

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

Responsible 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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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)¹ 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

¹ 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?

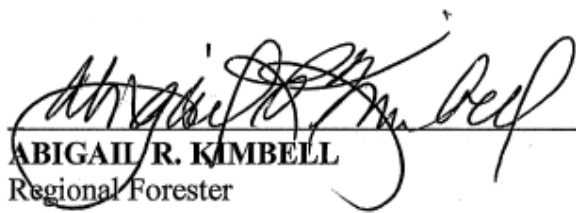
SRT Response: As far as we know, the SRT was provided copies of all available SVGA historical stocking rate data, etc. However, the data provided were of marginal value to the SRT in their attempt to understand the potential impacts of previous grazing regimens on the current ecological conditions of 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


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September 20, 2006
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.

PAGE #	STANDARD	WHY NOT SUITABLE FOR CONVERSION TO GUIDELINE
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.