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# PREFACE

## Understanding the Revised Land and Resource Management Plan for the Dakota Prairie Grasslands

Revised land and resource management plans, often referred to as forest or grassland management plans, are prepared in accordance with the *1976 National Forest Management Act* (NFMA), the *1969 National Environmental Policy Act* (NEPA), and other laws and associated regulations.

This preface addresses management of the Dakota Prairie Grasslands, newly reorganized in 1998 from National Forest System (NFS) lands formerly administered by the Custer National Forest. The revised management plan for the Dakota Prairie Grasslands will replace the current *1987 Custer National Forest Land and Resource Management Plan* for the national grasslands units, including the Grand River National Grassland in South Dakota and the Cedar River National Grassland, the Little Missouri National Grassland, and the Sheyenne National Grassland in North Dakota.

### **PURPOSE OF THIS REVISED MANAGEMENT PLAN**

This Revised Management Plan offers guidance for all resource management activities on the Dakota Prairie Grasslands. It identifies management standards and guidelines; and describes resource management practices, levels of resource use and protection, and the availability and suitability of lands for resource management.

This Revised Management Plan embodies the provisions of the NFMA, the implementing regulations, and other guiding documents. Land-use determinations, management area prescriptions, and standards and guidelines are statements of the management direction. Projected outputs, outcomes, services, and rates of implementation are dependent on the annual budgeting process.

### **RELATIONSHIP OF THIS REVISED MANAGEMENT PLAN TO OTHER DOCUMENTS**

Five alternatives were developed for revising the current management plan for lands administered by the Dakota Prairie Grasslands. Portions of the management plan are the same in all alternatives, while other parts vary. Management direction is shown for Alternative 3 Final (preferred alternative) in this document.

Alternatives were formulated according to the NFMA and NEPA. An extensive analysis of the alternatives is described in the accompanying final environmental impact statement (FEIS). The planning process and the analysis procedures used to develop this Revised Management Plan are described or referred to in the FEIS. The FEIS also describes other alternatives considered in the planning process.

Upon release of the final revised land and resource management plan for the Dakota Prairie Grasslands, specific activities and projects will be designed to carry out the plan's direction. Forest Service managers will do additional site-specific environmental analyses on all projects, incorporating data and evaluations in project planning and implementation. All project analysis will tier to the FEIS.

## **READER'S GUIDE TO THIS REVISED MANAGEMENT PLAN**

The reader will find the following in this document:

### **Chapter 1: Grassland-wide Direction**

This chapter contains direction that applies grassland-wide, unless more stringent or restrictive direction is found in Chapters 2 or 3. Direction that is given for specific species in Chapter 1 only applies to the range of the species. The grassland-wide direction includes national and regional goals, as well as grassland-wide goals, objectives, standards and guidelines. Additional clarification to the direction can be found in the appendices.

### **Chapter 2: Geographic Area Direction**

Geographic areas include management direction that is too specific to apply across an entire grassland or several grasslands. For example, desired vegetation conditions need to be tailored to the vegetation types, climate, and productivity of a specific area. The geographic area direction is applied to the area in addition to the grassland-wide direction in Chapter 1, and the management area direction in Chapter 3.

This chapter contains a brief section on each geographic area, which includes:

- Description of the physical setting and unique features,
- Description of the desired conditions and management emphases; and
- Geographic area objectives, standards, and guidelines.

The setting section describes such things as the size, location, climate, and major drainages, and topographic and vegetation features of the area. The setting section is followed by highlights of unique attributes of the area.

Maps at the back of the chapter also display direction for the geographic areas, including:

- Recreation Opportunity Spectrum (ROS) settings
- Scenic Integrity Objectives (SIOs)

Geographic areas are delineated on the enclosed Alternative 3 map.

### **Chapter 3: Management Area Direction**

Management areas are defined as parts of the grassland that are managed for a particular emphasis or theme. Each management area has a theme, desired conditions, and the standards and guidelines that apply to it (in addition to grassland-wide and geographic area standards and guidelines).

For this revision, linear, point, and small management areas were combined into other management areas, or are handled through standards and guidelines. This includes campgrounds and picnic grounds (developed recreation sites), utility corridors, and riparian areas.

Management areas devoted to a particular wildlife species, plant species, or “unique” plant and animal community were consolidated into "special" plant and wildlife areas.

## **Chapter 4: Monitoring and Evaluation**

Monitoring and evaluation are conducted at several scales and for many purposes, each of which has different objectives and requirements. Monitoring requirements and tasks are developed to be responsive to the objectives and scale of the plan, program, or project to be monitored.

Monitoring and evaluation are separate, sequential activities required by NFMA regulations to determine how well objectives have been met and how closely management standards and guidelines have been applied. Monitoring generally includes the collection of data and information, either by observation or measurement. Evaluation is the analysis of the data and information collected during the monitoring phase. The evaluation results are used to determine the need to revise management plans or how they are implemented, and form a basis for adapting management on the national grasslands. Monitoring and evaluation help keep the revised management plan up-to-date and responsive to changing issues by verifying the effectiveness of management plan standards and guidelines and anticipated program and project effects on resources, and providing information for amendments to the management plan.

This chapter provides programmatic direction for monitoring and evaluating management plan implementation. Monitoring provides the grasslands supervisor for the Dakota Prairie Grasslands with the information necessary to determine whether the revised management plan is sufficient to guide management of the national grasslands for the subsequent year or whether modification of the plan is needed.

## **Appendices**

In addition, 14 appendices are included in this Revised Management Plan. They include:

- Appendix A: Air Quality
- Appendix B: Recommended Fence Specifications for Big Game Movement
- Appendix C: Determining Animal Unit Equivalent Based on Livestock Weight
- Appendix D: Oil and Gas Stipulations
- Appendix E: Guideline for Constructing User-friendly Gates
- Appendix F: Geology and Minerals
- Appendix G: Glossary
- Appendix H: Habitat Descriptions for Management Indicator Species
- Appendix I: Stocking Rate Guidelines
- Appendix J: Paleontology
- Appendix K: National Goals
- Appendix L: National and Regional Policies
- Appendix M: Accidental Disturbance of Human Remains
- Appendix N: Western Prairie Fringed Orchid Management Guidelines

## **IMPLEMENTATION OF LAND AND RESOURCE MANAGEMENT PLANS**

### **Introduction**

This Revised Management Plan identifies the framework to guide the day-to-day resource management operations on the Dakota Prairie Grasslands, and subsequent land and resource management decisions made during project planning. The NFMA requires that resource plans and permits, contracts, and other instruments issued for the use and occupancy of National Forest System (NFS) lands be consistent with the final revised management plan. Site-specific project decisions also must be consistent with the final revised management plan, unless the plan is modified by amendment.

### **Project-level Decisions**

There are two objectives for project planning. In agency-initiated actions, the objective is to move toward or achieve the integrated direction in the management plan through the action. For example, if improvement of fisheries habitat is a grassland-wide goal, projects to move toward or achieve that goal might include placement of fish habitat structures in a stream to promote recovery of streamside vegetation.

For proposals made by others, the objective of project planning is to decide if the proposal is or could be made consistent with grassland-wide, management area, and geographic area direction. In addition, it must be decided if the project is in the public's interest in terms of grassland-wide

goals and objectives. An example of an external proposal might be the construction of a road or utility line serving private land across NFS lands.

The following ideas are important:

- Management plan goals and objectives guide the identification and selection of potential agency projects.
- The determination of whether an individual project is consistent with the management plan shall be based on whether the project follows grassland-wide, management area and geographic area direction.
- Projects that cannot comply with standards in the plan must be found inconsistent with management direction, unless the standard is modified through amendment. In the latter case, project approval and management plan amendment may be accomplished simultaneously.
- Grassland-wide and management area guidelines, project-specific outputs, and activity schedules should not be used in the consistency determination. Under those circumstances where a guideline is modified or not applied as described in the plan, the responsible official should recognize the purposes for which the guideline was developed. He or she should also provide assurance that any subsequently approved actions do not conflict with the objectives the guideline was intended to achieve. This will be documented during project analysis following the NEPA procedures.
- Resource plans and permits, contracts, and other instruments issued for the use and occupancy of NFS lands must be consistent with the plan, unless specifically exempted from applicability in an amendment or revision decision document. Determinations of consistency of permits, contracts, and other instruments for occupancy and use of NFS lands are based on whether they follow grassland-wide and management area standards.
- Generally, it is during plan implementation--when a project decision is made-- that the irretrievable commitment of resources is also made. Therefore, before making decisions, additional environmental analysis and site-specific disclosure of environmental effects are required according to NEPA procedures.

Following are some examples of site-specific project decisions that require additional environmental analyses and disclosure as the management plan is carried out. This list is not intended to be all-inclusive:

- Allotment management plans.
- Wildlife improvement projects.
- Watershed improvement projects, abandoned-mine reclamation, and federal facility compliance projects (projects generating air and/or water pollutants and hazardous-material treatment or removal).
- Prescribed-burn projects in support of resource management objectives.
- Decisions for winter-sports development, outfitter-guide proposals for Wilderness or other areas, and other externally generated projects involving occupancy and use of NFS lands.
- Selection of roads and trails where motorized vehicle travel will be allowed, prohibited, or limited.

- Construction and reconstruction of trails, roads, staging areas, buildings, dams, bridges, recreation sites, utilities, potable water systems and road closures.
- Notice of intent to operate, prospecting permits, plans of operation, surface use plans of operation (36 CFR 228 C and E), and mineral sales contracts.

## **Operational Activities Exempt from the National Environmental Policy Act (NEPA) Process**

To help carry out the management plan, national grasslands staff conduct resource inventories, prepare action plans and schedules, and administer previously approved activities. These are called operational activities. They represent neither binding decisions nor irretrievable commitments of resources, so they are not subject to environmental analyses and disclosure under NEPA procedures.

Following are some examples of operational activities that do not constitute site-specific project decisions, and are therefore exempt from NEPA procedures. The list is not all-inclusive:

- Developing five-year wildlife action plans (FSM 2620).
- Conducting resource inventories or identifying adverse air-quality conditions in Class I airsheds (FSM 2580).
- Developing fire-situation reports, escaped-fire-situation analyses, fire evaluations, fire-season severity requests, fire-management action plans, and dispatching fires (FSM 5120, 5130).
- Developing implementation schedules, three- to five-year plans, etc.
- Scheduling maintenance for developed recreation sites, developing heritage-resource overview, scenic byway management plans, and interpretive plans (FSM 2330, 2360, 2380, 2390).
- Preparing landownership adjustment plans (FSM 5400).

**Note:** Operational activities exempt from the NEPA process are not synonymous with "categorical exclusions." Operational activities, as indicated in the examples above, do not represent irreversible commitments of resources and do not, in themselves, create any environmental effects. Actions that can be categorically excluded from documentation in an environmental assessment or environmental impact statement are described in FSM 1952.2 and FSH 1909.15. These actions may represent irreversible commitments of resources, but do not individually or cumulatively have significant effects on the human environment.

## **Public Involvement and Coordination with Other Government Agencies**

Ongoing public involvement and governmental coordination are a central part of carrying out the administration of the Dakota Prairie Grasslands, including implementation of land and resource management plans. The Dakota Prairie Grasslands has committed to an intensive program of public involvement. This means that the door is always open and that Grassland personnel are available to explain management objectives, decisions, policy, or procedure, or answer any other questions people may have. Project planning will include public involvement and cooperation. In essence, the Dakota Prairie Grasslands has committed to a partnership with the public and with

other government agencies (local, state or federal). Monitoring and evaluation reports will be available annually for public review.

## **Valid Existing Rights**

Valid Existing rights are defined as: “a legal interest that attaches to a land or minerals estate that cannot be divested from the estate until the interest expires or is relinquished.”

The legal authority of the Forest Service limits the range of decisions that can be implemented. The decisions CAN determine the management of federal lands. They CANNOT dictate the management of nonfederal surface and mineral estates where both the surface and mineral estates are owned by private, state, and/or local government entities.

The decision CAN result in new controls on new federal leases. However, approximately 70 percent of the of the federal minerals on the Little Missouri National Grasslands are already leased and any NEW requirements CANNOT be imposed on the contractual terms of the existing leases, nor can existing leases be revoked if a decision is made not to lease.

For federal surface/private minerals (reserved and outstanding minerals), case law has established that the mineral estate is dominant over the surface estate. The owner of private minerals has the right to use as much of the surface as is reasonably necessary to access and develop the minerals estate. Consequently, the Forest Service must allow reasonable access to private minerals that occur on lands where the Forest Service owns the surface.

For access to non-federally owned lands within the boundaries of the National Forest System, the Alaska National Interest Lands Conservation Act (ANILCA) (P.L. 96-487) provides for reasonable use. The Forest Service must provide reasonable access to private lands if no other reasonable access exists.

## **Tribal Relations**

Tribal governments figure prominently in managing national grassland ecosystems. The Forest Service recognizes that it has a unique relationship with federally recognized tribal governments as well as a trust responsibility with these tribes. The relationships the Forest Service has with tribal governments involve intensive coordination and communication across administrative boundaries.

The National Forest Policy (FSM 1563.03) regarding these unique relationships is to:

- Maintain government-to-government relationships with tribes.
- Implement programs honoring treaty rights and trust responsibilities.
- Be sensitive to traditional Native religious beliefs and practices.
- Provide research, technology transfer, and technical assistance to tribal governments.

The Forest Service goal is to reconcile the many requirements of law so the national grasslands can be administered in a way that meets public needs while recognizing the rights and privileges of Indian tribes. These rights and privileges held by tribes vary on lands ceded to the United States by treaty or Executive Order. Some of these ceded lands were later incorporated into the National Forest System.

## **Budget Formulation**

Annual budget proposals are based on the activities and actions required to achieve the goals and objectives of the management plans. Monitoring results and actual costs of carrying out the standards and guidelines in the final revised management plan will be the basis for each year's budget formulation. Costs to carry out the management plan are not complete without providing for an adequate level of monitoring and evaluation of projects.

## **Budget Execution**

The annual budget must comply with the final revised management plan and any specific direction provided in the annual *Appropriations Act* (FSM 1930). As actual allocations rarely provide for full funding of the management plan, the scheduled activities and actions for any particular year are adjusted to conform to the intent of Congress. Although budget changes themselves do not require management plan amendment, implications of budget changes may. For example, a project for which money is appropriated must be consistent with the management plan; the project or the management plan may require modification to assure this consistency.

## **Management Plan Amendments**

The amendment process allows changes in components of the management plan's management direction. Unless circumstances warrant a revision, an amendment is generally done when monitoring and evaluation show either of the following:

- That the achievement of one or all of the grassland-wide objectives is constrained by conflicting management plan direction, or
- That adequate progress toward achieving the grassland-wide objectives is not being made.

Other needs for amendments may arise during the evaluation of agency-initiated projects to achieve the integrated direction in the management plan, or during the evaluation of external proposals. Amendments arising from agency-initiated projects or external proposals may be analyzed and decisions documented in a decision notice or record of decision simultaneously with project-approval decisions. This can be done if the consequences of the amendment, and alternatives to it, are specifically disclosed in the project environmental assessment or environmental impact statement.

Significant and non-significant amendments are defined in 36 CFR 219.10(f). Significant amendments are those that appreciably affect the long-term balance of goods and services on the Dakota Prairie Grasslands or the biological "health" of the Dakota Prairie Grasslands.

Grasslands personnel conduct the process and forward significant management plan amendments to the Regional Forester, the responsible official for significant amendments, for approval. The Dakota Prairie Grasslands Supervisor is the responsible official for non-significant amendments.

## **The Management Plan Revision Process**

Normally, management plans are revised on a 10-year cycle (36 CFR 219.10). This means that the anticipated completion of a normal revision will occur about 10 to 15 years following completion of this management plan revision. Variations of this general rule may occur for various reasons. For example, a major event might suggest an acceleration of the revision. However, scheduled inventories, anticipated staffing changes, or other circumstances that might

improve planning efficiency, might warrant a delay. Delaying a revision is not appropriate if monitoring and evaluation show immediate changes in the management plan are needed.

A thorough review of the management plan should be completed before initiating a management plan revision. An interdisciplinary team conducts this review, which includes the following:

- Results of recent monitoring and evaluation, along with pertinent research findings and recommendations.
- New laws, regulations, or policies that may suggest a need to change the management plan.
- How well the Dakota Prairie Grasslands is progressing toward stated grassland-wide goals and objectives and desired conditions.
- Demand projections for selected outputs.
- Predicted and actual ecosystem responses.
- Predicted and actual costs, outputs, responses, etc.
- Emerging issues and opportunities.

## **Integration with Forest Service Directive System**

Management direction in the Forest Service Directive System, including the *Forest Service Manual* (FSM) and the *Forest Service Handbook* (FSH), is part of the management plan's management direction and is appropriately referenced within the management plan.

Management direction also includes applicable laws, regulations, and policies, although they might not be restated in the management plan.