRT) to examine the Plan’s supporting science and estimated effects.

**Issues:** The Forest Service estimated a nine percent reduction in livestock grazing levels while other interests estimated reductions of 29 to 55 percent from the previous 20-year average and 43 to 69 percent from permitted numbers. Sixty-nine “mock up” sample allotment management plans (AMPs) were developed for SRT review during the two-year review process.

**SRT Conclusions:** The SRT members’ comments on the sample AMP reports stated that “Yes, the LRMP can be implemented.” However, the general qualifier to that statement was, “But the outcome is uncertain.” On the question “Are grazing levels in the sample AMPs similar to those projected in the Final Environmental Impact Statement (FEIS)?” the SRT stated “...that the proposed stocking rates in the sample AMPs are comparable to those projected in the FEIS,” but they also noted, ...“it is impossible to determine whether the projected stocking rates are appropriate to meet management goals and objectives.” After public comment, the Final DPG response to the SRT reports will be an appendix to the Grasslands Plan. All of the SRT recommendations and the Forest Service response will be incorporated into this demonstration project through this appendix. Recommendations shall be followed consistent with the Final SRT Report and the Forest Service response.

### Demonstration Project Purpose

Based on the SRT’s findings and recommendations, the continuing controversy over the livestock grazing portion of the DPG Plan, and the national grassland mandate to demonstrate sound and practical principles of multiple use management that includes grassland agriculture, a pilot demonstration project is being proposed. The purpose of the demonstration project would be to develop and implement integrated allotment management plans pursuant to a collaborative process with the respective grazing associations that share in the management of grazing on the National Grasslands, to determine if Plan Goals and Objectives are achievable or need modification, and monitor progress towards meeting the resource objectives. Consistent with the Bankhead-Jones Farm Tenant Act (BJFTA), the stated objectives of the land utilization projects, the Presidential Executive Orders, and other applicable federal law and policy to maintain open space and economically viable ranching operations, the Forest Service will seek, to the maximum extent practicable, to minimize any livestock grazing reductions in implementing the DPG LRMP, and to resolve resource management conflicts.

## Demonstration Project Proposal

**Objective:** To provide for long-term sustainable multiple use management on the DPG, to build a common vision for national grassland resources, and to demonstrate sound and practical management of grassland ecosystems for the multiple benefits of grassland agriculture, local communities, the rural economy and the public.

**Strategy:** Allotment Management Plans (AMPs) will be developed at the landscape or multiple allotment level. The pre-NEPA process would be completed in careful consultation, coordination, and cooperation with the grazing associations representing their members working in concert with the Forest Service. Either the traditional method of the Forest Service and grazing association and individual member or an inclusive collaborative approach, such as Coordinated Resource Management (CRM), will be used. This process must be requested by an association and the association will be involved, not just the member. Regardless of the model selected, the grazing associations and the Forest Service shall agree to the collaborative approach. For agency decisions under this pilot proposal and if requested by a grazing permittee, the Forest Service shall use, in accordance with the agency's informal appeals regulations, the Farm Service Agency certified ND Department of Agriculture Mediation program.

CRM is a stakeholder consensus decision-making process sponsored by the Society for Range Management (SRM) and numerous other private and public institutions. This sort of inclusive collaborative approach works best with grassroots support and participation. CRM complements regulatory process, such as the National Environmental Policy Act, and responds to mandates to incorporate the public in decision-making. Trained facilitators conduct the process, participation is voluntary, and most importantly, CRM is landowner initiated.

### Pilot Project Provisions

- 1) The Demonstration Project will be included in the Record of Decision for the livestock grazing portion of the Plan. Restoration strategies for the Sheyenne National Grassland will be amended to the Plan as provided in provision no. 6 below.
- 2) The ROD will authorize livestock grazing, meeting Rescission Act requirements.
- 3) The Project will initially be for ten years and can be extended if mutually agreeable. During this time, selected AMPs will be developed and implemented, working through the processes described in this document. Goals, objectives, standards and guidelines related to livestock grazing in the Grasslands Plan will be assessed. If adjustments are needed, Grassland Plan amendments will be proposed.
- 4) To provide maximum flexibility for this demonstration project, and to synchronize language in the ROD and LRMP, LRMP standards relative to livestock grazing will become guidelines, except those based on law and regulation (i.e., Clean Water Act, Endangered Species Act, etc.). Goals and objectives may also be modified or changed to meet on-the-ground conditions and/or capabilities. One goal will be to maintain or improve current on-the-ground conditions to maintain, to the maximum extent possible, a grazing program at current levels and provide sufficient habitat for grassland species. Site-specific amendments to the DPG Plan to incorporate these changes will be done, as needed. The terms of the Demonstration Project supercede any inconsistent terms in the ROD or the DPG LRMP.
- 5) Scientific Review Team (SRT) recommendations will be incorporated into and implemented through the Final ROD and the livestock grazing allotment management planning process after clarifying questions (see July 8, 2005 HAND letter) have been addressed and the public has had

opportunity to review and comment on the Forest Service's response to the Team's final report. As recommended by the SRT, the Forest Service will only apply vegetative structural objectives to biologically capable lands in the development of the AMPs.

6) The Forest Service will include the Sheyenne Valley Grazing Association in the development of the restoration and range management strategies for the Sheyenne National Grassland. A key SRT recommendation suggests that plans for restoration be implemented on a pilot basis and then only expanded if plans first succeed on a limited basis. The Forest Service will coordinate with other USDA agencies, the Sheyenne Valley Grazing Association and others to explore other opportunities, such as using Conservation Reserve Program (CRP) lands or other private lands as forage reserves, to maintain permitted Animal Unit Months (AUMs) while restoration efforts are underway. Aerial spraying of noxious weeds will be considered on the Sheyenne National Grasslands in the DPG Noxious Weed EIS. Such strategies will be amended to the DPG LRMP livestock grazing portion of the plan as they are completed.

7) The working groups' or Forest Service and the grazing associations and their members' proposals would be carried forward in the National Environmental Policy Act (NEPA) process as the Forest Service's proposed action for the AMP and any related LRMP amendments, provided they are consistent with existing law.

8) The range of alternatives might include, but are not limited to: 1) The proposed action, which would be the approach agreed to by the grazing associations and the Forest Service; 2) A "permitted" and/or "preference" livestock alternative; 3) An alternative that maximizes other resource values based on Plan goals, objectives and guidelines; 4) The "no action" alternative which will be the "no grazing" alternative; and 5) An alternative considering current management as it is being implemented on the allotment, if it meets the purpose and need for the project and LRMP goals and objectives.

9) The DPG will prioritize funding for monitoring. Project-level livestock grazing monitoring will be used to measure progress towards meeting the resource goals and objectives as stated in the LRMP, using the LRMP Monitoring and Evaluation direction (Chapter 4) and the Memorandum of Understanding between the Public Lands Council (PLC) and the Forest Service. In accordance with the MOU, the records for monitoring results will be retained and available for public review. As stated in the 2002 ROD and SRT response, monitoring is vital to public land management. Monitoring will be needed to establish whether or not desired conditions have already been achieved before consideration of livestock number or AUM adjustments. There will be no cuts in permitted AUMs without monitoring showing that livestock are principally responsible for not meeting the desired condition, and that the cuts are the only ecologically practicable and economically feasible means available for meeting the desired condition. In these circumstances, the Forest Service will work with the grazing associations to minimize livestock grazing reductions.

10) Lessons learned from this Demonstration Project will be used to undertake plan amendments throughout the life of the project. The monitoring data will also provide the foundation for future DPG LRMPs.

11) The existing grazing agreements will stay in effect through their term at which point they may be modified cooperatively to reflect the accomplishments of this project, to be consistent with Forest Service policy and the LRMP, and to update changes to the Rules of Management. Expiration of a grazing agreement will not be the basis for reducing livestock numbers. The AMP process, including monitoring, will be used to implement the Grasslands Plan and will be the basis for any adjustments to livestock numbers. Current grazing agreements will also be extended if mutually agreeable.

12) The Forest Service will comply with all applicable federal laws and executive orders. This includes the Bankhead-Jones Farm Tenant Act.

## Summary

Due to the continuing uncertainty and controversy over the livestock grazing portion of the Dakota Prairie Grasslands Land and Resource Management Plan, a pilot Demonstration Project is being proposed. The proposal essentially extends the initial “test drive” to the field. This Demonstration Project proposal will be incorporated into the Record of Decision (ROD) for the livestock grazing portion of the Plan. Prior to issuing the ROD, the Forest Service’s final draft response to the Scientific Review Team’s Final Report will be made available for public review and comment.

The ROD will finalize the authorization of livestock grazing consistent with 36 CFR 219. This authorization will meet Rescission Act requirements.

The Demonstration Project will initially be for ten years. After this time, it will be considered for extension. Goals include: maintaining or improving current on-the-ground conditions and supporting sustainable grazing operations and practices.

A key provision in the proposal is the changing of the current Plan’s livestock grazing standards to guidelines, except for those required by law or regulation. A comprehensive list of current applicable livestock grazing standards has been identified and will be used as part of the Demonstration Project (see attachment). For those standards not changed to guidelines, the supporting law or regulation has been identified. The livestock grazing standards changed to guidelines will be included in the ROD.

The Record of Decision implementing the livestock grazing portion of the Dakota Prairie Grasslands LRMP will be subject to administrative review pursuant to 36 CFR Part 217.

# Appendix B

## STANDARD TO GUIDELINES CONSIDERED AND RATIONALE

PAGE #	STANDARD	WHY NOT SUITABLE FOR CONVERSION TO GUIDELINE
1-13	1. Modify livestock grazing practices as needed to reduce adverse impacts of drought to food and cover for prairie grouse and other wildlife.	
1-13	2. When installing new livestock water tanks, install durable and effective escape ramps for birds and small mammals. During maintenance of existing tanks, replace ramps that are ineffective or missing.	
1-14	18. Manage for late seral condition sagebrush in selected sagebrush stands to provide quality wintering habitat for sage grouse (see Appendix H).	
1-14	19. Manage wet and sub-irrigated meadows, seeps, riparian habitats, and other wetland areas that occur in or adjacent to sage grouse habitat as key foraging areas during the spring, summer, and fall.	
1-15	32. Design timing, intensity, and frequency of mowing, burning and livestock grazing to maintain or increase sensitive plant species populations and the health of rare plant communities.	
1-15	33. Do not authorize vegetation management and construction projects that would further isolate or prevent re-colonization of sensitive plant and animal populations from adjacent populations.	Not suitable if species viability (a requirement under NFMA) is at risk.
1-15	35. Manage for natural disturbance processes when necessary to maintain early seral habitat for species such as smooth goosefoot, sandgrass, and beach heather. Do not initiate stabilization measures for habitats occupied by these species.	
1-16	43. Do not authorize uses that would deplete instream flows below levels needed to protect the aquatic habitats of sturgeon chub and other sensitive native fish species.	Not suitable if species viability (a requirement under NFMA) is at risk.
1-16	49. Use livestock grazing and prescribed fire to enhance habitat suitability for prairie dogs where prairie dog expansion is desired. These areas are identified at the project level.	

PAGE #	STANDARD	WHY NOT SUITABLE FOR CONVERSION TO GUIDELINE
1-16	50. Manage for low vegetative structure in areas where prairie dog expansion is desired. Emphasize areas adjacent to existing prairie dog colonies as well as at abandoned colony sites.	
1-16	51. Manage for high vegetative structure around prairie dog towns where prairie dog expansion is not desired. Emphasize maintaining high structure between existing prairie dog colonies and private land.	
1-19	2. Cooperate with states in ensuring healthy livestock (including bison), such as testing for diseases (e.g., Brucellosis) and vaccinating for other diseases prior to placement on public lands.	
1-20	11. Design and implement range management strategies for meeting desired vegetation objectives using existing monitoring information and stocking rate guidelines for livestock grazing (see Appendix I).	
3-4	1. Allow livestock facilities that do not detract from the character of the area.	
3-5	NEW (under Infrastructure) Allow construction of livestock grazing related facilities and structures that are subordinate to the landscape or in keeping with the semi-primitive/primitive character of the area.	
3-7	NEW (under Infrastructure) Allow construction of livestock grazing related facilities and structures that are subordinate to the landscape or in keeping with the semi-primitive/primitive character of the area.	
3-10	Prohibit livestock grazing in various Special Interest areas.	
3-30	3. Maintain disturbance processes (fire, grazing) if required for habitat enhancement, restoration or species viability.	Not suitable if species viability (a requirement under NFMA) is at risk.
3-30	5. Conflicts that cannot be mitigated are resolved in favor of specific plant and wildlife species and communities.	
3-37	1. Use livestock grazing strategies that maintain or improve the vegetative composition and structure associated with the scenic qualities of the area.	



PAGE #	STANDARD	WHY NOT SUITABLE FOR CONVERSION TO GUIDELINE
1-9	1. Manage land treatments to conserve site moisture and to protect long-term stream, wetland, and riparian area health from damage by increased runoff.	No. The Bankhead-Jones Farm Tenant Act of 1937 (as amended) directs the Secretary of Agriculture to conserve surface and subsurface moisture.
1-9	2. Allow only those actions next to perennial and intermittent streams, seeps, springs, lakes, and wetlands that maintain or improve long-term proper functioning of riparian ecosystem conditions.	No. The Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended) and National Forest Management Act of 1976 both contain provisions requiring such actions.
1-9	3. Design activities to protect and manage the riparian ecosystem. Maintain the integrity of the ecosystem, including quantity and quality of surface and ground water.	No. The Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended), Federal water Pollution Control Act Amendments of 1972, and National Forest Management Act of 1976 contain provisions requiring such actions.
1-10	8. Maintain long-term ground cover, soil structure, water budgets, and flow patterns of wetlands to sustain their ecological function and meet regulations found in Section 404(b)(1) of the Clean Water Act. The 404 regulations were established by the Environmental Protection Agency and constitute the substantive environmental criteria used in evaluating activities.	No. The Clean Water Act requires such actions.
1-15	36. Ensure that management actions do not contribute to loss of population viability for Forest Service sensitive plant species.	No. Maintaining population viability is a requirement under the National Forest Management Act.
2-31	7. Implement the most current Recovery Strategy for the Western Prairie Fringed Orchid covering land management activities and uses for core, satellite, and other allotments containing orchids ( <i>See Appendix N.</i> ).	No. The intent of this standard is to comply with the Endangered Species Act and was not part of the “phased” grazing decision. The decision to proceed with these orchid conservation measures was made in the 2002 LRMP ROD (see ROD, p. 5.)
3-35	2. Prohibit development of new flow (artesian) wells.	No. The Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended) and National Forest Management Act of 1976 both contain provisions requiring such actions.

<b>PAGE #</b>	<b>STANDARD</b>	<b>WHY NOT SUITABLE FOR CONVERSION TO GUIDELINE</b>
3-23, 3-26	1. Do not convert existing livestock allotments to domestic sheep or goat allotments in or adjoining this management area.	No. Based on past disease outbreaks on the Little Missouri National Grassland, this would very likely result in a loss of bighorn sheep viability in the planning area (and so violate the National Forest Management Act).
3-30	2. Protect wetlands habitat to maintain their hydrologic regimes.	No. The Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended) and National Forest Management Act of 1976 both contain provisions requiring such actions.